

# Environment and Sustainability Committee

---

Meeting Venue:

**Committee Room 3 – Senedd**

---

Meeting date:

**Wednesday, 8 July 2015**

---

Meeting time:

**09.00**

---

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

**Alun Davidson**

Committee Clerk

0300 200 6565

[SeneddEnv@Assembly.Wales](mailto:SeneddEnv@Assembly.Wales)

---

## Agenda

---

### **1 Introductions, apologies and substitutions**

### **2 Environment (Wales) Bill – Stage 1: Evidence session 11 (09:00 – 09:30)**

Dr. Ruth Wood, Research Fellow, Tyndall Centre, University of Manchester

### **3 Environment (Wales) Bill – Stage 1: Evidence session 12 (09:30 – 10:15) (Pages 1 – 46)**

Alan L Roberts, Senior Waste Officer, Denbighshire County Council

Andrew Wilkinson, Head of Neighbourhood Services, Conwy County Council

Chris Howell, Head of Waste Management, City and County of Swansea

E&S(4)–21–15 Paper 1: Welsh Local Government Association

E&S(4)–21–15 Paper 2: Conwy County Council

E&S(4)–21–15 Paper 3: Ceredigion County Council

E&S(4)–21–15 Paper 4: Pembrokeshire County Council

**4 Environment (Wales) Bill – Stage 1: Evidence session 13 (10:15 – 10:45) (Pages 47 – 57)**

Malcolm Williams, Trustee, Cylch

Gill Bell, Wales Programme Manager, Marine Conservation Society

E&S(4)–21–15 Paper 5: Wales Environment Link

**Break (10:45 – 11:00)**

**5 Environment (Wales) Bill – Stage 1: Evidence session 14 (11:00 – 11:30) (Pages 58 – 61)**

Carl Nichols, Head of WRAP Cymru

Linda Chrichton, Head, Resource Management Team, WRAP Cymru

Rebecca Colley-Jones, WISE Network Coordinator/Director at Ynys Resources Ltd, Bangor University (representing the Chartered Institution of Wastes Management)

E&S(4)–21–15 Paper 6: CIWM Cymru

**6 Environment (Wales) Bill – Stage 1: Evidence session 15 (11:30 – 12:00) (Pages 62 – 83)**

Sarah Williams, Principal Advisor – Natural Resources and Ecosystems Programme, Natural Resources Wales

Isobel Moore, Head of Business, Regulation and Economics, Natural Resources Wales

Becky Favager, Manager – Waste and Resources, Natural Resources Wales

E&S(4)–21–15 Paper 7: Natural Resources Wales

**7 Papers to note (Pages 84 – 86)**

**Letter from Alan Loveridge: Water Quality (Pages 87 – 89)**

E&S(4)–21–15 Paper 8

**Environment (Wales) Bill: Response from Sir John Lawton (Pages 90 – 91)**

E&S(4)–21–15 Paper 9

**Inquiry into the organic production and labelling of organic products: : Reply from Dr Kay Swinburne MEP (Pages 92 – 93)**

E&S(4)–21–15 Paper 10

**Natural Resources Wales: Annual Scrutiny – Additional Information (Pages 94 – 117)**

E&S(4)–21–15 Paper 11

**8 Motion under Standing Order 17.42 to resolve to exclude the public from the remainder of the meeting**

**9 Natural Resources Wales: Annual Scrutiny – Consideration of Draft Letter (12:00 – 12:15) (Pages 118 – 123)**

E&S(4)–21–15 Paper 12

**10 Control of Horses (Wales) Act 2014: Consideration of Draft Letter (Pages 124 – 126)**

E&S(4)–21–15 Paper 13

# Agenda Item 3

Document is Restricted



# RESPONSE TO WELSH GOVERNMENT CONSULTATION ON THE ENVIRONMENT BILL

12<sup>th</sup> June 2015



## INTRODUCTION

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities and the three fire and rescue authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh local government and the communities they serve.
3. The WLGA welcomes the opportunity to contribute to the scrutiny of the Environment Bill (the Bill) undertaken by the Environment and Sustainability Committee

### General

4. The WLGA makes the observation that the Environment Bill has a collection of apparently disparate actions and functions with a lack of clarity of purpose.
5. Part 1 of the Bill states its purpose is to promote the Sustainable Management of Natural Resources; Part 2 states its purpose is to require Welsh Ministers to meet targets for reducing emissions of greenhouse gases.
6. Parts 3, 4, 5, 6 and 7 provide no clear statement as to their purpose or inclusion within the Bill.
7. The Environment Bill is the first piece of proposed legislation laid before the National Assembly for Wales since the Well-being of Future Generations (Wales) Act 2015 became law and yet there is minimal reference to it on the face of the Bill. The Environment Bill has to be seen to embrace the sustainable development principles primarily in that it will indicate how to embed the principles into future legislation and secondly the Bill is being introduced by the same Minister who delivered the Well-being of Future Generations (Wales) Act 2015
8. The Well-being of Future Generations (Wales) Act 2015 (WFG Act) places a duty upon public bodies *‘to carry out sustainable development s3, [the process of improving the economic, social, **environmental** and cultural well-being of Wales by taking action in accordance with the sustainable development principle’...s2]* (emphasis added)

9. The WFG Act also identifies 7 well-being goals and 5 ways of working to show that public bodies have applied the sustainable development principle namely: long term, prevention, integration, collaboration and involvement. The only reference in the Bill to the WFG Act appears in Schedule 2 paragraph 8 where an amendment is proposed.
10. Within the Explanatory Memorandum (EM) (paragraph 1 states : ` .....*The Bill supports the Welsh Government's wider work to help secure Wales' long term well-being, so that it benefits from a prosperous economy, a healthy and resilient environment and vibrant, cohesive communities...*` This makes a veiled and selective reference to the well-being goals within the WFG Act and yet surely managing natural resources MUST be undertaken in a globally responsible way and ALL public bodies have a duty to contribute towards the achievement of all 7 goals.
11. The acronym SSSI is defined as Site of SPECIAL Scientific Interest and not as stated in the list of acronyms as a Site of SPECIFIC Scientific Interest – this is in both the Bill itself and the EM
12. Under paragraph 145 in the EM the year 1010 is referred to instead of 2010

## **Part 1: Natural Resources Management**

**Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?**

13. The list of natural resources does seem to be comprehensive and the inclusion of the caveat ....'but is not limited to'.... is sufficient to be all inclusive.
14. To enhance the links with the WFG Act we recommend that under s3 (2) of the Bill between 'meet the' and 'needs' the words 'social, economic, environmental and cultural well-being' should be inserted.
15. The WFG Act introduces SD Principles and SD governance which surely should be referred to in the sustainable management of natural resources otherwise Natural Resources Wales (NRW) will have one set of principles to adhere to under the WFG Act and another set of principles of sustainability under the Bill- perhaps s4 of the Bill should have the heading 'The application of Sustainable Development Principles in the Sustainable Management of Natural Resources.

16. Reference is made in s3 (1) to the 'resilience of ecosystems'. Consideration should be given to clarifying the understanding and providing a definition of 'ecosystem' and an 'ecosystems approach'. The **Article 2 Convention on Biological Diversity 1992** definition within the Explanatory memorandum (paragraph 17) should be on the face of the Bill.

**What are your views on the proposals for a National Natural Resources Policy? Is the Bill clear enough about what this will include?**

17. *'The action a public body takes in carrying out sustainable development must include - (a) setting and publishing objectives ("well-being objectives") that are designed to maximise its contribution to achieving each of the well-being goals, and (b) taking all reasonable steps (in exercising its functions) to meet those objectives'* WFG Act s3(2). All strategic and policy decisions must be seen to be contributing towards the achievement of the Well-being Goals within the WFG Act. Therefore it follows that a National Natural Resources Policy must also contribute towards the achievement of the well-being goals and be seen to do so. The Bill must be amended to include the connection between sustainable development in the WFG Act and the development of the NNR Policy. If not, then the Minister would be determining one policy (in the WFG Act) to be implemented by public bodies and another (in the Bill) which would be contrary to the WFG Act.
18. Clarification is needed on how the timescale for the National Natural Resources Policy fits with the preparation of the National Development Framework. Work is expected to start on the NDF imminently and continue until Spring 2018. The Bill should be amended to make clear whether the NNRP covers land and marine and, if marine is included, what the relationship with the Marine Plan is?

**Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill**

19. According to the Explanatory Memorandum the area based approach is to integrate the management of natural resources at a local level – integrate with what? Is it the integration of the management of natural resources within Natural Resources Wales or for natural resources management being integrated with the management of social, economic and cultural well-being?



20. The WLGA agree with s10 (1) of the Bill that *'NRW must prepare and publish statements for the areas of Wales that it considers appropriate for the purpose of facilitating the implementation of the National Natural Resources Policy'*. It is essential that this be linked with the well-being assessment and development of Well-being Plans, something which is not clear within the Bill. The Area Statement should be part of the collective data brought to and shared at the PSB table.
21. In s10 (3) the Bill states that NRW must state how they propose to address the risks, priorities and opportunities for sustainable management of Natural resources in the area- will the 'area' be co-terminus with the PSB area?
22. It is not clear within the Bill as to whether the Area Statements will be subject to consultation. The Bill should be amended to state that other public bodies should/could have an input into the development of the Area Statement because Local Authorities, other PSB members, invitees and other partners may address and deliver on the risks, priorities and opportunities identified. Without consultation or input how can Local Authorities be expected or directed to implement an Area Statement if they disagree with the proposals and/or the method of implementation?
23. The production and publishing of the Area Statement must rest with NRW and must apply the sustainable governance principles from the WFG Act of long term, preventative, collaboration, involvement and integration, however the operational delivery of the Area Statement may rest within the public, private or third sector.
24. The WLGA expresses its concern with respect to s12 'Welsh Ministers' directions to implement area statements'. In particular s12 (1) which proposes that Welsh Ministers may direct a public body to take such steps as appear to them to be reasonably practicable to address the matters specified in an area statement under s10(3). There needs to be clarification that when the Minister is directing a public body the decision is not only based on the area statement but takes into consideration (and evidences that consideration) that the state of the social, economic, cultural and environmental well-being have informed the Ministers' decision as to what is 'reasonably practicable'.
25. The Ministers' approach would also be contrary to the role and function of the PSB to analyse the social, economic, environmental and cultural well-being of the PSB area, before determining a well-being plan for the PSB area, as determined in the WFG Act.

26. What are the resource implications to implementing Area Statements? It will be unrealistic to 'direct' public bodies to implement them. Should it be expected that the Area Statements will be time limited and have dates for when NRW will implement different aspects? Is it anticipated that this will be covered in the accompanying guidance?
27. Furthermore s13 (1) states that....'a public body must have regard to any guidance given to it by the Welsh Ministers about steps that should be taken to address the matters specified in the area statement..' Having taken 'regard to any guidance' is the public body compelled to follow that guidance? What, if any, are the implications of not following the guidance? Is there recourse to challenge the guidance as not being 'reasonably practicable'?
28. The implementation of Area Statements may require changes to Local Authority planning policy or land management, any changes to land management have the potential of needing to involve private individuals or businesses, (groups which cannot easily be directed.)
29. Likewise if the Area Statement requires changes to LDP policies this can only be done at the time of a statutory review of the Local Development Plan

**What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?**

30. S7 (1) does not state the frequency with which 'the Welsh Ministers must prepare and publish a list of living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales'. The phrase '*in their opinion*' could result in the said list changing several times during an administration and at each change of Minister.
31. Clarity must be provided on what criteria constitute 'principal importance'. Whatever is included in the list whether it be Invasive Alien Species (to be eradicated); species to be specifically protected and encouraged (e.g. Red Kites, Black Grouse, Sphagnum Moss) the Minister must be required to state the principal importance for each inclusion on the list?

**Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?**

32. Insufficient expertise/knowledge to comment.

**Part 2: Climate Change**

**Do you agree with the proposals for the 2050 targets?**

33. The proposals are in line with recommendation of the Committee on Climate Change which states that the United Kingdom should aim to reduce Kyoto greenhouse gas emissions by at least 80% below 1990 levels by 2050. This was deemed as an appropriate UK contribution to a global deal aiming to reduce Kyoto gas emissions to between 20-24 billion tonnes by 2050.

**For your views as to whether the interim targets should be on the face of the Bill**

34. To maintain consistency with the Well-being of Future Generations (Wales) Act 2015 the phrase 'interim targets' could be replaced with 'milestones'. The milestones on the face of the Bill would provide a clear focus and statement of intent.

**Do you believe that the introduction of carbon budgets is a more effective approach than the 3% annual emissions reduction target that is currently in place in Wales**

35. The introduction of carbon budget targets could provide a greater focus and they have the benefit of being flexible (i.e. they can be adjusted every 5 years to keep on track).

**What are your views on what emissions should be included in targets? All Welsh emissions or those within devolved competence?**

36. All Welsh emissions should be included. That would be a stronger message as to how serious Wales is about addressing Climate Change and emissions than if it

was only on devolved competence. Any organisation wishing to do business in Wales must understand how we do business.

37. To include only those within devolved competence would ensure the Welsh Government has control /influence over relevant emissions. However, it would not be demonstrating working towards the Well-being goal of being a globally responsible Wales: *‘ A nation which, when doing anything to improve the economic, social, environmental and cultural well-being of Wales, takes account of whether doing such a thing may make a positive contribution to global well-being.’*
38. We must however ensure that there is no ‘double counting’ and there must be clarity to confirm what has been emitted in Wales.

**Do you agree with the Bill’s proposals as to what should happen if the Welsh Ministers fail to meet emissions targets or carbon budgets?**

39. There obviously needs to be accountability by Welsh Ministers both collectively and individually for the achievement or/and non-achievement of meeting emissions targets and carbon budgets as proposed in s39 (1) (2).
40. The WLGA welcomes this approach and the restrictions within s32 (2), that carbon budgets, interim emission targets (milestones) cannot be changed unless certain conditions are met. This will ensure continuity within an administration even if Welsh Ministers’ portfolios change.
41. Referring back to 39 above regarding accountability s41 is not clear whether the final statement for the budgetary period is a collective report or whether reflecting s39 (2) each Welsh minister must account for their performance against the carbon budget covering their areas of responsibility.
42. Within s42 the Welsh Ministers must lay before the National Assembly for Wales a report setting out proposals and policies to compensate for excess emissions in later budgetary years, there seems to be no recourse or penalty for successive failure to meet emission or carbon budget targets.
43. It must also be clear that collectively the Welsh Ministers may have met their targets and budgets, it must not be acceptable that inaction and continuing

failure or disregard to meet targets from one Welsh Minister is 'compensated by' or necessitates increased action from another Welsh Minister.

### **What should the role of an advisory body on Climate Change be?**

44. Within the Well-being of Future Generations (Wales) Act [s19 (1) (a)] *the Future Generations Commissioner advises public bodies on climate change.* . By definition in the Act Welsh Ministers are a 'public body'. The Act does not state that the Commissioner for Future Generations must be designated by the Minister to provide advice on climate change.
45. Concern must be expressed as to why the (UK) Committee on Climate Change is the default advisory body. Is there an intention to 'disband' the current Climate Change Commission for Wales?
46. The independence of the advisory body could be called into question with s46-s49:-
- i. s46 *'...If requested to do so by Welsh ministers, the advisory body must provide the Welsh Ministers with advice, analysis, information or other assistance that is relevant to – (a) the exercise of the Welsh Ministers' functions under this Part or (b) any other matters relating to climate change*
  - ii. s47(1) *' In exercising its function under this Part, the advisory body must have regard to any guidance given to it by the Welsh Ministers '*  
and  
s49(1) *'...Before laying draft regulations before the National Assembly for Wales in accordance with s48(3) the Welsh Ministers must (a) request advice from the advisory body about the proposal to make the regulations and (b) take the advisory body's advice into account.'*

The Welsh ministers are therefore seeking advice, analysis and information from the advisory body and they must request advice from the advisory body in proposing new regulations yet, at the same time, they are providing guidance to the advisory body.

### **Part 3: Carrier Bags**

#### **Do you agree with the proposal that Welsh Ministers should have the powers to raise different charges on different types of bags?**

47. In principle we have no issue with this proposal. Local Authorities have been provided the power to enforce current regulations on single use carrier bags, and although there is no indication in the consultation, we presume the intention would be to extend the powers of local authorities for other types of carrier bags.
48. Business and the public have overwhelmingly accepted and adjusted to the charge for single use carrier bags. The bulk of the work which has fallen to Local Authorities has been in terms of education of businesses, the provision of information and guidance documents etc. on websites, and in printed form; dealing with complaints; and ensuring large multi-site businesses who deliver goods in Wales comply.
49. The work associated with the inclusion of other types of bags within the regulations will constitute new burdens upon local government. Guidance documents will need to be amended and published. Enforcement guidance (clarified in Schedule 1) will need to be amended, consulted upon, changed and implemented. There will be costs for training of officers, and if there is an expectation of proactive business interaction to ensure compliance, those associated officer costs.
50. A different charge for different types of carrier bags may influence the type of bag purchased.
51. Any charge difference between different bags could be determined by for example : made from re-cycleable , sustainable material or biodegradable which could then encourage producers of carrier bags to be more sustainable in their production

**Do you agree that the profits from the sale of carrier should be directed to all charitable causes rather than just environmental ones?**

52. The WLGA confirms that it agrees that the profits from the sale of carrier bags should not be retained by the seller but should be applied to 'charitable purposes' as determined within the Charities Act 2011 s1-4

**Part 4: Collection and disposal of Waste**

**For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately**

53. There is an argument that occupiers of non-domestic property should start to separate some of their waste materials, to bring them more in line with practice in the household sector. However, there are a number of caveats to this.
- a. First, could this be achieved by raising awareness, persuasion and voluntary means (as has largely been the case in relation to households) rather than resorting to legal powers?
  - b. Second, if it is decided that powers *are* needed, should there be a *de minimis* threshold for small businesses (e.g. based on turnover)?
  - c. Third, the Bill refers to waste being collected '*in accordance with any applicable separation requirements*'. Under current legislation the 'separation requirements' are that paper, glass, plastic and metal must be collected separately **but** this is subject to the necessity and TEEP tests. It is possible that the outcome of these tests will be that separate collection is not required to achieve high quality recycling or that it would not be TEEP to introduce separate collections at the current time (such arguments would, of course, have to be substantiated with evidence).
54. These possibilities must therefore be taken into account if Ministers are given any additional powers to require the separate handling of materials. Otherwise, separation requirements imposed by Ministers on businesses could be incompatible with the collection arrangements deemed appropriate at the time by the local authority. Since the local authority would not be allowed to mix materials once they have been collected separately this could result in significant additional costs and may mean it is no longer TEEP for the authority to collect this waste.

55. Therefore, should Ministers be given further powers, the proposals they are allowed to make should acknowledge explicitly the 'necessity' and 'TEEP' tests and respect the consequent decisions made by the local authority in question.

**Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by Welsh Government?**

56. As above, there should be a restriction on any separation requirements that might be introduced by Welsh Government such that they are consistent with the collection arrangements deemed appropriate by the local authority.
57. Consideration also needs to be given to the particular circumstances of some small commercial enterprises where it may be impracticable to either store and/or separately present a range of materials at the kerbside. The practicalities of town centre businesses storing and presenting separated materials should not be overlooked. Even if it is TEEP for the service there needs to be an element of practicality with regard to the individual businesses and their storage and presentation circumstances.

**Whether you agree that Welsh Government needs wider powers to ban some recyclable waste from incinerators**

58. Such a ban would be unenforceable. From a local authority perspective, households are given every opportunity to recycle materials using the collection systems they have available to them. Moreover, local authorities have been taking extensive measures to encourage residents to recycle. As they strive to achieve challenging Statutory Recycling Targets (SRTs) it is not in their interests for any potentially recyclable materials to be missed.
59. However, it cannot be ruled out that some households will place recyclable material in their residual waste bin or bag – through error, ignorance or blatant disregard of requests to recycle or because the 'recyclable' material is in some way contaminated rendering it no longer recyclable. It would be neither safe nor practical to expect local authority operatives to check every residual bin or bag for recyclable materials to prevent them going for incineration.



60. Likewise, for similar reasons, it would not be sensible or fair to place EfW plant at risk of breaking such a ban. (Indeed, some pre-sorting and some post-recovery - e.g. of metals - will occur at EfW plant, further increasing the amount of recyclable material that is extracted from the waste stream).
61. WLGA believes there should be an assumption that household residual waste bins contain no practicably recyclable materials. The SRTs are driving local authorities to capture as much recyclable material as possible without the need for an (unenforceable) ban.

**What will the impacts of these waste proposals be for you or your organisation?**

62. For the local authorities that WLGA represents the impacts *could* be as follows:
- a. Being faced with requests to collect materials from non-domestic properties that have been separated out in ways that make it difficult and more expensive/uneconomic to collect (or if full costs are passed on this could result in business closure/relocation, impacting on the local economy/jobs)
  - b. Having requirements imposed that are unenforceable and/or raise health and safety issues – e.g. trying to stop residents placing recyclable waste in their residual waste; trying to 'police' food waste being discharged to sewers
  - c. Being subject to penalties in some such cases (e.g. if recyclable material is found in residual waste when a ban has been imposed on its incineration).

**Are there any other waste proposals that you think should be included in the Bill?**

63. WLGA argued at the time of the White Paper that the waste proposals should not be included within the Environment Bill. Our responses above largely sustained this position (or suggest several caveats will be needed if new powers were to be introduced).
64. The Bill may, however, be an opportunity to revisit the SRTs given that there have been numerous developments since the targets were first set. This might mean allowing more time for targets to be met rather than having to set lower targets.

65. Local authorities have performed well to get to current levels of recycling but the easy steps have now been taken and each additional percentage will become progressively harder to achieve. Pressing ahead with the existing SRTs on the current timetable runs the risk of authorities facing fines for non-compliance at a time when they are already facing substantial financial pressures.
66. It would be preferable to review the targets and ensure progress can be maintained without the fear of fines and giving a message of failure, when, in fact, the 'goalposts have been moved'.

## **Part 5 & 6: Fisheries for Shellfish and Marine Licensing**

### **Do you agree with the proposals to introduce charges for further aspects of the marine licensing process? What will the impacts of these changes be for you?**

67. As proposed in the Explanatory Memorandum – cost recovery is a sound basis for charging. Where charges are made, the systems and processes will need to be effective and efficient with clearly defined timescales and deliverables. It will not be acceptable to charge for a service and see inadequate delivery.

### **Do you agree with the proposals to give Welsh Ministers powers to include provisions in Several and Regulating Orders to secure protection of the marine environment?**

68. Insufficient experience/knowledge to comment

### **For your views on the proposals to give Welsh Ministers powers to issue site protection notices where harm may have been caused by the operation of a Fisheries Order to a European marine site?**

69. Insufficient experience/knowledge to comment

### **Are there any other marine and fisheries provisions you would like to see included in the Bill?**

70. Although it should not necessarily be on the face of the Bill, perhaps better to be included in guidance associated with the Bill; there needs to be some provision for dealing with emergency situations. Local Authorities with a coastal protection remit (Maritime Authorities are required to obtain marine licences for the maintenance of Flood Defence Works or for the maintenance of drainage) find delays can occur in the current turnaround of applications. The delays undermine the Local Authorities' ability to respond quickly to events requiring urgent attention. A more responsive/ interim/ emergency licence provision could be helpful.

## **Part 7: Flood and Coastal Erosion and Land Drainage**

### **Do you agree with the proposals to replace the Flood Risk Management Wales committee with a Flood and Coastal Erosion Committee for Wales?**

71. The current role/function of Flood Risk Management Wales committee as a Regional Flood and Coastal Committee established under the Flood and Water Management Act 2010 is not compatible with governance arrangements of NRW in respect of flood risk management.
72. The WLGA agree that there is a need for an independent source of advice for Welsh Ministers on flood and coastal erosion risk management in Wales.
73. Acknowledging that the Welsh Ministers [under s82 26C (1)] shall '*.....make provision about the membership of the Flood and Coastal Erosion Committee....*' The current membership of FRMW includes representatives from NRW, Local Authority, environmental groups, and academia with a range of expertise. The WLGA suggests that the diverse nature of the representatives should be reflected in the FCEC

### **Whether you agree with the proposal for powers to be given to Welsh Government agents to enter land to investigate alleged non-compliance with an Agricultural Land Tribunal order in relation to drainage**

74. In principal, the WLGA has no issue with this proposal. Whoever is authorised by Welsh Ministers must be able to recover costs associated with exercising this

power. The Bill should be amended to make clear what action /process should be followed if there is non-compliance.

## **Overarching Question**

### **For your views on the relationship between this Bill and the Well-being of Future Generations (Wales) Act 2015 and the Planning (Wales) Bill**

75. In addition to specific detail and correlation identified in the comments in this document we wish to include :

- i. The Planning (Wales) Bill contains provisions to introduce a National Development Framework (NDF) and in some areas of Wales a Strategic Development Plan (SDP). Together with the existing Local Development Plan tier, these plans comprise the development plan for areas of Wales. These plans are subject to a level of public scrutiny and therefore we would expect that the development plan would be a mechanism for delivering the planning and management of natural resources at a national and local level. Locally, we would expect the Local Development Plan and SPG (Supplementary Planning Guidance) to be a vehicle for delivering against an Area Statement.
- ii. The Planning (Wales) Bill has a provision that in preparing a SDP, the strategic planning panel must have regard to current national policies, therefore we would expect this reference to incorporate the NNRP and Area Statements. With regards to the preparation of the National Development Framework, the Bill is not so specific; the Bill should be amended to confirm that Welsh Ministers should have due regard to the NNRP during the preparation of the National Development Framework particularly when we expect that the NDF will consider renewable energy schemes.

**Neville Rookes**


**Policy Officer - Environment, Welsh Local Government Association**  
Swyddog Polisi - Amgylchedd, Cymdeithas Llywodraeth Leol Cymru

**029 2046 8625 / 077 7134 7829**  
[www.wlga.gov.uk](http://www.wlga.gov.uk)

Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Gofynnwch am / Please ask for: Mr. G.B. Edwards

 **01492 575337**

 **01492 575199**

 [erf@conwy.gov.uk](mailto:erf@conwy.gov.uk)

Ein Cyf / Our Ref: AJW/SJ/-

Eich Cyf / Your Ref:

Dyddiad / Date: **12.06.2015**

Dear Sir/Madam,

## CONSULTATION ON THE ENVIRONMENT (WALES) BILL

I write in response to the above consultation on behalf of Conwy County Borough Council.  
Responses are only included to those questions on which we wish to comment.

### Part 1: Natural Resources Management

- Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?***

Flooding may be a key sustainable management issue in a number of areas. It is assumed that flooding will be incorporated into the area statements through inclusion of existing documents (FRMP etc.)

- What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?***

This duty may increase funding requirements for some schemes. Provided funding can be made available, we support this proposal.

### Part 3: Carrier Bags

- Do you agree with the proposal that Welsh Ministers should have powers to raise a charge on all types of carrier bags not only single use bags?***

Raising a nominal charge on all carrier bags would promote reuse, and ultimately reduce carrier bags being disposed of that can still serve a purpose or be reused.

- Do you agree with the proposal that Welsh Ministers should have powers to raise different charges on different types of bags?***

A consistent charging approach should be applied that is easy for the general public to understand.

- Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?***

It would make sense for money from the sale of carrier bags to be directed towards environmental causes in order to promote waste avoidance, waste minimisation and reuse initiatives.

#### **Part 4: Collection and Disposal of Waste**

- ***For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately?***

We are supportive of further powers to require that certain types of controlled wastes are collected, treated or transported separately, in accordance with the separation requirements of Welsh Government Municipal Sector Plan *Collections Blueprint* and the revised waste framework (TEEP) of the *Waste (England and Wales) Regulations 2011*.

In particular, we would support a requirement to separate food waste for collection.

We support the requirement for an occupier of a premises who presents controlled waste to do so in accordance with any applicable separation requirements, and that a person commits an offence if the person fails without a reasonable excuse to act in accordance with any applicable separation.

As a local authority and collector of both domestic and commercial waste, we would be interested in a code of practice to be considered to assist us as a collector of waste to structurally encourage producers of waste to comply with any applicable separation requirements.

- ***Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?***

Yes. Domestic premises can be structurally encouraged to conform to separation requirements by Local Authorities operating collection service provision in line with the *Collections Blueprint* and under powers available in the Environmental Protection Act 1990. Commercial collection service provision and design can be managed internally by Conwy to encourage separation requirements set out by the Welsh Government, however at present there are differing collection offerings available to businesses on the open market which may not necessarily encourage voluntary separation of waste in line with separation requirements.

- ***Whether you agree that the Welsh Government needs wider powers to ban some recyclable waste from incineration?***

Yes. Powers to ban some recyclable wastes from incineration would contribute towards positive environmental benefits, resource security and increased employment opportunities in the recycling industry. Cost savings may be realised for business and organisations from avoided landfill tax, residual treatment and revenue from recyclates if restrictions on what can be disposed of via incineration as well as landfill are considered.

- ***What will the impacts of these waste proposals be for you or your organisation?***

A requirement for non-domestic premises to separate more waste in line with applicable separation requirements will enable Conwy to encourage current trade waste customers to separate more material for recycling and to divert waste away from landfill and to

market benefits of recycling more (disposal savings) to attract new clients. This in turn may encourage local economic benefits.

We may need to react to unprecedented customer demand in the area for specific separated collections (e.g. food) should there be limited competition from alternative service providers. Investment may be required in services to implement and proactively expand commercial waste collection offerings in lead up to any major variations.

Commercial waste collection services are offered throughout the county by the Council and by private contractors. We would maintain requirement for adequate and safe waste storage/containment throughout the county to avoid potential highway obstructions/hazards by business and/or collectors of waste.

### **Parts 5 & 6: Marine Licensing and Fisheries for Shellfish**

- ***Do you agree with the proposals to introduce charges for further aspects of the marine license process? What will the impacts of these changes be for you?***

The fees in section 72A (2) could be considered unfair in a number of cases. Where a beach recharge scheme has been put in place the license will generally require post scheme monitoring as a condition. If there are additional fees for first the monitoring and then the analysis, this condition could be seen as a way of raising extra fees rather than a necessary process for the scheme. It is considered that more clarity is needed on which activities these additional fees would be applicable to.

- ***Do you agree with the proposals to give Welsh Ministers powers to include provisions in Several and Regulating Orders to secure protection of the marine environment?***

Local Authorities incur costs associated with the classification of shellfish harvesting areas, which should be reimbursed to local authorities in relation to any new Several or Regulating Orders made, which have the effect of increasing the numbers of active fisheries, and hence statutory sampling duties required to be met and undertaken.

- ***For your views on the proposals to give Welsh Ministers powers to issue site protection notices where harm may have been caused by the operation of a fisheries Order to a European marine site?***

We agree with the proposals.

That concludes our response to the consultation.

Yours faithfully,



G.B. Edwards  
Head of Environment, Roads & Facilities

***Part 1: Natural Resources Management***

***Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?***

See previous County Council comments on the Environment Bill White Paper.

***What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales? (Clause 6)***

The County Council is in support of the proposal to amend the wording of the biodiversity duty, although there are concerns that this is not necessarily strengthening the duty, because of the implications of the proposed phrasing. The words 'seek to' imply that public authorities must look to maintain and enhance, but there is no 'real' requirement. The later part of the wording '*...so far as consistent with the proper exercise of those functions*' in any event allows for the flexibility should there be a conflict within the public authorities duty. Therefore CCC would propose that the words 'seek to' are removed to ensure that it is a clear duty, rather than what might otherwise be construed as a token requirement.

In Clause 6 (5) there is a requirement for public authorities to publish a report every three years. CCC has no adverse comments on this but note that suitable resources will be need to be made available to public authorities in order to achieve this additional requirement. There are also resource issues with the strengthening of the bill, and with public authorities being able to implement it without support from Welsh Government.

***Part 3: Carrier Bags***

***Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?***

The purpose of the charge was to compensate for the environmental impact of carrier bags. If the profits are opened up to other charities, then the whole ethos of the charge is lost: it would then merely be a means of funding charities rather than delivering environmental benefits. If there are businesses that are having difficulties finding charities to provide the profit to, then better support should be given to these



businesses rather than changing who they can provide it to. The Council would therefore oppose this change.

#### ***Part 4: Collection and disposal of waste***

*For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately?*

Clause 66 – Requirement relating to separate collection

(1) CCC is pleased to see that the materials requiring separate collection have not been specified at this time.

***Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?***

(5) CCC is disappointed that, whilst there is an obligation for Local Authorities to collect domestic waste separately, there is no obligation for domestic properties to present it separately. LAs should at some point be given powers to require residents to comply with legislation which affects the performance of the authority.

***What will the impacts of these waste proposals be for you or your organisation?***

Clause 67 – Prohibition on disposal of food waste to sewer

CCC supports the treatment of food waste by Anaerobic Digestion and has some concerns about how the food waste would be identified and how a ban would be enforced. It also considers that regulating this would be an onerous additional task for any organization at a time when cutbacks are being made.

***Whether you agree that the Welsh Government needs wider powers to ban some recyclable waste from incineration?***

Clause 68 - Power to prohibit or regulate disposal of waste by incineration.

CCC considers that the current legislative requirements, in particular the high statutory recycling targets in Wales, are sufficient to drive sustainable waste management practices, particularly through recycling. Energy from waste and landfill bans are therefore considered to be unnecessary.

For example, in relation to uncontaminated paper, card and plastic, CCC can envisage a number of scenarios under which EfW may be preferable to recycling. For paper and card, ecological foot-printing analysis “shows a greater benefit for efficient Energy from Waste treatment over composting. So, if recycling options are not available, this will be the preferred route<sup>1</sup>.” The proposal to ban paper and card from Energy from Waste facilities will therefore result in poorer environmental outcomes in circumstances where recycling options are not available. This is particularly the case for low grade paper and card for which recycling options are limited. A similar situation exists for plastics whereby, in ecological foot-printing terms, both high efficiency EfW treatment and landfill are preferable to open-loop recycling<sup>1</sup>.

*June 2015*

---

<sup>1</sup> “*Towards Zero Waste, Collections, Infrastructure and Markets Sector Plan for Consultation*”, The Welsh Assembly Government, March 2011

**Pembrokeshire County Council response to Environment (Wales) Bill NAW  
PROVISIONAL RESPONSE PENDING CABINET APPROVAL**

**Part 1: Natural Resources Management**

**Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?**

1.1 Definitions should include the diversity and the interaction of all of the terms described, and not limited to geological processes, physiographical features, and climatic processes. A definition of ecosystems should be included in Part 1. Particularly given the reference to ecosystems and biodiversity made in Sections 4 and 6 respectively and later in the Bill.

**What are your views on the proposals for a National Natural Resource Policy? Is the Bill clear enough about what this will include?**

1.2 The Bill is clear enough on the proposals for a National Natural Resource Policy (NNRP), and the links between the NNRP, state of natural resources reports and area statements is detailed further in the explanatory notes.

PCC would expect the arrangements for the consultation, the intended scope and scale on the NNRP to be set out in advance.

**Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?**

1.3 The proposals that NRW consider whether another plan or strategy or similar document should be incorporated into the area statement or that the area statement should be incorporated into another plan strategy or similar document are welcomed. This provides the opportunity for plans and strategies to be aligned and ensure that plans and strategies are comprehensive and complementary.

1.4 PCC maintains the need for appropriate local representation in area statements and any partnerships/collaboration, whilst already using those partnerships and groups which already exist to avoid duplication. The Single Integrated Plan / LSB (for current and future local authorities) may be the appropriate level for consideration of area statements.

**What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?**

1.5 The proposals to strengthen the biodiversity duty are welcomed. Further duties to public authorities will require Pembrokeshire County Council to publish a report on what has been done to comply with this duty by the end of 2019 and every three years after this. PCC would seek to ensure that reporting would marry up with other mechanisms in place for reporting, including the periodicity of those reports. Biodiversity Action Reporting System (BARS), Biodiversity Partnerships, Special Areas of Conservation Relevant Authorities Groups (SAC RAGs), Annual Planning Performance Reports, Local Development Plan Annual Monitoring Reports, Single Integrated Plans etc. Any reporting would also need to recognise the continued focus on efficiency savings by public authorities. Given the commitment to a new local government footprint, it is worth noting that second and subsequent reports would be undertaken by the smaller number of larger local authorities.

1.6 PCC would also wish for the WG to commit to funding for biodiversity partnerships and to SAC RAG officers to continue building resilience for the environment of Pembrokeshire.

**Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?**

1.7 A definition of experimental powers and schemes is needed or at the least some description/example of the types of things which would be considered under experimental powers. The reference to the Payments for Ecosystems Services (PES) has been removed since the White Paper consultation. PCC assumes that PES would be considered an experimental scheme, and clarification is sought as PCC still maintain the stance given in the previous White Paper proposals that it is not appropriate for NRW to act as facilitators, brokers and accreditors of Payments for Ecosystem Services Schemes.

1.8 NRW would be best placed as ‘knowledge providers’ and possibly also a role to up skill others, with other functions of Payments for Ecosystems Services (PES) perhaps better delivered by either an independent or an arm’s length operator, to secure separation between regulatory functions and ‘eco-banking’.

1.9 PCC welcomes the opportunities for enabling innovative approaches for more sustainable management of natural resources; however there are concerns with the proposed powers to suspend statutory requirements for experimental schemes. PCC would expect robust and reasoning and evidence for any suspension of legislation.

**Part 2: Climate Change**

**Do you agree with the proposals for the 2050 target?**

2.1 PCC welcomes the climate change proposals. No further comments.

**For your views as to whether the interim targets should be on the face of the Bill?**

2.2 No comment.

**Do you believe that the introduction of carbon budgets is a more effective approach than the 3% annual emissions reduction target that is currently in place in Wales?**

2.3 No comment.

**What are your views on what emissions should be included in targets? All Welsh emissions or those within devolved competence?**

2.4 No comment.

**Do you agree with the Bill’s proposals as to what should happen if the Welsh Ministers fail to meet emissions targets or carbon budgets?**

2.5 No comment.

**What should the role of an advisory body on climate change be?**

2.6 No comment.

**Part 3: Carrier Bags**

**Do you agree with the proposal that Welsh Ministers should have powers to raise a charge on all types of carrier bags not only single use bags?**

3.1 No comments.

**Do you agree with the proposal that Welsh Ministers should have powers to raise different charges on different types of bags?**

3.2 No comments.

**Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?**

3.3 The purpose of the charge is for environmental benefit, therefore PCC considers that the proceeds should be towards environmental charitable causes.

#### **Part 4: Collection and Disposal of Waste**

4.1 Pembrokeshire County Council has responded to the waste questions via the Welsh Local Government Association.

#### **Parts 5 & 6: Marine Licensing and Fisheries for Shellfish**

**Do you agree with the proposals to introduce charges for further aspects of the marine license process? What will the impacts of these changes be for you?**

5.1 PCC is broadly in agreement with these proposals but seek confirmation that the integrity of European marine sites is protected.

**Do you agree with the proposals to give Welsh Ministers powers to include provisions in Several and Regulating Orders to secure protection of the marine environment?**

5.2 No comments.

**For your views on the proposals to give Welsh Ministers powers to issue site protection notices where harm may have been caused by the operation of a fisheries Order to a European marine site?**

5.3 PCC welcomes these proposals.

**Are there any other marine and fisheries provisions you would like to see included in the Bill?**

5.4 PCC would welcome mechanisms to deal with invasive non-native species.

#### **Part 7: Flood and Coastal Erosion and Land Drainage**

**Do you agree with the proposals to replace the Flood Risk Management Wales committee with a Flood and Coastal Erosion Committee for Wales?**

**Whether you agree with the proposal for powers to be given Welsh Government agents to enter land to investigate alleged non-compliance with an Agricultural Land Tribunal order in relation to drainage?**

6.1 PCC agrees with this proposal.

#### **Overarching Question**

**For your views on the relationship between this Bill and the Well-being of Future Generations Act 2015 and the Planning (Wales) Bill? Are the links and connections between them clear?**

### **Finance Questions**

**What are your views on the costs and benefits of implementing the Bill? (You may want to consider the overall cost and benefits or just those of individual sections)**

7.1 PCC still has concerns over the anticipation that implications will be cost neutral with the potential for efficiency savings over time.

*You may also want to consider:*

**How accurate are the costs and benefits identified in the Regulatory Impact Assessment?**

**Whether there are any costs or benefits you think may have been missed?**

8.1 Some consideration needs to be given to the impact of the changing local government footprint, with some economies of scale resulting from fewer larger authorities.

**What is the cumulative impact of the costs or benefits of the Bill's proposals for you/your organisation?**

8.2 The preferred option states marginal costs for other organisations and PCC has concerns about this.

**Do you think 10 years (2016-17 to 2025-26) is an appropriate time period over which to analyse the costs and benefits?**

8.3 It is pragmatic, balancing the need for benefits to be established over the long term the rapidly changing face of the public and third sectors, and known 'unknowns' such as the emerging local government map, any renegotiation of the Westminster settlement to Wales (Barnet), renegotiation of the terms of Britain's membership of the European Union and the proposed referendum.

**The cumulative cost and/or benefit to organisations who will be affected by the Well-being of Future Generations (Wales) Act 2015, the Planning Bill and the Environment Bill?**

**Are there any other options that would achieve the intended effect of the Bill in a more cost effective way?**



---

**Baltic House / Tŷ Baltic, Mount Stuart Square / Sgwâr Mount Stuart, Cardiff / Caerdydd, CF10 5FH**  
**☎ : 02920 497 509                      [www.waleslink.org](http://www.waleslink.org)                      ✉ [enquiry@waleslink.org](mailto:enquiry@waleslink.org)**

---

## Environment (Wales) Bill

June 2015

### 1. Summary of Key Points and Recommendations

- The Bill's provisions for biodiversity could be strengthened by the inclusion of targets and direct reference to biodiversity in the objective of sustainable management of natural resources
- The Bill should clarify how landscape and seascape protection, and their future stewardship, will be enhanced by new provisions on sustainable management of natural resources
- The principles of sustainable management of natural resources should include impacts on adjacent and other ecosystems, management within the functioning of their limits, the precautionary principle and principles for dealing with conflict; qualifying language should be addressed so as not to limit aspects of resilience
- NRW's statutory purpose requires strengthening and increased clarity
- General binding rules should be reinstated in the Bill
- More safeguards should be included in relation to the power to suspend statutory requirements for experimental schemes
- We welcome statutory climate change targets: effective monitoring and reporting will be key to ensuring that Welsh Government proposals and policies drive emissions reduction
- Annual reporting and the 40% emissions reduction targets should be retained from the current Climate Change Strategy
- The carrier bag levy should go to environmental charities operating in Wales
- We support the provisions on collection and disposal of waste
- We support the proposals to introduce charging for marine licensing and would welcome a clause that requires such fees to be directly reinvested back into the marine responsibilities of Welsh Government and NRW
- Sections defining harm to the marine environment and the use of this concept to trigger site protection notices require broader definitions
- A criminal offence should be created for failing to abide by the steps set out in site protection notices
- The Bill should include a separate 'statutory procedure' for variation or revocation of an Order in circumstances required under reg 63/64, to avoid significant delays under the section 75 procedure.

## 2. Part 1: Natural Resources Management

### 2.1. Biodiversity

2.1.1. WEL welcomes the Welsh Government's intention to introduce a strengthened biodiversity duty in Wales. This is necessary because policy commitments on biodiversity have not been delivered; the 2010 target to halt biodiversity loss, agreed under the Convention on Biological Diversity (CBD), was not met, and the biodiversity outcomes in the Wales Environment Strategy seem to have fallen by the wayside.

2.1.2. Revised goals were set under the CBD in Aichi in 2010, which led to the following commitments in the EU Biodiversity Strategy:

- **A headline target for 2020:** 'Halting the loss of biodiversity and the degradation of ecosystem services in the EU by 2020, and restoring them in so far as feasible, while stepping up the EU contribution to averting global biodiversity loss'; and
- **the 2050 vision:** 'By 2050, European Union biodiversity and the ecosystem services it provides – its natural capital – are protected, valued and appropriately restored for biodiversity's intrinsic value and for their essential contribution to human wellbeing and economic prosperity, and so that catastrophic changes caused by the loss of biodiversity are avoided.'

We are well on the way to 2020 and we need redoubled commitment from Government if Wales is to deliver against this target and not repeat the failure to meet the target to halt the loss of biodiversity by 2010, which prompted the 2011 Sustainability Committee [inquiry into biodiversity in Wales](#). The Committee recommended that interim targets be put in place to ensure the 2020 target is achieved, along with a fully funded and resourced biodiversity strategy. Neither of these recommendations has been taken forward and action for biodiversity is still woefully under-resourced. It does not appear that the Bill will change this.

1.1.1. Even with a strengthened biodiversity duty, we are concerned there may be little improvement on the ground for biodiversity because the structure of this duty allows other considerations to take precedence in decision making. The new duty is only stronger in its requirement to report on progress, which in itself is not a guarantee that more action will be taken on the ground.

### 1.2. Requirement for Statutory Biodiversity Targets

1.2.1. WEL has, for the past two years, strongly argued that biodiversity targets should be included in the Environment Bill. We believe that the Minister's justifications for the inclusion of climate change targets apply equally to biodiversity, in particular that 'including statutory targets will allow us to better evaluate progress [...] and confirm achievable targets to work towards.'

1.2.2. We believe that statutory targets for 2050 should be included, which achieve:

- an increase in biodiversity compared with current levels; and
- all protected sites to be in favourable condition (this is specified for 2026 under the Environment Strategy for Wales, so may be achievable as an interim target)

We believe there should be an interim target or targets, to be set within the National Natural Resources Policy.



### **1.3. Reporting and Measuring Progress on Statutory Biodiversity Targets**

- 1.1.1. Progress towards the biodiversity target should be measured with reference to a national biodiversity index. It is important that a species measure is used or we will not know whether the new management approach benefits biodiversity. The national biodiversity index would be an index specified by the Welsh Ministers, which is an accurate record of the population trends of species identified as being of principle importance for the purpose of maintaining and enhancing biodiversity in section 7 of this Bill (which replaces the old Section 42 of NERC 2006). We have been assured by Welsh Government officials that the existing s42 list will remain the relevant list under this new section; any future revisions of the list must apply the same rigorous, criteria-based approach.
- 1.1.2. Reporting on progress towards the targets should form part of the five-yearly State of Natural Resources Report, with additional reporting required during the year of any interim target, but NRW should advise the Welsh Ministers annually on progress. This will allow the Assembly and other interested parties to hold the Government to account on progress in a transparent way.

### **1.2. Definition of Natural Resources**

- 1.2.1. Whilst landscapes are no longer included in the definition of natural resources, as they were in the White Paper, we believe they do have an important role to play in the implementation of natural resource management processes. Landscapes are defined in the European Landscape Convention as 'an area, as perceived by people, whose character is the result of the action and interaction of natural and/or human factors.' These important relationships should be recognised in the Bill, as landscapes provide the overarching context within which natural resource and ecosystems management take place. This is particularly the case in Wales' Protected Landscapes, some of the most important 'hot spots' for ecosystems services. The opportunity these areas provide and their potential role as major deliverers of sustainable natural resource management (as recommended by the Independent Panel currently reviewing Designated Landscapes in Wales), should be recognised.
- 1.2.2. We are concerned that an unintended consequence of this omission is that landscapes and seascapes, particularly those in Protected Landscape areas, may not be given the consideration and protection that they deserve within the provision of the Bill. Likewise, they may not be given sufficient consideration by NRW as part of their function to sustainably manage natural resources in Wales. The Minister should clarify how landscape and seascape protection, and their future stewardship, will be enhanced by the Bill and how the special circumstances and future role of Wales' Protected Landscapes will be taken into account.
- 1.2.3. In order to strengthen the definition of sustainable management of natural resources, we believe that Sections 3 (1) (a) and (b) should be amended to 'contribute to' the achievement of the objective in Section 3 (2) rather than 'promote', which our legal advice tells us is a weaker formulation.
- 1.2.4. In order to ensure the objective in Section 3 (2) delivers for biodiversity we believe it should refer directly to biodiversity as well as ecosystem resilience, because:
  - species and habitats (biodiversity) are the fundamental components of ecosystems and as such are important indicators for the health of ecosystems: species declines may continue if attention is not paid at the appropriate scale for measurement of resilience;

- inclusion of biodiversity in the objective, as well as ecosystems, makes the objective more consistent with the biodiversity and resilience of ecosystems duty in Section 6; and
- inclusion of a reference to biodiversity makes the objective more consistent with Goal 2: A Resilient Wales, in the Well-being of Future Generations Act (WFG Act), which specifically refers to ‘a biodiverse natural environment with healthy functioning ecosystems’.

Section 26 of the Bill, or the explanatory memorandum, should clarify that the definition of ‘ecosystems’ is based on the Convention on Biological Diversity (CBD) definition: ‘a dynamic complex of plant, animal and microorganisms and their non-living environment interacting as a functional unit’.

1.3.1. Section 4, Principles of sustainable management of natural resources, should recognise the importance of biodiversity as well as ecosystems. Some important principles are missing from this list, including management of ecosystems ‘within the limits of their functioning’ and considering the effect of management decisions ‘on adjacent and other ecosystems’. These are included in the [CBD Principles](#). We also believe that inclusion of the precautionary principle would strengthen this section, and would be compatible with CBD Principle 9. It is important to include principles relating to the management of conflicts when making natural resource management decisions.

1.3.2. Given our concerns that certain important principles are missing, we have concerns with some of the qualifying language employed. In sections 4 and 6, certain aspects of resilience are specified ‘in particular’. Applying the usual rules of statutory interpretation, this operates as a limiting factor, and precludes any other aspects of resilience from being included (sections 391 to 393 Bennion on Statutory Interpretation 5<sup>th</sup> Edition). If these sections are not amended to be comprehensive then we recommend the addition of the words ‘(but without limitation)’ after ‘in particular’. This would ensure that important factors are not excluded.

#### 1.4. General Purpose of Natural Resources Body for Wales

1.4.1. WEL is concerned that the new statutory purpose for NRW is weak. It requires NRW to ‘**seek to achieve** sustainable management of resources in relation to Wales’ but sustainable management of natural resources is defined as ‘using natural resources in a way and at a rate that **promotes** achievement of the objective’ in Section 3 (2). This means NRW’s purpose is essentially to ‘**seek to achieve to promote**’ the objective. The purpose could be strengthened by removing the words ‘seek to’, in combination with the amendments to the definition of sustainable management of natural resources suggested in paragraph 2.5.2.

1.4.2. The purpose in Article 4 (1)(a) refers specifically to sustainable management of natural resources in Wales. In Article 4 (1)(b), the application of the principles of sustainable management of natural resources is not confined ‘in relation to Wales’. Consequently, our legal advice tells us that NRW *can* take account of the resilience of ecosystems outside Wales, including (for example) diversity and connections between ecosystems in Wales and elsewhere, providing consistency with goal 7 of the WFG Act. This is not clear in the way the legislation is drafted, however.

1.4.3. A specific reference to the WFG Act duty to set and meet well-being objectives could help avoid confusion for public bodies about the hierarchy of obligations between the SD duty and the duties established by sections 5, 6 and 7. It would also be useful to clarify the differing definitions used in regard to public bodies between the WFG Act and sections 6(6) and 11 of this Bill. This would clarify for the

public bodies, as defined by the WFG Act, their responsibilities under this Bill. For example, the Natural Resources Body for Wales is not listed under section 6(6) as being subject to the biodiversity duty. It may be included as 'a public body' but this is not clear.

## **1.5. National Natural Resources Policy and the Area Statements**

- 1.5.1. The National Natural Resources Policy (NNRP) has no requirement for consultation on its content. Welsh Ministers are able to include anything that they consider relevant to the sustainable management of natural resources. Welsh Ministers are required to have regard to the State of Natural Resources Report (SoNaRR) in the production of this policy, but we are concerned that this does not provide sufficient safeguards to ensure that the NNRP will benefit the environment. The lack of provision for public consultation contravenes the [Aarhus Convention](#) on the right to participate in environmental decision-making.
- 1.5.2. Once the NNRP is in place, it must be reviewed after each general election, but there is no specific time frame for review, and no requirement to take action if the policy is found to be in need of revision. It is important that this policy remains current, and that action is taken to deliver it. The Minister should clarify who will be responsible for delivering the NNRP, how progress will be reported on, and how the policy will drive action on the ground.
- 1.5.3. Section 9(2) of the Bill states that the NNRP should include what Ministers consider should be done in relation to climate change. There is no explanation in the EM about what this means. The Minister should clarify what will be included in the NNRP on climate change, and how this will differ from the five-yearly reports setting out how each carbon budget will be delivered under Section 39 of the Bill. Will the NNRP focus on adaptation to climate change, for example? We note there is no other specific reference to adaptation to climate change in the Bill.
- 1.5.4. There is no reference to the marine environment in section 9 or section 10, Area Statements. The Minister should clarify whether the NNRP will be used to inform policy on marine resource use in Wales or if it is the Welsh Government's intention to develop this separately within the Wales National Marine Plan (WNMP). Should the former be the case, further consideration will need to be given to the timescale for the adoption and review periods of the WNMP and that of the NNRP and how these will integrate. It is also unclear whether Area Statements would pertain to the Welsh marine area or if this will be solely fulfilled by the WNMP. If the latter is the case, it must be clear how terrestrial Area Statements would interact with the WNMP and how the land – sea interface would be managed.
- 1.5.5. We are concerned that section 10(1) appears to give NRW sole discretion on which areas of Wales require Area Statements. There is no requirement for consultation on the scale or type of area to be covered and no provision about the process to be followed when producing an Area Statement. There is also no timescale for when Area Statements must be produced, leading WEL to be concerned that, if no Area Statements were to be produced in the next few years, there would be no means of holding NRW to account for this. Furthermore, it is not clear what the actual product will look like: will it be akin to a spatial plan, and should it be subject to SEA and Habitats Regulations Assessment?
- 1.5.6. The EM states the intention for priorities identified in Area Statements to be incorporated into the local well-being plans introduced by the WFG Act, but this appears to be optional, rather than a requirement. There is no overt link between Area Statements and Local Development Plans, which we feel is an important

omission from the Bill. LDPs will have a significant impact on the implementation of Area Statements, as they control land use change which affects biodiversity, landscape and factors which influence flooding, soil quality and greenhouse gas emissions.

## **1.6. General Binding Rules**

1.6.1. WEL is disappointed to see that General Binding Rules, as proposed in the White Paper, have been omitted from the Bill. We strongly feel that these would be a useful tool if used appropriately. We support their use in order to tackle diffuse pollution, alongside other offences, as they have a significant impact upon biodiversity including both nationally and internationally important sites (e.g. SSSIs, and SAC). General Binding Rules could help tackle poor environmental practice that is difficult to capture under the current regulatory system – particularly poor land management practices in rural locations.

1.6.2. The scale of poor land management practice is, [as evidenced by NRW](#), the reason why many water bodies fail the Water Framework Directive in Wales. General Binding Rules have the potential to bring equity and proportionality to regulation for relatively minor, but widespread, poor practice. They have the potential to encourage more sustainable land management practices and key environmental outcomes. Therefore, we are disappointed that the legislative hook has not been included within the Bill that allows for criminal and civil sanctions. These include restorative orders, stop notices, prison sentences and fines to suit the offence (e.g. a leaking septic tank may cost thousands to repair and small fines may not be sufficient incentive to create the required operator response).

## **1.7. Power to suspend requirements for experimental schemes**

1.7.1. WEL is concerned about the power under Section 22 to allow Welsh Ministers, upon application of NRW, to suspend statutory requirements for experimental schemes. Whilst we understand that there may be good reason for needing this power, we believe that extra safeguards need to be included to ensure that any suspension of statutory requirements does not cause unacceptable risk of damage to the environment. We would like to see the following:

- more rigorous requirement for consultation, with the Bill identifying certain statutory consultees who should always be consulted on certain types of schemes;
- requirement for a risk assessment process to be developed; and
- controls on the types of experimental schemes that can qualify.

As NRW will be able to use external persons to carry out experimental schemes, there should be full transparency about whom these ‘other persons’ are, so that any commercial or third party interests are declared.

## **2. Part 2: Climate Change**

### **2.1. Carbon Budgets**

2.1.1. WEL welcomes the introduction of statutory climate change targets in the Bill. We strongly believe that statutory targets will drive forward action on climate change in Wales. We have included some key points to note from WEL’s point of view on this section, but we would like to also state support for Stop Climate Chaos’ more detailed evidence on this part of the Bill.

- 2.1.2. The EM does not clearly state that the provisions in the Bill will replace the Wales Climate Change Strategy, with its 3% annual emissions reduction targets. The Minister should clarify whether the current Climate Change Strategy will cease to operate or will continue until 2020 to meet the 40% reduction target set in the Strategy. We would like to see the 40% target retained as an interim target under the Bill. We believe that the strengths of the current strategy are that it disaggregates actions in areas of devolved competence from wider actions, enabling a focus on the effectiveness of Welsh Government policies. The Welsh Government also reports annually on progress with the strategy, which enables scrutiny and accountability.
- 2.1.3. We believe the main advantages of the provisions laid out in the Bill are the requirement for the Welsh Government to set out proposals and policies for how each carbon budget will be met, and the requirement to set out compensatory measures if a budget is not met. Currently, reporting on progress of the Climate Change Strategy does not give a clear idea how Welsh Government policies are contributing to emissions reduction, because many of the indicators used to measure progress have incomplete data or do not relate directly to the actions detailed in the 2010 Delivery Plan. Also, the delivery plan has not been comprehensively reviewed for effectiveness or updated when programmes have come to an end, e.g. Sustainable Travel Towns.
- 2.1.4. We have some points of concern with the detail of the provisions, particularly when comparing them to the UK Climate Change Act. The main ones are:
- In Section 33 (3) the Welsh Ministers are given a power to 'set a limit on the net amount of carbon units by which the net Welsh emissions account for a period may be reduced' as a result of crediting or debiting carbon units. In the UK Act this is a duty. If a limit were not set, we are concerned there would be a risk that a large proportion of the budget could be met by trading carbon units rather than reducing emissions in Wales.
  - If Wales exceeds its carbon budget, Welsh Ministers must lay a report detailing proposals and policies to compensate for excess emissions in later budgetary periods. We welcome this provision, but believe it could be strengthened by including a deadline in the Bill.
  - We are concerned that there is no limit on the proportion of unused carbon budget can be carried forward to future budgets. If, for example, a carbon budget is easily met due to economic factors, rather than as a consequence of Welsh Government policies and actions, then the next budget could be much larger as a consequence, removing the motivation for further action. We believe this stores up problems for the future and we are already seeing the consequences of this with the current 3% annual target, with initial large reductions as a consequence of the economic downturn and subsequent rising emissions in recent years.

### **3. Part 3: Charges for Carrier Bags**

- 3.1. WEL welcomes the proposal to raise a charge on all carrier bags. The average number of plastic carrier bags found on Welsh beaches in 2014 was over 80 items/km (MCS, 2014). We are aware that the ability to raise a charge on single use bags in Wales has produced a significant behavioural change in reducing the amount of single use bags. That said, the more durable, longer-lasting 'Bags for Life' are less biodegradable and therefore have a greater impact on the environment. These should therefore be included in the charge, in order to ensure that single use bags are not displaced by other types of bags which are only used once. We would like to see a minimum pricing policy to encourage them to truly be used as a Bag for Life. This should be applied regardless of material to ensure a

consistent policy. We suggest the minimum charge should be at least triple that of the single use bags. This would make consumers clear that these have a larger environmental impact and also sends out a much stronger message that they should be reused.

- 3.2. WEL strongly disagrees with the proposal for the carrier bag levy to go to all charities. We would like to see the levy go to environmental charities and environmental improvement schemes given that the remit of these charities involves helping to support our natural environment and, in many cases, work to directly mitigate the negative impact of plastic carrier bags. We also advocate the need for Welsh-raised carrier bag money to go to environmental charities operating in Wales, given that Wales may not, in many cases, be directly benefitting from this charge.

#### **4. Part 4: Collection and Disposal of Waste**

- 4.1. WEL supports the proposals relating to the collection and disposal of waste and agree that Ministers require these extra powers to require the separate collection of waste if they are to implement imminent EU requirements for the separate collection of metal, paper, plastic and glass, as some local authorities still collect these together. We also support the power to ban certain recyclable materials from incineration as it is important that materials are recovered rather than lost to the economy.

#### **5. Part 5 & 6: Fisheries for Shellfish and Marine Licensing**

- 5.1. WEL agrees with the proposals to introduce charges for marine licensing, including for the reasons set out in Part 6, 72 (A) of the Bill; monitoring of an activity authorised by the license, and monitoring in accordance with complying to conditions attached to a licence. We also welcome provisions under Part 6, 79 for licensing authorities to request deposits on account of fees payable and provisions to charge a supplementary fee for activities undertaken by the licensing authority.
- 5.2. That said, it is currently unclear within Part 6 of the Bill who will be the beneficiary of fees charged for marine licensing where Welsh Ministers are the licensing authority. For instance, will fees be allocated to cost recovery of that specific function (i.e. cost recovery for environmental regulators such as the NRW) or could fees accrued be spent within other Welsh Government departments? We would welcome a clause that requires such fees to be directly reinvested back into the marine responsibilities of Welsh Government and NRW to remove any ambiguity. We believe this is important to enable sufficient resourcing for the Welsh Government and NRW marine teams to carry out all of their duties.
- 5.3. We believe there should be a requirement for commercial marine users to provide data collected as part of their application to the public domain once an outcome of a plan or project has been determined. It is well known that there is a paucity of data in the Welsh marine area and evidence gaps are resulting in regulator and developer uncertainty as well as resulting in risk of damage to areas of sea that are under-researched and/or under-monitored.
- 5.4. 'Harm' in section 76 is at present too narrowly drafted. This section 76 definition is important because it feeds into the new sections 73 and 74. The definition at s76 (a) should say 'an adverse effect or risk of an adverse effect on the integrity of the site alone or in combination with other plans or projects' to bring it in line with Article 6 (3) Habitats Directive. The suggested inclusion of the phrase 'plans or projects' would also then need to be explained in s76. We would suggest a new insertion into new s76 to read 'Plan or project has the same meaning as under the Council Directive 92/43/EEC on the conservation of natural habitats of wild fauna and flora'.

- 5.5. We believe that section 74 could be significantly improved: under s5B(1) as inserted by section 74 the Welsh Ministers have a discretion to serve a site protection notice if 'harm' to a EMS has occurred or is likely to occur. We would argue that it would be appropriate for the power to be triggered not only when 'harm' has occurred or is likely to occur, but also where harm may occur (as appears to be desired, according to the EM). Therefore we would suggest that the language in 5B(1) be altered to read: 'if it appears [...] that harm to a European marine site has occurred or may occur.' This wording lessens the evidential burden of harm that the Welsh Ministers must prove before they act.
- 5.6. As currently worded, there is no criminal offence created if a person fails to abide by the steps set out in the site protection notice as envisaged in s5B(2). There is only a power under s5D(1) for the Welsh Ministers to do what the site protection notice states and to recover costs from the person responsible. This is ineffective as the Welsh Ministers will not wish to take this financial risk. A criminal offence therefore must be created.
- 5.7. Sections 5B(2) and 5B(4)(c) refer to a site protection notice requiring the grantees to 'take steps', but this needs to be expanded to cover 'ceasing any stated activities'. Furthermore, there is an appeal mechanism where site protection notices have been served (s5C). However, the provisions are silent as to:
- the time limit by which the appeal must be brought. This must be addressed (an appeal period of 28 days is normal); and
  - whether the steps/prohibitions in the site protection notice remain in force pending the outcome of the appeal. The latter is essential so as to ensure protection of the European marine site.

New section 75 contains a mechanism whereby an Order made by the Welsh Ministers can be varied or revoked, which is helpful, but this ability depends on the Welsh Ministers first serving a site protection notice and that notice not being appealed or any appeal being complete. Whilst the intent is sound, it is likely to be a delayed process since delays will occur by the relevant person bringing an appeal. There are 'review' provisions in Part 6 of Conservation Regulations 2010 (see regulations 63/64). Under regulation 63 when a European site/European marine site is designated, any existing consent for a plan or project must be reviewed. The review must be carried out under 'existing statutory procedures' or, if none exists, under directions from the 'appropriate authority'. It would be very helpful if the new legislation could include a separate 'statutory procedure' for variation or revocation of an Order in circumstances required under reg 63/64, which did not involve the risk of significant delays under the section 75 procedure. An amendment is needed to section 5E to say, in essence, that 'where we are dealing with a reg 63 situation then the power to vary/revoke is not dependent on first serving a site protection notice'.

- 5.8. Although we broadly support the proposals for marine licensing and shellfisheries with the Bill, legislation to sustainably manage the marine environment in Wales already exists and has done so for many years through the provisions within the EU Birds and Habitats Directives, EU Marine Strategy Framework Directive, and more recently, through the adoption of the Marine and Coastal Access Act (England and Wales). The Marine and Coastal Access Act (MACA) provides the legislative tools to effectively manage fisheries in Welsh inshore waters within their environmental limits and in a sustainable way. WEL believes that the greatest benefit to the protection and sustainable development of the Welsh marine area will only be realised through the timely and effective implementation of existing legislation. The Welsh Government is committed to delivery of a review of fisheries bye-laws to new regulation orders under MACA by 2015, and WEL believes that delivering this commitment is a priority, if Wales is to secure sustainable fishing practices now and in the future.

**Wales Environment Link (WEL)** is a network of environmental, countryside and heritage 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**  
**Bat Conservation Trust**  
**Buglife Cymru**  
**Butterfly Conservation Wales**  
**Campaign for the Protection of Rural Wales / CPRW**  
**Keep Wales Tidy**  
**Landscape Institute Wales / Sefydliad Tirwedd Cymru**  
**Llais y Goedwig**  
**Marine Conservation Society**  
**Oxfam Cymru**  
**Plantlife Cymru**  
**RSPB Cymru**  
**Vincent Wildlife Trust**  
**Wildlife Trusts Wales**  
**WWF Cymru**  
**Ymddiriedolaeth Genedlaethol / National Trust**



**Registered Charity Number / Rhif Elusen Gofrestredig: 1022675**  
**Chair / Cadeirydd : Bill Upham**      **Director / Cyfarwyddwraig : Susan Evans**

Committee Clerk  
Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay, CF99 1NA

Friday 12 June 2015

Dear Sir or Madam

### **Response to the Consultation on the Environment (Wales) Bill**

We have received a copy of the above draft for comment as part of your consultation process.

The Chartered Institution of Wastes Management (CIWM) is the professional body which represents over 6,300 waste and resources management professionals, predominantly in the UK but also overseas. The CIWM sets the professional standards for individuals working in the waste and resources management industry and has various grades of membership determined by education, qualification and experience.

CIWM is recognised as the foremost professional body representing the complete spectrum of the waste and resources management industry. This gives the Institution the widest possible view and, perhaps more pertinently, an objective rather than partial view, given that our goal is for improvement in the management of all wastes and resources.

The Cymru Wales Centre Council of the Chartered Institution of Wastes Management welcomes the opportunity of contributing to the Consultation on proposals for the Environment Bill.

In relation to the current Consultation document, our points are provided as responses to the specific questions raised, in relation to the information received, as follows below and in the next pages.

### **Response from CIWM Cymru Wales to the Consultation on the Environment (Wales) Bill**

#### **Part 1: Natural Resources Management**

**Do you agree with the Welsh Government's proposals on definitions for 'natural resources' and 'sustainable management of natural resource'? Are there things missing that you think should be included?**

The definition of sustainable management of natural resources does not include the principles of the sustainable use of secondary resources even though this is acknowledged that this can help to sustainably maintain, enhance and use natural resources in paragraph 45 of the explanatory memorandum. The absence of this factor will result in this aspect being neglected within the management of Natural Resources Wales due to pressure on resources within that body.

**What are your views on the proposals for a National Natural Resource Policy? Is the Bill clear enough about what this will include?**

The National Natural Resource Policy proposals do not include the use of secondary resources and should do to monitor the extent that secondary resources are being utilized in Wales and how much this is

contributing to the sustainable maintenance, enhancement and use of natural resources in Wales. If Wales is to become a more sustainable nation the extent of the use of secondary resources needs to be part of the national monitoring proposals and included in the State of Natural Resources Report (SoNaRR) to deliver the purposes set out in paragraph 89 of the explanatory memorandum.

**Do you agree with the proposals for area statements? What should these cover and is the process for their development clear enough in the Bill?**

**What are your views on the proposal to strengthen the biodiversity duty on public authorities operating in Wales?**

**Are you content with the proposals for NRW to have wider powers to enter into land management agreements and have broader experimental powers?**

### **Part 3: Carrier Bags**

**Do you agree with the proposal that Welsh Ministers should have powers to raise a charge on all types of carrier bags not only single use bags?**

Yes, however why include cotton bags and not jute/hemp bags for life which are not mention nor are biodegradable plastic bags,

**Do you agree with the proposal that Welsh Ministers should have powers to raise different charges on different types of bags?**

Yes

**Do you agree that the profits from the sale of carrier bags should be directed to all charitable causes rather than just environmental ones?**

Yes

### **Part 4: Collection and Disposal of Waste**

Yes

**For your views on whether the Welsh Ministers need further powers to require that certain types of waste are collected, treated and transported separately?**

Some local authorities and waste businesses feel that they should be able to develop and implement their own evidence bases under the Waste Regulations/TEEP. Regulation already covers this, and question why they need to do more. However it is recognised that the waste regulations only cover 4 materials paper, glass, metal and plastics and in Wales' waste strategy there are other materials that need to be included in these requirements.

**Do you agree that non-domestic premises should be required to put their waste out for collection in line with any separation requirements set out by the Welsh Government?**

Some local authorities and waste businesses feel that this may not be necessary but it is clear that there are no legal requirements for waste producers to separate the recyclable fraction of their wastes and put it out for collection separately. This is a potential problem where there is a requirement for some materials to be separately collected under the waste regulations but there is no legal requirement for the waste

producers to put the materials out separately, and therefore the requirements cannot be implemented effectively. This strengthens the requirements of the Waste Framework Directive and brings us in line with similar measures in Scotland. Consideration will need to be taken on space requirements.

**Whether you agree that the Welsh Government needs wider powers to ban some recyclable waste from incineration?**

Materials should only be banned from incineration if there is not a viable cost effective recycling or reuse option. Careful consideration should be given to the cost to business that rely on incineration of materials such as paper sludge and wood e.g. Shotton as they are energy intense.

e.g if you ban wood from landfill and incineration, then recycling market collapses – just what do you do with the wood, would it be all wood or certain grades of wood?

We note that the proposals set out in the white paper for banning of certain materials from landfill have been removed due to potential duplication of powers that Welsh Government already has under the Waste Measure 2010.

**What will the impacts of these waste proposals be for you or your organisation?**

Increased costs to provide the separate commercial services, which will increase prices for customers. This will place extra burden on the waste producers where the costs are passed on; this can result in some waste collection businesses potentially losing business where some companies provide co-mingled collections and can undercut the prices of providing fully separate collections. Such an approach will only work if all waste collections companies have to provide the same type of service. This then relies on the standard of enforcement that Natural Resources Wales (NRW) can provide. As a result of the lack of any additional finance to cover the costs of implementing the current waste regulations separate collection requirements the level of compliance is currently low because NRW are only able to pursue this matter within its current inspections of waste management facilities and scheduled waste carrier stops with no additional effort. Even to do this where poor compliance is found at a waste facility at a routine compliance inspection it will result in considerable additional effort (excess of one week's work) in assembling the required information and notifying the waste carriers that potentially delivered the waste in question that they may have committed an offence and further additional time to follow this up through the due process of compliance notices provided for in the regulations.

How do you enforce the bans. If one piece of wood is in a mixed waste skip, is it acceptable? What levels of the banned materials would be acceptable in practice. What may be the effects of these bans on waste movements between Wales and England as a result?

**Are there other waste proposals that you think should be included in the Bill?**

There appear to be no proposals to ban food waste to landfill or incineration and that may be a useful addition.

**Part 7: Flood and Coastal Erosion and Land Drainage**

**Do you agree with the proposals to replace the Flood Risk Management Wales committee with a Flood and Coastal Erosion Committee for Wales?**

Yes

**Whether you agree with the proposal for powers to be given Welsh Government agents to enter land to investigate alleged non-compliance with an Agricultural Land Tribunal order in relation to drainage?**

Yes

### Overarching Question

**For your views on the relationship between this Bill and the Well-being of Future Generations Act 2015 and the Planning (Wales) Bill? Are the links and connections between them clear?**

No, they appear in conflict in places. Promoting new developments in flood zones.

### Finance Questions

**What are your views on the costs and benefits of implementing the Bill? (You may want to consider the overall cost and benefits or just those of individual sections)**

This will increase costs, but unable to calculate without more details on the regulation of the bill and how well it will be enforced.

**You may also want to consider:**

**How accurate are the costs and benefits identified in the Regulatory Impact Assessment?**

**Whether there are any costs or benefits you think may have been missed?**

**What is the cumulative impact of the costs or benefits of the Bill's proposals for you/your organisation?**

**Do you think 10 years (2016-17 to 2025-26) is an appropriate time period over which to analyse the costs and benefits?**

**The cumulative cost and/or benefit to organisations who will be affected by the Well-being of Future Generations (Wales) Act 2015, the Planning Bill and the Environment Bill?**

**Are there any other options that would achieve the intended effect of the Bill in a more cost effective way?**

Should you have any query with regards to our response, please do not hesitate to contact us.  
Kind regards

**Celine Anouilh**  
**CIWM Regional Development Officer for Wales**

# Agenda Item 6



## Cyfoeth Naturiol Cymru / Natural Resources Wales

### Written evidence to Environment and Sustainability committee – General principles of the Environment (Wales) Bill.

June 2015

#### SUMMARY

The creation of Natural Resources Wales (NRW) was the first step towards the integrated management of Wales' natural resources. We are developing Natural Resource Management (NRM) as the core approach to the delivery of all our responsibilities. Nevertheless, not all our functional legislation facilitates this way of working. We welcome the introduction of the Environment Bill as it represents the key second step on the journey towards integrated and sustainable management of natural resources. This Bill, along with the Wellbeing of Future Generations Act and the Planning Bill, places sustainable development at the heart of strategic decision making across Wales not just in NRW but across the wider public, private and third sector. **Everyone** will need to grasp the new ways of working set out in the Environment Bill if we are to find innovative solutions to the biggest challenges facing the natural resources of Wales.

#### The need for the legislation:

1. Our air, land, water, wildlife, plants and soil – our 'natural resources' – provide us with our basic needs, including food, energy, health and enjoyment. When cared for in the right way, they can help us to reduce flooding, improve air quality and supply material for construction. They also provide a home for some rare and beautiful wildlife and iconic landscapes, which improve our wellbeing and boost the economy via tourism.
2. But these natural resources are coming under increasing pressure – from climate change, from a growing population and from the need for energy production, amongst others.
3. Decades of work to understand, protect and improve our environment have taken us a long way.
4. Yet despite this, the continuing decline in biodiversity and the threats to the ability of our natural resources to continue to deliver benefits to society, poses a significant risk to the well-being of Wales. The evidence we present in our report *Snapshot of the State of Wales' Natural Resources* (Annex 1), underlines the **need for a step-change in the approach to natural resource management by all parts of the public, private and third sector in Wales**.
5. Much of the environmental legislation governing the work of NRW is functional and does not facilitate more integrated and flexible approaches to the management of our natural resources.
6. Part One of the Environment Bill builds on the best Welsh and international evidence base. We believe the provisions will facilitate a **flexible and adaptive** approach to secure the integrated and sustainable management of natural resources in Wales.

7. The definition of sustainable management of natural resources in Section 3 and the principles set out in Section 4 of the Bill are clearly aligned to the Ecosystem Approach principles defined by the UN in the Convention on Biological Diversity. We support the definition and principles.
8. Section 5 of the Bill refines our general purpose to align it to the definition of sustainable natural resource management and the principles. We are happy with the proposed changes, as the new purpose aligns much more closely with our long term vision for our organisation. Nevertheless, we recognise that the **new purpose will not change our underpinning functional legislation** but provides a more helpful framework to develop NRM ways of working.

## Implementation

9. The management of our natural resources is a **shared responsibility** not just the concern of NRW.
10. At the moment public bodies and other organisations are focussing on their specific responsibilities or duties under the WFG Act and perceive that the proposals in the Environment Bill relate solely to NRW. Unless this gap in understanding is addressed, it is likely to create major challenges for implementation.
11. Under the WFG Act, the formation of Public Service Boards (PSBs) and inclusion of NRW as a core member provides an important opportunity to join up and integrate approaches to implementation.
12. However PSBs will not necessarily represent the interests of land managers (agriculture and forest/woodland), the business sector or environmental NGOs. Other arrangements may need to be developed to ensure these groups can participate effectively.
13. Area Statements could provide us with an opportunity to streamline the number of other plans that we and others produce.
14. Co-production and collaboration is central to how we propose to develop the State of Natural Resources Report and Area Statements. Annex 2 and 3 set out our propositions of how we want to work with others to produce them.
15. We are concerned that Section 15 of the Bill is too open ended and raises the expectation that NRW will provide information and lead on the implementation of area statements on behalf of other public bodies. Clarification is needed to set limits around the assistance that NRW could be asked to provide.

## Financial Implications of the Bill

16. The provisions in the Environment Bill are central to our purpose of delivering an integrated approach to the sustainable management of natural resources in Wales. As the NRW business case demonstrates, efficiency savings will be realised in the longer term for us and our partners.
17. However, in the **short to medium term, implementation of the requirements in the Bill will require us to dedicate significant staff time to get through the initial increase in work.**
18. This investment is essential if we are to realise savings and efficiencies in the longer term. As we develop a better understanding of the likely costs we will discuss funding with Welsh Government.
19. Thereafter, NRM will be embedded across the organisation and will be at the heart of everything we do.

The Environment (Wales) Bill is a once-in-a-generation opportunity. Taking a joined up approach to managing our natural resources will help us to tackle old problems in new ways. To find better solutions to the challenges we face – and create a more successful, healthy and resilient Wales, now and in the future.

## 1. Introduction

1.1 Many of the proposals in the Bill are central to the role and remit of NRW. Our response is divided into eight sections in line with the Parts of the Bill. We have used the Committee's term of reference to structure our response. We have addressed questions two and three in our sections on 'Proposals' and 'Implementation'. Question four is addressed for each part, in paras 2.4, 3.2, 5.4, 6.2, 7.2 and 8.5 below. We do not think it is our role to address question five. We have provided more detail on the proposals on sustainable natural resource management, waste and flood risk management. The covering note cross references the different sections of this submission with the terms of reference and consultation questions defined by the Environment and Sustainability Committee.

## 2. Part one – Sustainable management of natural resources

### 2.1 The need for the legislation

2.1.1 Our air, land, water, wildlife, plants and soil – our 'natural resources' - provide us with our basic needs, including food, energy, health and enjoyment. When cared for in the right way, they can help us to reduce flooding, improve air quality and supply materials for construction. They also provide a home for some rare and beautiful wildlife and iconic landscapes we can enjoy and which boost the economy via tourism.

2.1.2 The scale of the challenges facing our natural resources in Wales is demonstrated in our report, *Snapshot of the State of Wales' Natural Resources* (Annex 1) which sets out the latest evidence from our monitoring of natural resources across Wales. Decades of work to understand, protect and improve our environment have taken us a long way. But these natural resources are coming under increasing pressure – from climate change, from a growing population and from the need for energy production.

2.1.3 In 2010, Wales, alongside other administrations in the UK and Europe, failed to meet international biodiversity targets agreed under the UN Convention on Biological Diversity<sup>1</sup> and triggered a number of government led reviews in Wales<sup>2</sup>, Westminster<sup>3</sup> and Brussels<sup>45</sup>. The policy and scientific consensus that emerged underlined the need for a more **integrated** approach to the management of natural resources, focussing much more explicitly on the **benefits** to society of **resilient ecosystems** and the need for flexible, **adaptive management**.

2.1.4 Much of the environmental legislation governing the work of NRW is functional and does not facilitate the integrated, flexible and adaptive approaches to the management of our natural resources identified as so important in the policy and scientific evidence. The proposals in the Environment Bill, along with the WFG Act, Planning Bill, and UK Marine and Coastal Access Act (2009) provide the legislative framework to drive adaptive management of our natural resources in Wales allowing us to look at the whole picture.

### 2.2 Proposals for Sustainable Management of Natural Resources

2.2.1 If we are to secure new solutions to old problems we must encourage innovation and creative problem solving by working with others. The Environment Bill along with the WFG Act and Planning Bill facilitates such an approach. We anticipate the need for additional

---

<sup>1</sup> 2010 Biodiversity Target: <https://www.cbd.int/2010-target/about.shtml>

<sup>2</sup> <http://www.assembly.wales/Laid%20Documents/CR-LD8384%20-%20Sustainability%20Committee%20Inquiry%20into%20biodiversity%20in%20Wales-31012011-208859/cr-ld8384-e-English.pdf>

<sup>3</sup> <http://uknea.unep-wcmc.org/Resources/tabid/82/Default.aspx>

<sup>4</sup> EC 2020 Biodiversity Strategy: <http://ec.europa.eu/environment/nature/biodiversity/comm2006/2020.htm>

<sup>5</sup> EC Green infrastructure Strategy: [http://ec.europa.eu/environment/nature/ecosystems/index\\_en.htm](http://ec.europa.eu/environment/nature/ecosystems/index_en.htm)



legislation in the future as we gather more evidence and learn from the early implementation of Area Statements.

2.2.2 The definition of sustainable management of natural resources in S3(1) and S3(2) and the principles set out in Section 4 of the Bill are clearly aligned to the principles defined by the UN Convention on Biological Diversity. We support these proposals.

2.2.3 S5(2) of the Bill refines our general purpose to align it to the definition of sustainable natural resource management and the principles. We are happy with the proposed changes, as the purpose aligns much more closely with our long term vision for the organisation:

*Proud to be leading the way to a better future for Wales by managing the environment and natural resources sustainably.*

Nevertheless, it is important to recognise that the proposed change will not alter our underpinning functional legislation. The revised purpose serves an important role in clearly defining a framework in which we can develop NRM ways of working across the organisation and with other parts of the public, private and third sector in Wales.

2.2.4 We welcome the proposals in Section 6 of the Bill for a revised biodiversity duty for Public Bodies. Strengthening the current biodiversity duty is critically important because it will ensure that the wider public sector integrate the principles of sustainable management of natural resources and the resilience of ecosystems within their decision making processes. The improved accountability resulting from the introduction of tri-annual reporting on compliance with the duty will also address a gap identified in the 2010 Defra review of the biodiversity duty.

2.2.5 On the specific requirements in the Bill for the sustainable management of natural resources, we welcome the proposals in Section 8, 9 and 10 of the Bill which set out a flexible legislative framework to facilitate **adaptive management** of our natural resources:

1. The **State of Natural Resources Report (SoNaRR)** will be developed by **NRW** and will set out the current evidence base and the potential risks to the ability of natural resources to deliver long-term benefits for the wellbeing of Wales. Developed collaboratively, SoNaRR will help set the scene, will look ahead, and will prompt and be a catalyst for change. Our proposal for developing the first statutory SoNaRR is contained in Annex 2.
2. The **National Natural Resources Policy (NNRP)** will be developed by **Welsh Government** and will need to set the vision and “plan” for managing the issues and opportunities associated with Wales’ natural resources. We believe this document plays a critical role. It needs to be clear on:
  - a. priorities and outcomes **without** prescribing the activity or means of delivery;
  - b. tackling conflicts at the national level through the integration of policy;
  - c. alignment of funding mechanisms.

In practice, we believe that the NNRP will be critical to driving integration and efficiency, addressing the conflicts and strategic challenges around the use and management of natural resources at national and local levels. If this does not happen there is a risk that Area Statements will get bogged down, trying to resolve issues locally when they really need to be addressed nationally.

3. The **Area Statements developed by NRW** will facilitate local action and delivery of the national priorities using the NRM approach. Developed **collaboratively**, Area

Statements will be evidence based – drawing upon evidence at the catchment and landscape scale as well as more local information. It will drive action to the appropriate level of decision making. We will use them as vehicle to engage people, communities and stakeholders in decision making. It will also need to put in place systems to **monitor** activity and report on outcomes. In the last 18 months we have set up three NRM trials to test and develop practical approaches to the implementation of NRM across Wales, to inform future development of Area Statements. Our proposal for taking these forward is contained in Annex 3.

4. The **second SoNaRR** will then capture the evidence obtained from both local delivery (Area Statements) and the overall national picture.

2.2.6 The Area Statements will also help us understand any barriers to adopting a more integrated approach to the management of natural resources. For example, working with a particular group of people in a place may highlight that a specific piece of legislation is driving a way of working that has a negative impact on the environment. Using this evidence, NRW will review if our guidance or interpretation of the law is the cause of the problem. In this situation we would work with stakeholders to revise our guidance, in line with our commitment to adaptive management. If the under-pinning legislation is the source of the problem, then the provisions in S22(1c) and S23(3) of the Bill will allow us to put a case to Welsh Ministers to temporarily suspend the specific piece of legislation. If we secure Ministerial agreement, we expect to continually monitor and review progress and will report to Ministers with recommendations which either support a future case for legislative change or not. These provisions therefore allow for adaptive management and governance.

2.2.7 Co-production is one of the central principles of sustainable management of natural resources as reflected in Section 4c of the Bill. We are committed to working collaboratively with a wide range of stakeholders in order to better identify environmental problems and solutions. This is not always simple or straight forward and we welcome the provisions in Sections 12, 13 and 14 of the Bill to place a clear duty on the wider public sector to work with us to prepare SoNaRR and Area Statements. Although we recognise that we must support other parts of the public sector with the provision of information and evidence, we are concerned that Section 15 is too open ended, and raises the expectation that NRW will provide information and lead delivery of Area Statements for other public bodies.

2.2.8 We welcome Sections 16-21 that set out revised powers for entering into management agreements for the achievement of any of our functions. Our current powers are limited to nature conservation, landscape and recreation interests. We consider this change will complement the set of tools needed to manage natural resources adaptively. Some examples of how these may be applied include:

- Permitting flooding of land in order to complement or even reduce the need for hard flood defences.
- Management agreement with landowners to block up drains to restore peat bogs. Furthermore funding could be derived from water companies if a saving in water treatment costs for sediment removal was identified.
- Management agreement with a private woodland owner to manage their woodlands and sell timber, or to include sales of timber in NRW e-sales auctions i.e. act as a broker for private woodlands and timber purchasers.

These could potentially be considered forms of “payments for ecosystem services”.

## **2.3 Implementation**

2.3.1 We are concerned that public bodies and businesses may not yet fully appreciate the importance of looking at the Environment Bill alongside the WFG Act, Planning Bill, and Marine and Coastal Access Act, and do not understand the linkages and flows of information between the “products” produced under each piece of legislation. At the moment organisations are focussing on their specific responsibilities or duties under the WFG Act and perceive that the proposals in the Environment Bill relate solely to NRW. Unless this gap in understanding is addressed now, it is likely to create major challenges for implementation. Of equal importance is the risk of duplication, missing major opportunities for streamlined and efficient sharing of information and evidence.

2.3.2 Under the WFG Act, the formation of PSBs and inclusion of NRW as a core member, provides an important opportunity to join up and integrate approaches to enable the implementation of provisions in the Environment Bill. We recognise the value of using the PSBs to foster a common understanding of the opportunities and benefits in a particular place. There will be opportunities to share evidence from both SoNaRR and the Area Statements to inform the preparation of needs assessments and well-being plans. However, it is important to recognise that PSBs will not necessarily represent the interests of land managers (agriculture and forest/woodland), the business sector or environmental NGOs. These are potentially significant gaps. It may therefore be necessary to develop other governance mechanisms linked to PSBs to facilitate decision making or in some cases, create separate processes.

2.3.3 Our approach to Area Statement will need to be flexible. It will vary according to the priorities identified in the National Natural Resources Policy, the type of resource at stake, the location and the stakeholders involved (see Annex 3). We will draw on the learning from catchment approaches to managing our water environment. Catchment approaches are evolving to consider landscape scale solutions as they address such difficult issues as diffuse pollution. We recognise that our underpinning environmental evidence will normally be at a catchment or a landscape scale. But we may need to translate this to different spatial scales to make it more meaningful and compelling for the people, communities and decision makers we need to work with in the spirit of the principles of sustainable natural resource management.

2.3.4 We recognise that the Area Statements could provide us with an opportunity to streamline the number of other plans that we and others produce. It means that issues which have traditionally been covered in a separate functional plan could be included in the Area Statement and no longer be produced separately. This will be a change for our staff as well as affected partners and stakeholders. Nevertheless, it is important to recognise that a number of plans that we produce are required under EU Directives with clearly defined requirements. Subsuming these within the Area Statements will require a longer time frame. The scope for including other plans within an Area Statement will also be very sensitive to the geographical scale and the timetable for their production. This will require careful negotiation with Welsh Government as well as other partners and stakeholders.

2.3.5 We believe the requirement in the Bill S10(6) for NRW to consider whether “another plan, strategy or similar document should be incorporated into the Area Statement” is appropriate, and should extend to plans and strategies beyond the jurisdiction of NRW. The drive to ensure integration can be aided further through the use of the S13 power to issue guidance to other public bodies, and the S14(2) power for NRW to request assistance. It may be simpler and stronger to have a duty on public bodies to consider for themselves where and how they could implement measures through their existing plans and programmes.

## **2.4 Financial implications of Part 1 – Sustainable Management of Natural Resources for NRW**

2.4.1 Through the development of the Regulatory Impact Assessment (RIA) by Welsh Government in the summer and autumn of 2014, NRW staff have provided advice and evidence to inform the approach, assumptions and costs underpinning the Natural Resource Management aspects. We provided the best information available to us at the time. The RIA sets out four options for implementation of the Area Statements. We acknowledge that these were developed as illustrative examples and should not be seen as NRW's preferred approach. As we have refreshed our own NRM transformational programme, we have developed a better understanding of the scale of the changes we need to implement such as IT, staff training, new systems and process to develop Area Statements. These will undoubtedly incur additional costs which we are currently estimating.

2.4.2 As the NRW business case demonstrates, efficiency saving will be realised in the longer term for us and our partners. Nevertheless, in the short to medium term the Environment Bill will require us to invest staff time and money to realise savings and efficiencies in the longer term. Thereafter, NRM will be embedded across the organisation and will be at the heart of everything we do. As we develop a better understanding of the likely costs we will discuss funding with Welsh Government.

## **3. Part Two: Climate change**

### **3.1 The need for the legislation**

3.1.1 We believe the Part 2 provisions provide an appropriate framework for the development of climate change targets and carbon budgets for Wales. In early 2014 we recommended the consideration of statutory Welsh climate change targets. In the Ministerial briefing we stated that "Statutory emission reduction targets in Wales would raise their profile, but more importantly would be a clear signal across government departments and beyond of the imperative of ensuring they are met".

3.1.2 Statutory emission reduction targets foster long term and robust strategies, policies and investments by the public sector, business and industry to ensure their compliance with the targets. It provides a greater degree of certainty for business, acting as a clear signal of future intent that should provide confidence for expansion of the green economy.

3.1.3 Other devolved administrations that have climate change mitigation targets also have provisions for adaptation as well. The UK Act includes statutory requirement for a 5-yearly reviewed National Adaptation Plan for England and the Scottish Act makes requirement for Scottish Ministers to produce an adaptation programme, report on progress and update.

3.1.4 We recognise that Part 1 of the Environment Bill includes principles of 'manage adaptively' 'take account of the short, medium and long-term consequences', 'take account of the resilience of ecosystems' including 'the adaptability of ecosystems'. We also note that the NNRP must consider climate change mitigation and adaptation. It follows that the Area Statements will need to specifically address climate change. The WFG Act by implication also requires public bodies to consider long-term and preventative measures in the exercise of their duties under that Act. Together we acknowledge this constitutes a programme for adaptation.

3.1.5 However in the absence of a specific National Adaptation Programme, Welsh Ministers may wish to consider whether by integrating programmes for adaptation into these functions, all sectors are covered. Careful monitoring will need to take place to assess

whether there may be gaps. If any gaps emerge appropriate mechanisms should be put in place to address those gaps.

### **3.2 Financial implications of Part 2 for NRW – Climate Change**

3.2.1 We will inevitably be drawn into activities in relation to Part 2 of the Bill in several ways, for example, providing information and advice in the setting, monitoring and achievement of targets. This would be consistent with our current roles and functions.

3.2.2 In our remit letter for 2015-16 Welsh Government has provided us with £825,000 specifically to examine how we might become a “carbon positive” organisation. In undertaking this work, we expect to gain a better understanding of the financial implications for NRW.

## **4. Part Three: Charges for Carrier Bags**

4.1 We are supportive of the additional powers for Welsh Ministers to charge for other carrier bags. We believe this change will further support the incentive for reuse, thus safeguarding valuable resources. Reducing the number of bio-degradable carrier bags in use across Wales will, over time, reduce the number littering our rivers, beaches and marine environments and inadvertently entering the food chain. This measure provides a useful mechanism to establish and raise awareness of the behaviour change necessary to deliver Welsh Government ambition for zero waste.

4.2 We would support a policy preference for environmental good causes to benefit from the proceeds of the carrier bag charges. We recognise a possible role for NRW to work with environmental charities to help inform how such monies could be put to best use to maximise the benefits for the environment and people of Wales.

4.3 There are no cost implications on NRW of this Part.

## **5 Part Four: Collection and Disposal of Waste**

### **5.1 The need for the legislation**

5.1.1 We believe the proposals will assist delivery of Towards Zero Waste policy objectives and increase the quantity and quality of recyclates, supporting the establishment of a circular economy in Wales.

5.1.2 The focus of many of the policy and legislative drivers to date has been on municipal waste. This has been very successful, with Local Authorities collectively achieving 54% recycling rate last year. However, household waste accounts for just 16% of the overall waste produced in Wales. The vast majority of waste is generated by the industrial, commercial, construction and demolition sectors. The proposals will apply to all waste streams and hence has implications for all sectors.

5.1.3 The existing separate collection regulations are limited in effectiveness as they only place a requirement on waste collection operators, including private companies, social enterprises and local authorities, to provide their customers with separate collections for paper, metal, plastic and glass. There is no direct responsibility for the producer to participate.

5.1.4 Any change to waste legislation must take care to avoid any perverse environmental or economic outcomes. Such issues could result, in part, from the lack of suitable treatment /reprocessing facilities within Wales and further afield. Whilst we strongly support the principles of waste recovery and the obvious benefits to the economy and environment of Wales from the appropriate recycling of wastes as a resource, this can only be in the context of wastes being managed appropriately, with necessary environmental safeguards.

## **5.2 Proposals for separate collection and disposal of waste**

5.2.1 We believe the proposals in Section 66 to require non-domestic premises to put their waste out for collection, will provide a clearer and more enforceable framework.

5.2.2 We support the proposals for materials, such as food waste, to be collected separately. This will divert these materials from disposal at landfill or incineration, enabling a useful resource to be captured and recovered/recycled. Any proposed changes would require detailed modelling and the benefits of international experience where available, to ensure that all potential outcomes - positive and negative - are identified to avoid perverse consequences.

5.2.3 The inclusion of wider powers to ban some recyclable waste from incineration set out in Section 68 is sensible and working in conjunction with proposed landfill bans, would provide a useful additional driver to ensure resources are not wasted. This will also provide flexibility for the Welsh Government to modify the legislative regime in support of future policy objectives. The consequence of any future proposed changes would need to be fully considered (as in this case) before introduction.

5.2.4 In addition, when considering Local Authority Recovery Targets, Landfill Allowances Scheme and landfill tax, it is not yet clear that further regulatory interventions are necessary. We would like to see further voluntary measures to increase participation in recycling (for businesses) and by the waste industry considered alongside proposals for regulation and enforcement. These measures aim to change behaviour and so there is also a need for education to effect behaviour change, by Welsh Government, waste service providers (private sector and Local Authorities), and other appropriate bodies including NRW.

## **5.3 Implementation**

5.3.1 We will continue to work with Welsh Government to provide technical information and to advise on the practical implications of the proposed changes. It is likely that the provisions will require NRW to produce advice, guidance and training for our staff as well as for our customers. Some permits and compliance assessment tools will need to be varied to take account of the additional requirements. These new duties will also require additional inspection of waste producers.

5.3.2 To ensure that the implementation of these requirements are effective it is important that Welsh Government provide adequate funding to the regulator to enable an appropriate compliance and enforcement regime.

5.3.3 Whilst we support the proposal in Section 67 to ban food waste from disposal at sewer, we do not believe NRW is the most appropriate body to regulate. We would have limited interaction with the businesses affected by this requirement; sewerage undertakers or Local Authority food hygiene inspectors may be better placed to regulate this.

5.3.4 Some small businesses may have limited space for separate recycling bins for all the waste streams. Also, if only small quantities of some waste categories are produced, small businesses may have difficulty obtaining a waste contractor at an economic rate. Early

feedback from companies surveyed as part of the 2012 waste arisings survey has indicated that companies are already recycling and segregating where it is economic to do so, whereas small businesses find this more challenging. There may be opportunities to innovate. For example, drawing on initiatives from Europe where street-level recycling schemes operate for small businesses. Collection system providers could also adapt their service with encouragement from Welsh Government, prompting the markets to respond and adapt to these changes so that this material is appropriately managed and recycled and recovered in a timely fashion, avoiding unnecessary stockpiling of material.

5.3.5 We are happy to work with Welsh Government and the Waste and Resources Action Programme to consider how we can aid waste producers, particularly small businesses, and to ensure that waste management service providers understand the new requirements and adapt their waste management practises.

5.3.6 Within our offices and facilities we want to help the move towards a circular economy in Wales, though our own actions in relation to our own use of resources. We already actively manage our waste aiming to minimise waste at source and ensuring any waste we do produce is stored securely, segregated and transferred for recycling. We are happy to share the experience we have had with others.

#### **5.4 Financial Implications of Part 4 Collection and disposal of waste for NRW**

5.4.1 We have worked with Welsh Government in their development of the indicative regulatory impact assessment to consider the implications of the waste provisions on NRW. We are happy that the indicative costs presented provide a reasonable reflection of the costs we may incur implementing these new regulatory duties. The provisions included in the Bill will allow Welsh Government to develop regulations. Additional information related to the implementation of these regulations will also be available. We understand that the regulations will be subject to a further RIA. This process will refine the cost estimates and provide us with greater certainty on the likely costs we will incur.

### **6 Part Five: Fisheries for shellfish**

#### **6.1 Need for the legislation**

6.1.1 We believe the changes proposed in the Bill will help to enhance the management and protection of marine protected areas and the wider marine environment.

6.1.2 Currently the Sea Fisheries (Shellfish) Act 1967 grants the Minister the powers to issue a certificate to the grantee of a Several or Regulating Order to cease activities within the prescribed area in which their rights are exercisable, only if they are not properly cultivating the ground. The new proposals will strengthen and widen the Minister's ability to intervene in the operation of a Several or Regulating Order if it is perceived the grantee's activities or external circumstances such as impacts from non-native species are causing environmental harm by the issuing of a Site Protection Notice.

#### **6.2 Financial implications of Part five for NRW – fisheries for shellfish**

6.2.1 There are minimal cost implications on NRW of this Part. NRW may be required to provide evidence to help determine whether environmental harm would occur.

## **7 Part Six: Marine Licensing**

### **7.1 Need for the legislation - Marine Licensing**

7.1.1 We agree that having a wider suite of charging powers will allow NRW to achieve greater cost recovery in undertaking its delegated functions under the Marine Licensing regime. This will enable NRW to continue to offer services such as more thorough pre-application advice, which will benefit both the applicant and NRW's licence determination process. In summary, it will allow NRW to provide a marine licensing regime that has fairer charges and is fit for purpose. We are part of a Welsh Government Working Group developing the approach to implementation working with marine stakeholders across Wales.

### **7.2 Financial implications of Part six for NRW – Marine Licensing**

7.2.1 The powers will enable cost recovery therefore having a positive financial impact on NRW.

## **8 Part Seven: Miscellaneous**

### **8.1 Need for the legislation - Flood risk management committee**

8.1.1 We believe that it is appropriate to disband the current FRMW committee and replace it with a new committee that advises at a Wales wide basis on the whole of the flood risk management agenda. NRW is one of 28 statutory flood and coastal risk management authorities and our current committee's remit is limited to the activities of NRW on managing river and coastal flood risk. The management of local sources of flooding such as surface water and coastal erosion is led by Local Authorities in partnership with water and sewerage companies. A wide range of infrastructure operators and resilience partners play key roles. Therefore it is sensible to have a committee, led by and responsible to Welsh Ministers, with the remit to look at the complete picture, to ensure investment is targeted and action delivered in the most efficient and effective way.

8.1.2 We believe it is very important for the new committee to be a key conduit for advising on the strategic direction for flood risk management. This includes advising on the shaping and implementation of WG's national Flood and Coastal Erosion Risk Management Strategy, discussing the resolution of barriers to effective flood risk management and sharing of good practice approaches.

### **8.2 Need for the legislation - S83. Repeal of requirements to publish in local newspapers etc.**

8.2.1 We welcome the repeal of what is now an outdated form of communication. It will enable NRW to offer a more bespoke and effective approach to how it consults local communities on proposals relating to its management of Internal Drainage Districts (IDDs), such as boundary revisions, the raising and allocation of drainage rates etc.

### **8.3 Need for the legislation - S84. Power to make provision for appeals against special levies**

8.3.1 We welcome the addition of this appeal mechanism to the Welsh Ministers regarding the special levies charged to Local Authorities by NRW.

8.3.2 Following the transfer of functions of the Welsh Internal Drainage Boards, NRW now sets these levies, along with land owner rates, to recover costs incurred from the exercise of



functions relating to land drainage within our IDD's. Therefore we recognise the need to create an alternative mechanism for Local Authorities for arbitration on NRW's IDD levy setting.

#### **8.4 Need for the legislation - S85. Power of entry: compliance with order for cleansing ditches etc.**

8.4.1 We welcome the intention to clarify that agents authorised by the Welsh Government have the right of entry to land to enable investigation of alleged non-compliance with an ALT Order in cases where access is refused by a party to that Order. There was previously no mechanism to allow for entry to land to enable investigation

#### **8.5 Financial Implications of Part 7. Miscellaneous – Flood Risk Management for NRW**

8.5.1 The typical annual costs for the running of NRW's current committee are circa £21,000. As the new committee's remit and function will be to advise the Welsh Government, with its Chair responsible to Welsh Ministers and secretariat provided by WG, it will be appropriate for NRW's flood Grant-In-Aid to reduce by that amount.

8.5.2 NRW estimates it costs £40,000 in staff time preparing papers and attending its current committee meetings. A significant proportion of that work involves monitoring and reporting project and financial progress on its annual flood risk management capital and revenue programme. The Bill's proposals for the scrutiny of that work to come under the remit of NRW's Board means this work will continue at current levels, but reporting to a different body. NRW is expected to play a key role in the Welsh Government's new committee, due to our all-Wales remit to collate and supply data on flood risk management implementation on a strategic and operational basis. As such, we see the Bill's proposed changes to NRW's roles as cost neutral in terms of NRW's future governance requirements and input to the new committee.

### **9 Part 8: General**

9.1 We have no comments or observations on this section.

### **10 Schedules**

10.1 We acknowledge the inclusion of Schedule 2 Para 8 – which makes an amendment to WFG Act so that it refers to the potential role of Area Statements as an importance evidence base to support the well-being needs assessment.

10.2 There is a key opportunity here for the Environment Bill to help provide further clarity around the links to the land-use planning, and marine planning systems in line with our comments in para. 2.3.1 above. For example, we would suggest a similar amendment to the S3. Planning (Wales) Act to ensure that s60 (5) of the Planning and Compulsory Purchase Act (2004) (PCPA) includes reference to the NNRP.

10.3 A similar clause could be inserted at Section 6, in PCPA - 60I (6) referring to Area Statements.

10.4 Consideration should be given to inserting a paragraph in Schedule 6 (3) of the Marine and Coastal Access Act (2009) "Marine plans to be compatible with certain other plans" to draw reference to the National Natural Resources Policy.

## **Annex 1 - [A Snapshot of the State of Wales' Natural Resources](#)**

In this report we set out current evidence on the state of our natural resources in Wales.

## **Annex 2 - Proposition for the development of State of Natural Resources Reporting (SoNaRR)**

### **Purpose**

The purpose of this document is to set out Natural Resources Wales' (NRW) proposition for the development of the State of Natural Resource Report (SoNaRR) and the principles and approach we will adopt to deliver it. It describes our ambition to move from our current functionally aligned data and evidence, to a fully integrated approach – one that enables us to understand the opportunities and threats in ensuring resilient ecosystems and the sustainable management of natural resources in Wales. It will also allow us to understand the global context of natural resource management in Wales.

### **Background**

The objective of the sustainable management of natural resources is to maintain and enhance the resilience of ecosystems and the benefits they provide, and in so doing, meet the needs of present generations of people without compromising the ability of future generations to meet their own needs.

The sustainable management of natural resources depends on having appropriate information available to support decision making at all stages, from policy development to implementation of action plans.

SoNaRR will provide a credible, evidence base for policy on how natural resources are managed and sustainably used to secure their long term capacity to deliver benefits. It will make available the information needed for Welsh Ministers to set priorities for action at the national level.

NRW will have a statutory duty to prepare and publish SoNaRR including its assessment of the extent to which sustainable management of natural resources is being achieved. The first SoNaRR will be published in accordance with the legislative timeframe provided in the Environment Bill.

### **Principles**

SoNaRR will:

Set the scene by–

- Improving knowledge of the state of natural resources in Wales and the pressures on them.
- Helping us to better understand our dependence on natural resources, ecosystems and the services and benefits they provide.
- Assessing trends in the condition of our natural resources.
- Illustrating the condition and trends spatially at a known level of confidence.

Look ahead to–

- Identify the opportunities and improve understanding of the challenges, including gaps in evidence, for sustainable natural resource management.
- Help us to respond to the opportunities and challenges through scenario planning and option assessment.

Prompt change through-

- Clearly stating what the priority issues are for natural resources in Wales
- Providing decision-makers with timely information that they can use to learn from successes and failures
- Providing a seamless link between local and national data that truly informs and guides the whole community on how we care for the natural resources of Wales.
- Presenting open, accessible, easily understood information, relevant for all parts of society with responsibility for the sustainable management of natural resources in Wales.
- Recognising the role of independent oversight.

### **Catalyst for change**

SoNaRR will:

- Inform the programme for Government, the National Natural Resource Policy (NNRP), and the National wellbeing goals.
- Inform Area Statements, which will provide the operational interpretation of the NNRP. Area Statements will translate the high level strategic priorities while taking account of local need, opportunities and pressures, leading to clearly identifiable local actions.
- Inform continuous response and adaption, or replacement of policies, strategies, programmes, plans, actions and investment decisions so that goals are realistic and natural resource management outcomes are continuously improved.
- Provide a common baseline of evidence to be used throughout Wales to inform decisions made by a range of stakeholders across society such as: businesses, social groups, the third sector and communities.
- Help members of society understand how their actions impact upon the natural resources of Wales and the benefits that they provide so even individuals can identify and prioritise the opportunities where they can make a real difference to shape the future for Wales.

### **Challenges**

Natural Resource Management -

- Natural systems are very complex, highly variable and therefore unpredictable.
- The condition of natural resources is often slow to respond to management actions, taking many years to reverse negative trends.
- Interventions operate at different, spatial, temporal and institutional scales, with many organisations contributing.

Evidence and data -

- Currently our evidence and data relates to specific duties and responsibilities, largely to report to European Directives and therefore does not cover all relevant natural resources in Wales.

- Currently our evidence and data and the way we present it does not provide a full picture of Wales' ecosystems and the social and economic benefits we gain from them.

## **Approach to preparing SoNaRR**

### **Collaboration:**

- Developing collaborative partnerships across sectors and building robust mechanisms that facilitate the acquisition, management and sharing of data on natural resources and their benefits.
- Using an engagement plan to achieve an inclusive approach

### **Co-production:**

- Build a consensus about the state of natural resources and the need for action from a range of stakeholders
- Develop a common analytical framework
- Public bodies will have a duty under the Environment Bill to provide information and assistance to NRW to produce SoNaRR, if requested.
- Work with stakeholders and partners to present the appropriate evidence and data in a relevant format for decision-making at various levels across society.

### **Evidence:**

- Use the best available existing data, from NRW and other organisations.
- Recognise the gaps in our data.
- Take account of the various framework directives and the move in Europe to join data up in a better way, particularly through the EEA State and Outlook Report
- As new evidence comes to light, SoNaRR will be updated at the end of the year before each Assembly election, to allow every new Welsh Government to use the most up to date information.

## **The Journey**

We are at the start of a journey on a route to integration, transforming the way we present and use our data and evidence over time. To manage this progression, there will be a staged approach to the development of SoNaRR.

### **Where we are now – what will the first statutory SoNaRR look like?**

The first statutory SoNaRR will be prepared in 2016. It will present a clear statement on the state and trends of natural resources in Wales, based on the most up to date information in existing data sets. It will identify the gaps in data, which may need to be resolved through future evidence capture programmes. It will highlight the current, biggest pressures on natural resources in Wales. The first SoNaRR will be a report published on NRW's website.

### **Where we want to be in the longer term:**

Our aim in the long term is to provide reports that will detail the changes in the state of natural resources over time. We will describe the outcome of work we and others have carried out to manage the environment in an integrated way, to ensure our ecosystems are resilient and that our natural resources are used wisely. It is expected the challenges facing Wales will evolve over time and the SoNaRR will provide the information to enable adaptation for this. Key action points and potential areas for change will be highlighted.

We will improve the way we present the evidence and data so that we clearly demonstrate the links between resources, benefits, opportunities, threats and actions. We will learn and adopt good practice identified through a review of approaches adopted by other countries and by the European Environment Agency.

We will develop SoNaRR so that in the future it is an accessible, recognised tool for a wider range of users, not only to assist in decision making at a range of scales but for communication and education about the sustainable management of the natural resources of Wales.

It is our aim to set-up a website to enable updates and introduce an interactive element to the reporting. It is hoped the website will, in time, become more interactive and allow automated updates of data from a range of sources, including the public, to give a real-time view of the current state of natural resources in Wales between the statutory reports.

### Who will we need to work with?

Customer	Action or Change
Welsh Government Officials	<ul style="list-style-type: none"> <li>Use the evidence and information to help challenge policy and legislative “barriers”; identify new legislation; review, modify and improve policy and deliver integrated sustainable management of natural resources.</li> </ul>
Ministers and Politicians	<ul style="list-style-type: none"> <li>To influence political, policy priorities and embed environmental measures into manifestos and the Programme for Government</li> </ul>
UK Government, Treasury, Departments and Agencies	<ul style="list-style-type: none"> <li>To understand how the actions of others impact on Wales; to value the contribution of Wales and to provide more money for environmental issues in Wales.</li> </ul>
Public Sector Bodies	<ul style="list-style-type: none"> <li>To better understand the dependencies on and benefits of ecosystem services, to enable more sustainable decisions based on environmental as well as socio-economic data; to deliver better informed local plans and planning and deliver their contributions to environmental outcomes.</li> </ul>
Public Service Boards	<ul style="list-style-type: none"> <li>To inform the wellbeing needs assessment; to set wellbeing objectives and inform the Public Service Board plans.</li> </ul>
Welsh Business including utilities	<ul style="list-style-type: none"> <li>To understand where they need to challenge and change their activities or identify opportunities for investment in actions that can contribute to the sustainable management of natural resources of Wales and beyond; help identify and drive opportunities to address market failures through sustainable management and operations.</li> </ul>
Land Managers / Owners	<ul style="list-style-type: none"> <li>To understand they have a role to play to enact change across sectors and that they can save money through managing land sustainably.</li> </ul>
NRW	<ul style="list-style-type: none"> <li>To inform management decision that focus on and prioritise development and investment in strategies, plans, delivery programmes and actions to deliver natural resource management outcomes.</li> </ul>
Future Generations	<ul style="list-style-type: none"> <li>To make recommendations for delivery of integrated</li> </ul>

Commissioner	public services (Well-Being goals) and to inform recommendations to public bodies and to inform the future generations report.
General public Anyone in position to effect change (environment, economic and social outcomes)	<ul style="list-style-type: none"> <li>To understand: the wide range of benefits and opportunities that resilient ecosystems provide; the big picture problems and how they relate to the issues and priorities in their community; how their actions impact on the state of natural resources and empower them to get involved and take personal responsibility to do something about it; where a change in their behaviour or their activity can play a part.</li> </ul>
NGOs and Third sector organisations	<ul style="list-style-type: none"> <li>Help them identify where and how they can contribute; to prioritise and identify opportunities where their actions can make a real difference and where they need to work together or develop new integrated ways of working; identify additional evidence they can provide or collect to improve the evidence base for sustainable management of natural resources; influence the political and policy landscape in Wales.</li> </ul>
Media	<ul style="list-style-type: none"> <li>Using the right information to get the right messages across that the environment is good for people</li> </ul>
Children / young people	<ul style="list-style-type: none"> <li>Data and information to be used to engage, inform and educate so they can identify how their actions impact on state of natural resources and to engender enthusiasm to get involved.</li> </ul>
Community councils	<ul style="list-style-type: none"> <li>To understand where and how they can deliver on the national priorities for sustainable management of natural resources as they address the issues and priorities in their local community.</li> </ul>
Wales Audit Office	<ul style="list-style-type: none"> <li>To inform audit of NRW</li> </ul>
Academia and Research Institutes	<ul style="list-style-type: none"> <li>To identify where they can provide evidence and fill gaps in data, provide advice and share knowledge and expertise.</li> </ul>

### Annex 3: Proposition for developing Area Statements

## Purpose

The purpose of this document is to set out Natural Resources Wales' (NRW) vision for the development and implementation of Area Statements, and the principles and approach we will adopt.

Area Statements will be a key to driving decision-making in a local place, helping to integrate delivery and build more resilient ecosystems. This document describes the elements we need to consider to achieve this aspiration, drawing upon the strategic priorities and opportunities set out in the proposed National Natural Resources Policy (NNRP) produced by WG after publication of the first statutory SoNaRR.

## Background

The objective of the sustainable management of natural resources is *to maintain and enhance the resilience of ecosystems and the benefits they provide, and in so doing, meet the needs of present generations of people without compromising the ability of future generations to meet their needs.*

The Environment (Wales) Bill sets the framework within which Area Statements sit. Driving forward meaningful change will depend on discussing and agreeing upon the ability of our natural resources to continue to deliver long-term benefits for the wellbeing of people and communities in Wales. This will need to draw conclusions on prioritised and targeted actions at the appropriate scale of intervention, and use evidence to support decision-making at all levels.

NRW will have a statutory duty to prepare, publish and implement Area Statements and to keep them under review. However, the sustainable management of natural resources is a shared responsibility and we are committed to working in collaboration with others from the outset in developing our approach.

The first Area Statements will be published after the publication of the NNRP, in accordance with the legislative timeframe provided in the Environment (Wales) Bill. In preparing Area Statements we will be mindful of the evidence needs of other planning processes, such as needs assessments under the Wellbeing of Future Generations Act, and land use plans (both Strategic and Local Development Plans).

## Our Principles

Area Statements will:

### 1. Capture the evidence base

- Draw together the evidence we hold about that place to describe the key natural resources and the benefits they are currently providing.
- Describe how the natural resources in that place support the well-being goals.
- Identify the issues and opportunities in the area
- Identify any gaps in our evidence and work with other public bodies and partners to share information

### 2. Look ahead

- Consider potential threats and risks to wellbeing posed through likely future trends, scenarios and unpredictable events.

- Working with local stakeholders and partners think about the challenges this poses to current decision-making and opportunities that natural resource management provides to address these risks and threats.

### 3. Prompt change and innovation

- Provide decision-makers with timely information that they can use, learning from successes and failures of the past.
- Provide a link between local and national data that informs and guides the whole community on how we care for the natural resources of Wales.
- Recognise the role of different sectors, exploring their different perspective on issues and opportunities
- Develop innovative solutions to tackling environmental issues that deal with trade-offs and deliver multiple benefits.

### 4. Drive delivery

- Translate the high level strategic priorities while taking account of local need, opportunities, risks and pressures, leading to clearly identifiable local actions.
- Inform the priority for NRW's operational work at a local level, and be clear about the contributions that others can make.
- Provide a common baseline of evidence to be used throughout the wider public sector as well as informing decisions made by a range of stakeholders such as: businesses, social groups, charities and communities.
- Feed evidence back up to the National level, on the ongoing challenges, opportunities and priorities for the sustainable management of natural resources from the local perspective.

## Challenges

- Managing expectations on the speed of change, as well as capacity and capability of NRW to lead – this must be a shared approach.
- Getting the key stakeholders on board and influencing decision-makers at the right scale and at the right times.
- Ensuring that national incentives and funding programmes align to meet the priorities identified through the development of Area Statements.

## Our approach to preparing Area Statements

We are at the start of a journey, and we are committed to working and learning from others as we develop the approach.

### Area Statements and scale:

- **Collaboration** - We will need to engage with stakeholders to help us decide on the right scale at which Area Statements should be developed.
- **Good practice** - We will draw on learning in Wales and the UK from catchment approaches to managing the water environment, as these have already begun to consider landscape scale solutions to tackle difficult issues such as diffuse pollution.
- **Form follows function** - It is important that we retain flexibility to focus on the appropriate scale for addressing the priorities identified in the National Natural Resource Management Policy.
- **Adapting our evidence** - We recognise that the underpinning environmental evidence used to prepare Area Statements will often be at a catchment or a



landscape scale as this reflects the monitoring data we hold. But we accept we will need to translate this to different spatial scales to make it more meaningful and compelling for the people, communities and decision makers who we need to work with when implementing NRM.

### **Learning from the trials:**

Drawing on the learning from our three area trials we will need to consider:

- Who we need to work with and who we are trying to influence.
- How ecosystems function in complex ways – ensure that interventions at the right scale provide the maximum benefits to environment, cultural, social and economic considerations. This will very much depend on the particular issues or opportunities being considered.
- Reflect places that are relevant and meaningful to people – the relationship between people and the land and sea will be crucial to building understanding, trust, and valuing the benefits.
- Consider the resources available to both NRW and key stakeholders to deliver Area Statements in an efficient and effective manner.

Once areas have been agreed, we will:

- Identify key stakeholders and establish an engagement plan to help us achieve an inclusive, deliberative approach
- Undertake a review of existing plans, programmes and strategies – to identify current actions and opportunities for integration
- Use the best available existing data and evidence, including that held by other organisations. Recognise the gaps in our data and where other sources of evidence can help address those, including stakeholder opinion and local knowledge.
- Produce, with others, an assessment of the options for addressing the relevant key priorities and opportunities identified in the National natural resources policy, working with public service boards to include local well-being needs, and shape well-being plans.
- Co-produce a document that prioritises actions and opportunities that delivers within this context

We envisage that the final document will be clear on the priority actions, risks to, and opportunities for enhancing natural resources, the resilience of ecosystems, and securing their long-term benefits, as well as who needs to be involved in their management.

We will continue to work with others to ensure this information is provided in a format that is best suited to its purpose.

### **Who will we need to work with?**

Customer	Action or Change
WG Officials	<ul style="list-style-type: none"> <li>• Use Area Statements to refine Wales' priorities / context</li> <li>• Inform policy from learning about local issues. Support the process</li> <li>• Consider changes to policy if necessary</li> <li>• Reflect who national issues manifest themselves at a local scale to inform policy implementation options (in second cycle)</li> <li>• Produce a policy framework that enables delivery – align incentives</li> </ul>
NRW	<ul style="list-style-type: none"> <li>• Facilitate the process</li> <li>• Inform decision making, priority setting and resource allocation, drawing on both NRW's &amp; partners knowledge</li> <li>• Reflect the local context to enable integrated action</li> <li>• Look for multiple benefits in all work areas</li> <li>• Drive alignment of other plans with NNRP and AS</li> <li>• See the big picture – manage and regulate for priorities that drive resilience and wellbeing rather than one or two narrow environmental outcomes</li> <li>• Bring experience and skills to the table</li> <li>• Deliver the outcomes – both ourselves and with others</li> </ul>
NRW Board Members	<ul style="list-style-type: none"> <li>• Help to act as ambassadors of the area statements – build relationships with business and other sectors</li> </ul>
Public Service Boards	<ul style="list-style-type: none"> <li>• To inform the wellbeing needs assessment and to set wellbeing objectives within PSB plan</li> <li>• Influence public service delivery plans and our plans (two way)</li> </ul>
Local Planning Authorities	<ul style="list-style-type: none"> <li>• Help them to set out the constraints and opportunities for land use planning (and the acceptable conditions for development – i.e. well designed)</li> <li>• Influence planning decisions</li> </ul>
Local Authorities	<ul style="list-style-type: none"> <li>• Help them to work more collaboratively and provide the evidence needed to consider the multiple benefits</li> <li>• To influence local authorities to deliver more with the natural resources within their control. Refer to area statements in their own plans. Recognise the long-term financial benefits of better natural resource management.</li> </ul>
Land Managers / Owners – reflecting the differences (e.g. agriculture, forestry)	<ul style="list-style-type: none"> <li>• Understanding they have a key role to play, work with their interests at the heart of the sustainable management of natural resources</li> <li>• Change land management to move towards better ecosystem resilience, economic and social resilience too, in a way that continues to support agriculture and forestry.</li> </ul>
Business, industry, utilities	<ul style="list-style-type: none"> <li>• To identify opportunities to support and develop</li> </ul>

companies and renewable energy sectors	<p>green local economy, value added, closed loops.</p> <ul style="list-style-type: none"> <li>• Being specific about opportunities and constraints</li> </ul>
Health Sector / Health Boards	<ul style="list-style-type: none"> <li>• Help target interventions to pool resources and maximise mental and physical health benefits.</li> <li>• Actively use the environment as a resource for improving well-being – for example, to consider outdoor spaces as part of exercise referral process. Recognise the benefits of good quality green space to health and wellbeing.</li> </ul>
Local Communities (being clear about who we mean in each case)	<ul style="list-style-type: none"> <li>• Get a better understanding of their place and what makes it tick</li> <li>• Gain buy in and support &amp; understand trade offs – demonstrate that they have a stake and interest</li> <li>• Reflect their needs, what they consider important and inspire engagement / desire to get involved</li> <li>• Influence them to recognise the benefits of a better managed environment, and inspire them to get involved</li> <li>• Help communities to achieve wellbeing through appropriate sustainable use of local natural resources</li> </ul>
NGOs Third sector organisations	<ul style="list-style-type: none"> <li>• Identify opportunities where their actions can make a real difference, help them prioritise</li> <li>• Raise awareness of local issues and opportunities</li> <li>• Be involved in the process, in delivery, and bring in expertise and experience</li> <li>• Focus attention and resources where it will have most benefit</li> <li>• Influence work programmes and direct effort towards the local priorities and issues. Encourage them to look for multiple benefits &amp; recognise the need for trade offs.</li> </ul>
Recreation users	<ul style="list-style-type: none"> <li>• Help understand resources available to them.</li> <li>• Help to better manage conflicts between users</li> </ul>
Local education authority / higher education / outdoor education providers	<ul style="list-style-type: none"> <li>• To provide the place based context for environmental education</li> <li>• To help understand the interactions between local environment, social and economic factors – e.g. where money is unnecessarily leaking from the local economy – to drive behaviour change</li> </ul>
Academic and Research institutions	<ul style="list-style-type: none"> <li>• To help target gaps in knowledge</li> </ul>
Funders	<ul style="list-style-type: none"> <li>• Influence future investment</li> </ul>

# Agenda Item 7

## Environment and Sustainability Committee

---

Meeting Venue: **Committee Room 3 – Senedd**

---

Meeting date: **Thursday, 2 July 2015**

---

Meeting time: **09.30 – 14.45**

---

Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



This meeting can be viewed on [Senedd TV](http://senedd.tv/en/2986) at:  
<http://senedd.tv/en/2986>

---

### Concise Minutes:

#### Assembly Members:

**Alun Ffred Jones AM (Chair)**  
**Mick Antoniw AM**  
**Jeff Cuthbert AM**  
**Russell George AM**  
**Llyr Gruffydd AM**  
**Janet Haworth AM**  
**Julie Morgan AM**  
**William Powell AM**  
**Jenny Rathbone AM**  
**Joyce Watson AM**

#### Witnesses:

**Professor Terry Marsden, Cardiff University**  
**Professor Janet Dwyer, Countryside and Community Research Institute**  
**Robert Berry, Countryside and Community Research Institute, University of Gloucestershire**  
**Annie Smith, RSPB Cymru**  
**Rachel Sharp, Wildlife Trusts Wales**  
**Peter Ogden, Campaign for the Protection of Rural Wales**  
**Anne Meikle, WWF Cymru**  
**Ifer Gwyn, Snowdonia National Park**  
**Neville Rookes, Welsh Local Government Association**  
**Rachel Lewis-Davies, NFU Cymru**

---

Nick Fenwick, Farmers' Union of Wales  
Martin Bishop, Confor  
Rhian Jones, CLA Cymru  
Peter Quinn, TATA Steel  
Matthew Bell, Committee on Climate Change  
Peter Davies, ate Change Commission for Wales  
Haf Elgar, Friends of the Earth  
Jessica McQuade, WWF Cymru

---

Committee Staff:

Alun Davidson (Clerk)  
Adam Vaughan (Deputy Clerk)  
Gwyn Griffiths (Legal Adviser)  
SeatonN (Researcher)

---

## **1 Introductions, apologies and substitutions**

1.1 There were no apologies.

## **2 Environment (Wales) Bill – Stage 1: Evidence session 4**

2.1 Witnesses responded to questions from Members of the Committee.

2.2 Robert Berry agreed to provide further information to the Committee, including information existing data gaps.

## **3 Environment (Wales) Bill – Stage 1: Evidence Session 5**

3.1 Witnesses responded to questions from Members of the Committee.

## **4 Environment (Wales) Bill – Stage 1: Evidence Session 6**

4.1 Witnesses responded to questions from Members of the Committee.

## **5 Environment (Wales) Bill – Stage 1: Evidence Session 7**

5.1 Witnesses responded to questions from Members of the Committee.

## **6 Environment (Wales) Bill – Stage 1: Evidence Session 8**

6.1 Witnesses responded to questions from Members of the Committee.

6.2 Peter Quinn agreed to provide Committee Members with further information on the Hlsarna direct smelting process.

## **7 Environment (Wales) Bill – Stage 1: Evidence Session 9**

7.1 Witnesses responded to questions from Members of the Committee.

## **8 Environment (Wales) Bill – Stage 1: Evidence Session 10**

8.1 Witnesses responded to questions from Members of the Committee.

# Agenda Item 7.1

**To members of the Environment and Sustainability Committee**

**Copy Ms K Williams, AM**

Dear Committee member,

## **Poultry Units and Pollution of the River Wye**

I was very interested to read the draft transcript of the Environment and Sustainability Committee on 10 June, and to note the discussions around pollution by poultry units.

For the last 17 months, we have been objecting to a proposed broiler unit in St Harmon, Rhayader which would be on the bank of a tributary of the Wye. Our researches have extended beyond the planning application such that we have a good understanding of the planning and permitting process under the IPPC regulations.

We are particularly concerned about pollution of the Wye from the proposed broiler unit at St Harmon, and have been supported by:

- Radnorshire Wildlife Trust (2 representations)
- Wye and Usk Foundation (2 representations)
- Professor Ormerod, Cardiff University
- River Wye Gillies Association
- Wildlife Trusts Wales, who used St Harmon and The Circuit of Wales as the only two attachments to the 26-page critical evidence submitted to the Welsh Government's annual scrutiny of NRW in April 2015.

==

During these 17 months we have accumulated a wealth of evidence and have commissioned reports for the proposed broiler unit at St Harmon from both Coventry University and Thomas Consulting; both advising that [“The drainage system clearly offers no treatment facility whatsoever”](#). Thomas also advises that [“flood risk downstream will increase.”](#)

Even the planning application states that the plan will only [“reduce the risk of any contaminated water entering the stormwater drainage system”](#). NRW's Field Officer has confirmed that there is some risk.

==

Apparently Powys CC has no Enforcement Officer and no-one responsible for the Water Framework Directive, their remaining Ecologist left in April this year (without replacement so far).

It is a huge concern that NRW precedes its recommendations with “No Objection” when it is quite apparent that this statement is taken at face value without due consideration of NRW's recommendations and, in our view, is therefore misleading.

We are aware of 139 planning consents for poultry units in Powys since 01.01.08. Most of these are below 40,000 birds and do not require an IPPC permit or regulatory control. Many more are expected across Powys and the Borders.

Poultry planning applications have a near 100% success; IPPC permit applications to NRW have had a 100% success rate since 2008. Of the 14 poultry planning consents in Powys in 2014, NRW's conditions were omitted from 4 consents. Powys did not wait for comments from NRW for 2 of these consents, and from its ecologist for 6 of these consents. This questions whether the applications are given adequate scrutiny.

Planning applications and permit applications need not have the same content. I have reviewed four instances where Powys planning has based its assessment of pollution on less birds than the permit application, eg planning 38,000, whereas permit 64,000 birds.

==

Our researches support the draft comments in the transcript of the Environment and Sustainability Committee that:

- Siting poultry units near watercourses is a serious problem;
- Pollution may result when the units are being cleaned out and jet washed;
- Poultry units are an increasing source of pollution;
- Inefficient constraints are placed on the management of these units;
- They're far too near watercourses (these large industrial units are often sited in the valley bottom – of necessity adjacent to a watercourse);
- I haven't seen the enforcement of existing regulations;
- Insufficient constraints are placed on the management of these units;
- **P**lanners have taken a view that this is a matter for NRW and NRW have probably taken the view that it's a matter for the planners;
- NRW and Powys are not prepared for this huge surge in this business;
- There's a danger that NRW leave it to the planners and the planners leave it to NRW;
- The local planners can ignore what we (NRW) have said;
- There is a potential risk because of the cumulative effect that, collectively, those sites could pose a risk to water quality.

==

Dr Marsh-Smith did mention acidification (paragraph 31), its impact on the rivers and its control by artificial liming.

Poultry units emit ammonia which is deposited as nitrogen and acid some distance away from the source unit. Not only is this air pollution impacting the river network, but it is also having a significant effect on plants in protected sites, especially when the all-important cumulative impacts are considered. Arguably, this situation is **even more serious** than pollution of the river network.



==

The interaction between the various disciplines and organisations provides a complex scenario under two different legislations. No-one has overall responsibility.

Please note our major concerns about poultry unit planning and IPPC permitting procedures when considering your report, and ask if you would like any further information or documents.

Alan Loveridge

# Agenda Item 7.2

## COMMENTS BY SIR JOHN LAWTON ON THE ENVIRONMENT AND SUSTAINABILITY COMMITTEE ENVIRONMENT (WALES) BILL

In 2010 a committee I had chaired submitted a report to Defra entitled *Making Space for Nature: A review of England's Wildlife Sites and Ecological Network*. The report had a significant influence on the Westminster Government's subsequent Natural Environment White Paper (*The Natural Choice: securing the value of nature*, HM Government, June 2011 CM 8082), and (amongst other recommendations) led to the establishment of 12 Nature Improvement Areas in England. Given this background I was asked by Mr Alun Davidson (Clerk to the Environment and Sustainability Committee at the National Assembly for Wales) to comment on the Welsh Government's Environment Bill and accompanying Explanatory Memorandum (EM). Specifically he asked me whether I "might be able to help in terms of explaining whether the proposals in the Bill align with your findings or whether there are other/better ways for the Welsh Government to address and halt biodiversity loss."

The draft bill refers to *Making Space for Nature* (e.g. in para 24 of the EM), but unfortunately with an error; the report is not "UK wide", but refers specifically to just England, and says nothing about marine conservation. However, the scientific principles underpinning its recommendations apply broadly to any kind of habitats anywhere in the UK.

Let me preface my remarks with a caveat. I am a scientist not a lawyer and policy formulation through detailed and highly technical legislation is not one of my strengths. However, Mr. Davidson very kindly sent me a copy of RSPB Cymru's Evidence, which I have also read (with a declaration of interest – I am a Vice President of RSPB), and on the basis of their expert evidence (with which I entirely agree) feel I only need to make two general, but substantial comments.

### ***The emphasis in the legislation on ecosystem processes, not biodiversity per se.***

Whilst I welcome the emphasis on ecosystem processes and the need to restore and enhance them I share RSPB's considerable concerns that the proposed legislation is incredibly weak on targets to restore and enhance biodiversity (the specific focus of Mr. Davidson's question to me). Let me quote from *Making Space for Nature* (pp.3-4):

"Whilst we were writing this report, several well-meaning colleagues asked us, essentially, 'why we had to bother with all these species?' Wouldn't it just be simpler if we could find a surrogate for species – broad landscape character for instance. Unfortunately this point of view has no basis in science. Landscapes can be richer or poorer in species and you cannot tell just by looking at them from a distance. An analogy helps. Art galleries exist for people to enjoy paintings and sculpture. However pretty the gallery, however striking its architecture, it is useless as a gallery if it contains no works of art. Species keep conservation efforts honest, and there is no surrogate metric that can reliably assess conservation success or failure without knowing what is happening to populations of plants and animals in the landscape. We would know nothing about the global loss of biodiversity without knowing what is happening to species all over the world."

I am afraid the proposed legislation falls miserably at this first hurdle, and needs considerable improvement to ensure rigorous monitoring of what is happening to, and clear targets for the restoration of, Wales's precious flora and fauna. An obvious action would be to "make space for nature" through, for example, the equivalent of England's Nature Improvement Areas, of sufficient magnitude and scale across Wales to make a real difference.

*Making Space for Nature* summarised what needs to be done in four words: "more, bigger, better and joined". More and bigger protected areas, that are better managed and better connected. I see nothing in the proposed legislation that will guarantee the necessary actions to restore and enhance Wales's biodiversity.

### ***Experimental Schemes***

As an environmental scientist I was obviously interested in this part of the proposed legislation, described essentially as powers to suspend statutory requirements for experimental schemes that might help us manage the environment more effectively by doing things in a different way. It sounds good. But as RSPB Cymru points out, it could also be used with evil intent (though they are too polite to put it like that). To put it bluntly, it could (in the wrong hands) be a license to trash biodiversity.

With my scientist's hat on I am also worried that even with good intentions the difficulties of making it work effectively are huge. To learn anything from an experiment the 'treatments' (what you propose to do) have to be replicated, and there have to be replicated 'controls' where there are no treatments, or ongoing 'old treatments' continue. Replication is expensive, and for the kinds of land-management practices I can imagine here, needs to be continued for several years (the proposed three years maximum is rarely likely to be very informative). Without proper replication the 'experimental scheme' has no scientific validity and cannot tell you anything worth-while. I see nothing in these proposals to ensure that Experimental Schemes will be properly carried out with sufficient scientific rigour to ensure that large amounts of tax-payers' money are not wasted on worthless trials.

I hope these brief remarks are helpful. I would be more than willing to expand on them if they are unclear, or come and talk to you about them if that would help.

Professor Sir John Lawton CBE FRS  
25<sup>th</sup> June 2015

# Agenda Item 7.3



Member of the European Parliament

Mr Alun Ffred Jones AM  
Chair of the Environment and Sustainability Committee  
National Assembly for Wales

25th June 2015

Dear Alun

Thank you very much for your letter, on behalf of the Environment and Sustainability Committee, on the proposed regulation on Organic Production and Labelling.

I am very grateful for the work the Committee has undertaken to examine the potential impact of this proposal on the organic sector in Wales and to highlight the concerns of Welsh producers.

In advance of the Agriculture Committee (AGRI) amendment deadline, I raised all of your concerns with my Conservative colleague Mrs Julie Girling MEP, who is leading for the ECR Group on this file and drew particular attention to those such as the impact on mass catering operators and retailers that remain unaddressed by Mr Martin Häusling in his draft report.

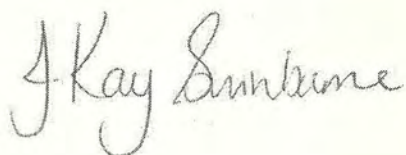
Mrs Girling and the ECR Group share a number of the concerns highlighted in your letter and we are working hard to see them addressed.

For example, with regards to the proposal for entire holdings to be managed in compliance with organic production, the ECR Group has argued that the setting of a phase out time limit is not a suitable solution and farmers should continue to have the option to have mixed farms; as the negotiations on this proposal continue, maintaining these mixed farms will be a priority for us.

The ECR Group also recognises the importance of your points on seeds and on the difficulties of sourcing regional feed and we are seeking to ensure that provisions on both issues in the final text are practical and workable for farmers.

I will continue to monitor this file very closely as it progresses through the European Parliament and I would be very pleased if the Committee would remain in touch on this matter.

Yours sincerely



**Dr Kay Swinburne**  
**MEP for Wales**

**European Parliament**  
Bât. Willy Brandt  
04M083  
60, rue Wiertz  
B-1047 Bruxelles  
**Belgium**  
**Tel:** +32 (0)228 37687  
**Fax:** +32 (0)228 49687

**European Parliament**  
Bât. Louise Weiss  
T11061  
1, avenue du Président Robert  
Schuman  
CS 91024  
F-67070 Strasbourg  
**France**  
**Fax:** +33 (0)3 881 79687

**Welsh Conservative Office**  
Rhymney House  
1-2 Copse Walk  
Cardiff Gate Business Park  
Cardiff CF23 8RB  
**United Kingdom**  
**Tel:** +44 (0)2920 540 895  
  
[www.kayswinburne.co.uk](http://www.kayswinburne.co.uk)

# Agenda Item 7.4



Ein cyf/Our ref:  
Eich cyf/Your ref:

Ty Cambria / Cambria House  
29 Heol Casnewydd / 29 Newport Road  
Caerdydd / Cardiff  
CF24 0TP / CF24 0TP

Alun Ffred Jones AM  
Chair, Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

29 June 2015

Annwyl Alun,

## **Craffu blynyddol ar waith CNC - Gwybodaeth ychwanegol**

Hoffai ein Cadeirydd Peter Matthews rannu â'r Pwyllgor ei golofn fisol mae'n ysgrifennu ar gyfer cylchgrawn Chartered Institution of Water and Environmental Management 'The Environment', a anfonir at 15,000 o aelodau.

## **NRW Annual Scrutiny – Additional information**

Our Chairman Peter Matthews would like to share with the Committee his monthly column that he writes for the Chartered Institution of Water and Environmental Management magazine 'The Environment', which is sent to 15,000 members.

Yn gywir / Yours sincerely

## **Rhys Griffith**

Prif Swyddog Cyfathrebu  
Principal Communications Officer

## Chairman's column 1

### Viewpoint Wales

*In the first of a regular column, Peter Matthews, Chair of Natural Resources Wales, presents his thoughts on the hot issues of the day. This month he reflects on the best way to structure environment management systems in the years to come.*

River basins and catchments have been the foundation of water management in the UK for some time – and that is unlikely to change in the near future. But how are these being refined and developed to match the ever-changing landscape of environmental delivery requirements?

Well, for starters, we have seen a growing realisation that the basis of this is much wider than just the fate of water quality, aquatic ecological status and water resources. There is a developing theme that it is about broader habitat management, so-called river corridors, the integration of ground and surface water management, the integration of flood risk management, and so on. It is about bringing together land and water management. This has been driven by practical and research experience but also by pressures from several EU Directives. The Water Framework Directive for example is as much about land management as it is about water management. Hence the importance of catchment sensitive farming.

In Wales we are moving in the direction of natural resource management areas with catchments as the logical basis for these. They are natural environmental engines which are intertwined with many of the key factors such as microclimates, human activities, landscape and so on.

They will be the basis for integrating agri-environment schemes, rural development plans, local responses to improving the state of nature, identifying and managing protected sites, the Water Framework Directive, managing forests, fisheries, hydropower, land drainage and flood risk, water resources, recreation and access and so on. We can also perceive catchments as a logical basis for managing other environmental issues like waste and air quality.

In my mind this is best illustrated by thinking of catchments as vertical columns connected by a series of horizontal, cross-cutting plans and needs. These might be rural development plans, local delivery plans, landscapes, coastlines, forests and many others.

Shoreline management plans would fit into this model but concerns have been voiced whether this would also apply to landscapes. But in the same way that catchments fit together to form river basins it may be that local landscapes, probably driven by catchments, will combine to form regional landscapes.

Let me be clear. This is not a “water take over”. Rather, it is an evolution in which we recognise that integration needs to take place in a geographical unit and a catchment makes the most sense.

But it does mean that we can build on the work that we have been doing in catchments in terms of social engagement. It is about place-based engagement and management. It will also allow us to think about other issues which might have a local focus such as payment for ecosystems markets, citizen evidence and meaningful local reporting. It might even give the opportunity of identifying unique local species of interest, not just for conservation, but for tourism also.

We have kicked off this work with three trial catchments in Wales, each reflecting different imperatives such as urban and rural, forested and so on.

But of course, people's opinions will always depend upon their perspective. For example, at the NFU Annual Conference environmental management issues were perceived as an impediment to effective farming. While at a meeting of water environmentalists many farmers, but not all, were described as being against contemporary aspirations for catchment management with the notion of food security considered as little more than inherited paranoia. Supermarkets now recognise the customer value of local food production and retail. And this would support the integration of environment, economy and community which underpins our purpose in Wales. So there is an urgent need to bring these strands together. I ask - for example - are the strands of the reforms of water services, agri-environment schemes, rural development plans and an increased focus on catchments sufficiently woven together? We will seek to do this in Wales.

The Nexus project of the International Union on the Conservation of Nature and the IWA highlighted the need to integrate food, water and energy security and touched on this bigger picture. It offers the opportunity for organisations to link together on water infrastructure solutions.

There is a renewed focus by water companies on reducing domestic water consumption. That is highly commendable in the context of customer care, and we value that concept in Natural Resources Wales, but how much does it really contribute to the big concept of natural resources management? I am not advocating that such efforts should stop, but rather that similar efforts should be invested in shops, hairdressers, cafes, restaurants, hotels and so on which have often been neglected in this respect. And perhaps there should be an even greater effort on water saving in manufacturing processes using public water supplies. Of course the same arguments can be applied to the discharge of water pollutants arising from these premises and maybe even general waste production. Equally, there needs to be a clear focus on the reduction of water used outside of public water services, such as agriculture. And all of this should be embraced within catchment plans. The challenges are the twin issues of incentives and "levers", as well as getting better value for water as part of abstraction reform. This is our focus in Wales.

It is a challenge to understand the totality of the knowledge underpinning these thoughts. But governments and their agencies must have sight of this big picture through their policy setting roles. We must understand better how some research, which might be valuable but very narrow, fits wisely into the bigger picture of natural resources management. But then once the wisdom is created, how can it be accessed readily?

In recognition of this, natural resource management in Wales has four pillars - the environment, economy, community and knowledge. Our Corporate Plan in Natural Resources Wales will take us on a journey of learning. It is not just "joined-up government". What we want it is "joined-up thinking" by us all.

## **Chairman's column 2**

### **Viewpoint Wales**

*Peter Matthews, Chair of Natural Resources Wales, presents his thoughts on the hot issues of the day. This month he builds on his thoughts last month reflecting on the best way to structure environment management systems in the future by exploring the options available using catchments as the natural foundation of natural resource management in the UK.*



Last month I explored some of the theoretical and practical reasons on why catchments are the logical foundation of natural resource management in the UK. This is not revolutionary, but as an organisation with a unique and wide-ranging purpose, Natural Resources Wales is uniquely positioned to bring a more holistic approach to this way of working than any other environmental organisation in the world.

Catchments are natural environmental engines impacting many facets of life such as microclimates, human activities, landscape etc which all require elements of environmental regulation, management, protection or improvement.

Of course, some parts of the country present a challenge to this model as they do not fit readily into a catchment, particularly areas of large plateaus in the uplands. However, a whole raft of work can be integrated by using catchments as a basis – for example land management initiatives such as rural development plans, local responses to improving the state of nature, identifying and managing protected sites, the Water Framework Directive, managing forests, fisheries, hydropower, land drainage and flood risk, water resources, recreation and access and so on.

Now we are looking to take this to the next level, and look at how we can turn the theory into practice.

And we have been given a good steer by the work of a small group of upland farmers in mid-Wales, whom I visited recently.

The award-winning Pontbren project started off as an innovative project to use woodland management techniques to improve the long term viability of upland livestock farming. It has ended up as one of the most scientifically-scrutinised practical projects on sustainable agriculture in the uplands. The project has delivered economic benefits for the farmers and their supply chain and social benefits in terms of community cohesion. Critically from my perspective, it has been beneficial for the environment, even though this was not a primary objective of the project. Make no mistake, this project was started for good business reasons – to ensure the survival of these farm businesses and to leave a worthwhile inheritance for the next generation.

By today hedgerows, trees and woodlands have become a completely integral part of farm management on the 1,000 hectares of upland catchment providing many benefits for the farmers, livestock, wildlife and downstream communities.

The work started off by planting hedgerows of native broadleaf trees as shelter for livestock. These of course also provide a home for wildlife but, after a process of trial and error, the woodchip from these also provided clean, efficient, recyclable bedding for livestock.

Creating ponds in wet areas, rather than draining the land, provided an additional supply of water and new homes for wildlife.

Fencing off large sections of streams and riverbanks allowed trees to grow, kept livestock away from much of the water and reduced soil loss – this allowed natural vegetation to grow and helped reduce sediment in the streams which meant they became cleaner and a better home for trout and otters.

And data gathered by scientists on how strategically planted hedgerows and woodlands in Pontbren absorb more floodwater is now being used more widely in flood risk management. It is suggested that reductions of around 40% in peak flow may be achievable. This potential to reduce water volumes is hugely important in the context of future predictions for increased

rainfall and more frequent storms due to climate change which could influence the regularity and severity of flood events.

When the project kicked-off, only 1.5% of the 1,000 hectares in this area was wooded. Ten years later 120,000 new trees and shrubs had been planted, 16.5km of hedgerow had been created or restored and nearly 5% of the land is wooded – all with relatively little loss of agricultural productivity.

It's also important to note that while the woods, hedges and ponds have restored some of the landscape pattern and diversity which was lost due to 20<sup>th</sup> century farming methods, what they have also done is create a sustainable 21st century landscape. This was not an attempt to recreate a historic landscape.

The learning from Pontbren – which still continues - is that managing the land in a particular way can yield benefits for environment, society and business. While all of this work will not be appropriate in every part of the country, it's a glowing example of how joined-up thinking – driven by the vision and determination of a small group of individuals - can lead to benefits across a whole range of areas and disciplines.

At Natural Resources Wales we are now looking to take this up a notch. We are looking at three trial areas to explore the possibilities of what can be done on a catchment-based level. All three have vastly different characteristics, but they also have their unique challenges from an environment management perspective. The trials will allow us to explore how to embed an integrated approach to natural resource management, capturing the learning along the way.

In doing so we will seek to deliver as many benefits as possible for the people, environment and businesses of Wales, through capitalising on the opportunities identified collaboratively throughout their development and implementation. It will also be an opportunity to raise awareness of the role of other public bodies, land managers and private business in the sustainable management of natural resources.

It is our aim that on completion of the three trials, we will have produced a successful template for the implementation of area based planning across Wales, which will shape and lead the delivery of all our functions in the future.

The trials share a common set of learning objectives which include: where are the points of integration? What do we do once and use many times? How well did we join up issues and challenges, especially conflicting ones – and did this lead to reprioritisation, delivering differently, or delivering more with the same / less?

And indeed is “catchment” the appropriate scale on which to plan for natural resource management? I believe it is, and the trials will help us to demonstrate that. I'll return to the results of these in future columns.

### Chairman's column 3

#### Viewpoint Wales.

*Peter Matthews, Chair of Natural Resources Wales, presents his thoughts on the hot issues of the day. This month he looks at a sometimes neglected cog in the environmental engine – pollinators.*

November may appear to be an odd time to discuss this but a healthy population of pollinators is a vital part of the ecology of our environment, providing a very important, but sometimes underestimated ecosystem service.

Of course, the diverse and colourful range of butterflies that we have in the UK are beautiful to look at but they, along with other key species such as honeybees and bumblebees play a vital part in some areas of the economy.

For example, 20 per cent of UK crops are dependent on pollinators with their value to UK agriculture estimated to be worth over £430 million a year. Honeybees - the main managed pollinator of crops - also provide a crop themselves in the honey they produce. And, obviously, most wild flowering plants also rely on insect pollination for reproduction.

Wild pollinators, which include bumblebees and butterflies, are important pollinators for commercial crops including fruit, oil seed rape and clovers, which help to improve pastures for livestock grazing. They contribute to the diversity of plant species, habitats and wildlife. This provides food, makes our world a better place for people to live in, enjoy and visit as well as contributing to our economy.

So pollination is clearly an important ecosystem service.

But the National Ecosystem Assessment carried out in 2011 showed that both managed and wild pollinators have been declining for 30 years. This is likely to continue if we don't act now.

An ideal world for pollinators would see a countryside which supports plentiful nectar and pollen sources in a mosaic of flower-rich fields, hedgerows, woods and wet areas. This would be available over an extended summer period to provide the necessary conditions for foraging, breeding and other aspects of their ecology. Resources need to be available at the right time of year, particularly early and late in the year when there is limited supply of nectar and pollen. Ideally, grazing livestock from autumn to spring, rather than summer, would allow plants to flower in the summer months and check the growth of vegetation such as grasses and brambles which smother other plants. A proportion of hay crops left uncut until September would provide a continuous supply of flowers. Hedges and field margins would provide nest sites and hibernation sites, as well as additional flowers.

So what can we do to help?

Well the first thing we can all do is look at the land we are responsible for. And as Natural Resources Wales manages 7 per cent of the land area of Wales, we are clearly well-placed to make an important contribution.

The 76 National Nature Reserves (NNRs) we own or manage are an obvious starting point. These are some of the most important places for wildlife in Wales, supporting a wide range of habitats and species, including high mountain summits, sweeping sand dunes, ancient oak woodlands, peat bogs, hay meadows and remote offshore islands.

Here, any use of fertilisers is limited and restricted to traditional methods such as farmyard manure. This allows much more diverse, species-rich grasses to develop, offering a wider

range of nectar sources which are available throughout the season. Pesticides and herbicides are avoided wherever possible as these reduce the diversity of habitats and the associated wild pollinators.

Where possible, grazing is rotated to ensure some areas remain un-grazed throughout the season. For example, the Newborough Warren sand dune system is lightly grazed year round by ponies creating a flower-rich dune grassland, while summer grazing by cattle has been reintroduced at sites on Anglesey and the Llyn Peninsula creating greater structure and diversity, reducing leaf litter, and boosting the local agricultural economy.

Wherever possible we avoid cutting vegetation in and on car parks, access tracks, footpath and bridleways throughout the summer.

There are also opportunities for beekeepers to place hives on some NNRs. This however must be balanced against the risk of transmitting disease to wild pollinator populations and potential for out-competing native species.

In our forest estate we currently have 14 sites which are managed specifically for pollinators, some in partnerships with the 3rd sector organisation, Butterfly Conservation. But we can do so much more.

For example, our network of forest roads and rides extends for 5,250 kilometres (3,262 miles). Road verges are a highly diverse habitat with a range of flowering plant species which are useful to pollinators. Developing a strategic approach will allow us to identify appropriate roadside habitats which can link key pollinator-rich sites such as riversides and open habitats. And some of the replanting we do to recover from the deadly larch disease, *Phytophthora ramorum*, will allow us to develop a forest structure which will be more favourable to wild pollinator populations.

We are also looking at our flood defence assets - there is potential to integrate pollinator friendly maintenance into our management plans of the significant lengths of flood embankments we own and manage.

And while vegetation at our reservoirs must be kept to a certain length so the structure can be inspected, a number of these are already subject to management agreements for nature conservation, but there is significant scope for further development.

Of course, not everybody owns or manages vast swathes of forests and nature reserves. What can be done around a regular office environment to help these key ecosystem-services-delivering species?

Well, we have identified some significant opportunities around the way we manage the land around our premises. For example, the contract specification for grounds maintenance at our offices in Bangor has delivered impressive results in improving communities of flowering plants such as orchids and should be commended as a model for us, and others, to follow.

Moving forward, we are coordinating a programme to implement these land management measures and encouraging specialist staff to use this example to explore the potential for more pollinator-friendly management of our offices and their surroundings.

Last July, Natural Resources Wales' Board approved an integrated strategy which considers pollinators across our estate. We also signed a Memorandum of Understanding with the Welsh Beekeepers Association which we hope will bring further improvements. Many of the commitments in these are transferable and we'd be delighted to share the learnings with other like-minded organisations.

Natural Resources Wales was created by amalgamating the Countryside Council for Wales, Forestry Commission Wales and Environment Agency Wales, and the new integrated pollinators strategy is a great example of how we can do more as one organisation. Imagine trying to create and deliver an integrated strategy between three different organisations and ways-of-working!

But there remains a huge lack of knowledge in society generally about the value of pollinators and the ecosystem services they provide. To help address this we are actively looking for opportunities to work with local bee keepers at some of our visitor centres for educational work on the role of bees as pollinators.

That way, the steps we take today can help to encourage the next generation to understand the true value of pollinators and the importance of looking after them.

## **Chairman's column 4**

### **Viewpoint Wales.**

*Peter Matthews, Chair of Natural Resources Wales, presents his thoughts on the hot issues of the day. This month he looks at how developing Customer Care practices can help the environmental sector deliver better results for people, wildlife and the economy.*

Whatever part of the environmental sector we work in, our operations almost always involve working with other people, be that internally or externally. To meet the greater goals of our purpose, in managing natural resources sustainably, we need to make those practical relationships work well.

But how often do we take a step back and analyse how things are going? Do we ask: "If I was at the other end of this relationship how would I like to feel?" or "did the transaction with my partner go well?" Do we really think of people with whom we conduct our affairs as customers? How many times do we suffer poor customer care in our private lives? This is usually not the leadership's intention - but it happens nevertheless.

Achieving high levels of customer care is a growing issue in public sector organisations as customers increasingly expect commercial-style 24/7 service. There is also a shift in reputational impacts due to direct customer influence via social media which means that views and feedback can be shared world-wide in minutes. Many organisations are moving from viewing customer service as a largely transaction-based activity to a strategic customer care driver that helps generate mutually beneficial value.

But compared with other measurements, calculating Return on Investment in customer care is complex. The various drivers of customer care can be combined to deliver financial returns such as increased income, reduced costs and avoiding reworking or remediation by getting things right first time. But they can also deliver more intangible benefits such as loyalty, delight, trust, customer commitment, reputation management and brand building.

Understanding customer needs is consistently one of the highest ranked activities in studies because it provides the foundation for developing and improving services. This involves identifying and engaging directly with customers, and asking what they need or want before agreeing what the organisation will deliver.

The four pillars of natural resource management in Wales are economy, environment, community and knowledge - but these are merely words unless they mean something to people at a personal level. This aspect of the culture-shift that's necessary to deliver the

integrated approach to environmental management is often overlooked. Well, I am determined that this will not happen in Wales. And the concept of customers - people and organisations with whom we have any kind of transaction - fits comfortably with this.

We have to ask what is it that is common to the way we deal with a vast range of people, organisations, issues and activities. These include how we serve, deal with, and respond to the victims of flooding, complainants, our businesses customers, planning applications, those we regulate, and so on.

The principle of customer *care* is, to a large extent, cutting edge. If we look at leading organisational brands we will find a variety of expressions - customer experience, custom obsession and so on. Search for the term “customer care” on the internet – you’ll find the odd reference to it, but by far the bulk of your results will be around customer *service*. Customer care goes beyond the more impersonal customer service, although service standards are part of the package which ensures customer delight. While customer service is the provision of service to customers before, during and after a transaction, customer care may be described as the customer’s perception of how well we supply those services.

All fine words and sentiments, I’m sure you’ll agree. But how will this work in practice and how can we move from rhetoric to reality?

Two emerging priorities in Natural Resources Wales are to ensure that every one of us understands what we are trying to achieve and the delivery of customer care orientation as a core competence. We are thinking about what a customer care template will look like and how we can overlay that onto all of our activities. As a starting point it would ask the question: “If I was in my customer’s shoes, would I like it”?

As I said at the start it is also about internal working. Every one of us receives services from colleagues within our organisations and, in turn, provide services to other colleagues. Every one of those internal transactions has to be provided with care. This means embedding a customer care ethos amongst all staff so that they view their colleagues as important customers in the same way as they view their external customers.

Having the right staff with an ‘inborn’ attitude to customer care and creating the right experience, and the freedom and capability to make customer-based decisions are seen as increasingly important contributors to growing value from customer care. These are staff who understand how that experience relates ultimately to an organisation’s reputation and brand.

Bearing in mind that Natural Resources Wales was created by amalgamating Environment Agency Wales, the Countryside Council for Wales and Forestry Commission Wales, a combination of internal and external customer care will give us a common focus, making the question of “how are you getting on with amalgamating the legacy bodies?” redundant.

Of course, we will not always be able to give our customers what they want – licence applications may still be rejected and advice may still be given to refuse development, but presented in ways which understand the impact on our customers, and that usually means being clear and timely.

And the issue of cost will always be present. But if we take one of the principles of total quality management as “getting things right first time saves money”, a good customer care approach will do the same.

Providing clear uncomplicated forms, answering the phone appropriately, writing letters succinctly, and communicating simply and clearly. These are all stepping stones to help provide excellent customer care.

All of us should aim to make our customers' experiences extend beyond customer service delivering satisfaction, to be customer care delivering customer delight. Our aim should be to delight customers - a term we have chosen deliberately. When I say that one of our principal aims will be "to delight customers" and to drive for "delightfulness", I'm sure there will be a flutter of negative mutterings from some cynics. But I am very serious about this matter and determined that we will make this journey.

I want Natural Resources Wales to be a leader in this area and to share and learn from others in our sector. I invite you as a reader (my customer) to share your thoughts with me on how we can all help make this difference.

## **Chairman's column 5**

### **Opportunity knocks, even in tough times**

*The world in which we work is changing with public finances increasingly under pressure. Organisations operating under tight monetary constraints have an obligation to focus scarce resources on their core tasks says Peter Matthews, Chairman of Natural Resources Wales. In this month's column he makes the case for finding new solutions for old problems.*

Our environment is one of our most valuable assets. It provides a home for our wildlife, it enriches our lives with stunning landscapes and seascapes, and it is also vital for the range of natural resources it provides – food, water, energy, even the air we breathe.

And we all want to be able to use these wisely and efficiently to improve the resilience and diversity of our environment, while at the same time enhancing quality of life for people.

But in challenging times, tackling the consequences of climate change, halting the decline in biodiversity and helping our rivers recover from centuries of pollution sit alongside issues such as improving people's health and wellbeing, tackling poverty, and green growth – creating more sustainable jobs.

The recent flooding and the outbreak of larch disease has brought some of these challenges into stark focus. If we are to genuinely address these issues during a time of financial constraint we need to explore new avenues, seeking new solutions to old problems. We all care deeply about improving the environment - not just for wildlife but also for people and the economy, but we must do the right thing, not the easy thing or the quick-fix.

And the birth of Natural Resources Wales in April 2013 was a landmark moment. Never before have so many aspects of environmental stewardship been entrusted to one organisation. We warn people of impending flooding and build schemes to reduce the likelihood of that happening, regulate industries large and small, manage 126,000 hectares of woodland and market 650,000 tonnes of timber each year. And all of our 1,900 staff work with a passion to protect and enhance the landscape and biodiversity of Wales.

Flood risk management, industrial regulation, woodlands management sit alongside the important species and marine conservation work that we are responsible for, it is what we have been tasked with delivering by the Welsh Government.

This provides us with a unique opportunity - to manage our environment in new ways to reap maximum benefits for the people of Wales and its wildlife. So for example, our work to improve peatlands not only creates a better habitat, it also stores flood water and reduces the risk of flooding for people's homes. Or that developing a strategic approach to the way

we manage our vast network of forest roads will allow us to identify opportunities to develop roadside habitats which can link key pollinator-rich sites.

We accept that environmental budgets are not isolated from reality and strive to provide the taxpayer with the very best value for money, constantly making sure that the environment is getting the most out of every penny that's being spent. And we also understand the need for a focused approach - which does mean that sometimes hard choices have to be made.

But therein, also, lies the solution. It's a familiar societal phenomenon - times of greatest need often deliver the greatest results. And, I believe that now is the optimum time for us all to collaborate, sharing ideas and wisdom to create innovative, alternative funding models to address the challenges we face.

In previous columns, I have explored the issue of how we can manage knowledge more effectively to gain wisdom. And here we have another example. Surely many of us have already succeeded in creating and delivering alternative ways of doing things – but, I ask, have they been communicated with the broader community?

Let's look at the example of Professor Tim Birkhead from Sheffield University. He had been monitoring the population of Guillemots on Skomer Island, off the coast of Pembrokeshire, for 40 years when his funding came to an end. So he made the most of the new opportunities provided by social media and within a week last autumn had conducted a successful "crowdfunding" campaign to raise £12,000 to continue his study. A good example of alternative thinking.

And I believe that this underlines the point that now is the time to start a broader conversation about how society funds this kind of work in the future because, with less money available, we just cannot keep on doing everything we did in the same way we used to.

And there's not one organisation that can address these issues alone. We have to do things differently and devise new solutions together to the challenges we face.

All of us working in the environmental sector - Government sponsored bodies, Local Authorities, NGOs, charities and individuals – are driven by the same desires and ambitions. We all want to see our wildlife thriving in a healthy, sustainable environment.

What we now need is an open and honest conversation about how we can all do that within the current and future financial reality.

We must acknowledge that this will not be universally popular – but reality dictates that we have to be flexible and innovative. If we collaborate effectively, in the true spirit of partnership, we can create modern ideas to solve some of the multitude of historic and complex issues facing our environment.

## **Chairman's column 6**

### **Viewpoint Wales**

*This month Peter Matthews, Chair of Natural Resources Wales, discusses the difficulties involved in using the right language to help us achieve the right outcomes and the complexities involved in improving knowledge management to gain wisdom.*

Getting sustainable management (which includes development) into the heart of what we do is absolutely crucial for the future of our environment and the development of our society.



This is clear to the central caucus of experts, but understanding proves elusive to the bulk of the population. Achieving that understanding lies within the concept of persuasion. At the Conference for Nature conference in London last year a great deal was made of this. As so often happens, it was recognised that part of the problem is in the language and syntax that we use. The same issue was identified at the conference organised by the Wales Biodiversity Partnership in Cardiff, Nature Recovery Planning in Wales – implementation approach to 2020.

There was criticism in London of many of the words we use. The word “Reserve” was challenged and it was suggested whimsically, but with some intent, that these places should be described as “mind bogglingly beautiful places”. Interestingly, the subject came up at the Cardiff conference as well. Personally, I have yet to find a better one word than “Reserve”, which I think accords well with public understanding of what we are trying to do. Similarly, the term “Protected Sites” has been criticised because it is said to create a sense of exclusion for ordinary people – and gaining access to protected wildlife sites is notoriously difficult.

When challenged to cite examples of successful transformation of language, there was not much response from the London audience. But good examples do exist. In the water industry for example, biosolids (defined as properly treated sewage sludge) used responsibly as a fertiliser for agriculture paints a very different picture to “sewage sludge dumped on land”. Another is that, if we want to drop the term “sewage” from day to day descriptions, “waste-water” is not the best alternative. “Used water” is a little better, but we do have to be careful to avoid accusations that we are trying to create misleading spin.

We need to embed the language of sustainability and natural resource management into our everyday lives. If our futures depend as much on understanding sustainability as much as our ability to be articulate and literate, then we have to ensure that sustainability is at the heart of secondary education. If we want to be the world's leading green economy, secondary education has to produce young people who are fit for purpose.

This is a convenient point for me to turn to my second point on a related issue - knowledge management in modern society. We recognise the difference between explicit knowledge which is about hard learning - reading books and so on, and implicit knowledge - which is about experience. Hard learning may, of course, involve reading about other people's experiences! Decision-making must be based on evidence created of data and information. The collation and interpretation of data and information creates knowledge. But it is the beneficial application of that knowledge which creates wisdom. Another way of looking at this is that a combination of explicit and implicit knowledge create wisdom. But sometimes we cannot wait until all the evidence is assembled and sometimes we have to use our common sense and join the dots across knowledge gaps, for example as we confront climate change management.

In our society we are overwhelmed by information and it is very hard to keep track of all that is being produced. This can have a counter-productive effect - when faced with such complexity some people seek comfort in prejudice. And while people who make decisions on the basis of the heart and instinct may do so rapidly they are also notoriously difficult to change their minds, because such changes feel threatening. Whereas, people who make decisions on the basis of evidence may do so more slowly, but will change their minds more easily when confronted with new evidence and do not feel so threatened personally. I sometimes hear things being said which reflect these difficulties and my job, as Chair of NRW, is to ensure that preconception and prejudice have no place in our decision making - although we all have initial opinions!

Knowledge is found in so many places and in so many forms in our modern society and we no longer look just to peer-reviewed papers. We also have conferences, workshops, seminars, presentations, organisational reports, submissions to committees, Board papers, press releases, webinars, twitter accounts, Linkedin, blogs, websites and many others.

But there are also good examples of knowledge gaps. At various conferences recently I have heard:

- calls for farms to work together on agri-environment projects without any awareness of the work at Pontbren, for example, which you read about in my second column
- a presentation on the well-being benefits of exposure to farm life for people suffering from a variety of problems did not refer to the Care Farming project
- a call for more integration of environmental management did not mention the work we are doing in Wales, as I described in my first column
- and a call for faster progress on the evolving strategy for pollinators, did not recognise the work we are doing on this in Wales as I described in my third column
- a call for farmers to be paid to manage their land in ways which sustain a recovery in the state of nature did not recognise what is done now in agri-environment schemes
- and a call for a better integration of economy and the environment - central to our purpose in Wales and underpinned by our key event at the Mansion House, London, - did not refer to the Welsh Government's "Growth Wales: Investing in the Future" prospectus

Now, let me be clear, these are not sensitivities about a lack of awareness about what we are doing in Wales – I'm sure that there are equally valid examples of work in progress elsewhere in the UK. Rather, this serves to highlight again the problem of how to keep up with, collate and use the knowledge from all relevant sources and make wise decisions.

We must learn to work together to exploit modern e- techniques. I am convinced that we have not yet exploited the full potential of the Cloud, but we do not have a common protocol or language to do so.

And I am not alone in all this - the same angst is expressed in many places. At a Plenary Meeting of the Heads of European Nature Conservation Agencies, to discuss the contribution of agri-environment schemes to landscape management I learned about what is happening in the rest of Europe, but the most striking thing is that we all agreed on the need for simple language and the urgent need for better knowledge sharing.

So I have identified some problems and I look forward to hearing from members of CIWEM if you have any contributions to make in solving these.

## **Chairman's column 7**

### **Innovation at the Heart of Our Business**

*Peter Matthews' develops the themes from recent columns discussing the underlying philosophies for modern management of our natural resources which has taken us into some unfamiliar territory. The traditional knowledge management cycle of data, information and knowledge has been extended to include wisdom which in turn creates innovation.*

There are many ways we can move from being knowledgeable to being wise and that step is where cultural assets like common-sense and ethics come in. This is the ultimate blend of fact and experience. But the essence for organisational leadership is to understand, harness and apply these to practical advantage. The challenge is to convert rhetoric to reality.

Studies have shown that from wisdom springs creativity – it provides the insight that allows creative spirit to flourish. From creativity comes innovation and this provides new experience and evidence. So an organisation develops not in a continuous circle, but in a helix which drives forward. Leadership must understand and embrace these ideas.

Innovation is often perceived as technology-based, but it is in fact anything which brings beneficial change. The web gives a definition; an idea that is replicable at an economical cost which satisfies a specific need. Innovation involves deliberate application of information, imagination and initiative in deriving greater or different values from resources, and includes all processes by which new ideas are generated and converted into useful products.

In business, innovation often results when ideas are applied to further satisfy the needs and expectations of customers. In a social context, innovation helps create new methods for alliance creation, joint venturing, flexible work hours, and creation of buyers' purchasing power. Innovations are divided into two broad categories

- evolutionary innovations that are brought about by many incremental advances in technology or processes
- revolutionary innovation which may be disruptive and new

Innovation has inherent risk and needs strong management. There are all sorts of dilemmas. For me, innovation is research and marketing with development implicit. The first step in market research is to determine need and explore new ideas, then these are developed and sold as new products or ways of doing things. This concept is valid for many kinds of processes such as classic research and development - but it applies equally to other processes such as suggestion schemes.

Market research might be within an organisation and the customers internal; new ways of doing things are notoriously difficult to get accepted within any organisation and must be marketed well internally. And any changes in an organisation should be wrought talking to internal and external customers. Organisations forget this at their peril. The staff of even the most innovative company need to be treated in this way when internal change is happening.

There is an old adage “never ask today’s customers what tomorrow’s customers want”. Customers do not always want innovation in the products they buy. Customers who expect something better in cameras and phones each time they purchase do not necessarily expect constant improvements in their drinking water, they may place more emphasis on constant good quality and pressure. They may also want constant improvement in service – for example in the use of modern e- communications. For example a tech company is expected to exude innovation in products, but a water company has to be more circumspect and exude stability in the product they deliver – their innovation has to come in developing better, cheaper ways of delivering that constant service. These dilemmas have profound effects on the culture of an organisation.

What has this meant for NNRW? Our creation was certainly revolutionary innovation and the inherent risks weighed heavily on the minds of the team which established the organisation. Our job has been to blend the stability that our customers want and the innovative services we provide. Some of our customers were worried about the idea of an uncertain tomorrow – I hope they are now happier and we are responding to the wisdom of understanding how they feel with our innovative customer care strategy. For example, everyone expects that we will be constant in our focus on the management of flood risk, but the innovation comes in integrating that into natural resources management. We are starting to deliver that.

The introduction of integrated natural resources management is a sufficiently big step to qualify as revolutionary innovation. But the development of how we will do this on an area basis - based on catchments - is a demonstration of evolutionary innovation through trials in the Dyfi, Rhondda and Tawe catchments. We are increasingly using continuous improvement and total quality management across the organisation to introduce other initiatives of evolutionary innovation. A good example is how we have taken innovative steps to accommodate hydropower abstractions, particularly at a micro scale.

This article is too short for me to share all the things we are doing which qualify as innovation. But I give you a few further examples.

Sometimes creativity and innovation comes from lateral application of knowledge and wisdom arises from seeing the relevance of knowledge across sectors. There has long been an understanding that sectors involved with services for community safety benefit from schemes promoting excellence. Examples are Water Safe and Gas Safe. We recognised that pollution from package sewage treatment works and septic tanks is an issue in the rural environment in Wales (and indeed elsewhere) so we are being innovative in promoting an idea nick- named 'SewageSafe' on an analogous basis for the installation and maintenance of such plants and we have been working in partnership with British Water.

In some cases the nature of wisdom is to exploit the creativity of others and in this cyber world we all need to use revolutionary innovations in an evolutionary way. We moved from the wise insight that clear communication during serious flood events is crucial to introduce the successful use of texting to keep people who could be affected informed and this worked well in the flood events of the winter of 2013/14. We are using handheld computers to speed up the collection of field data and camera drones to collect more effective environmental information. And the use of Apps has improved the availability of information to customers. Our Board is leading by having days of 'sensible imagination' to consider innovative options for the future. It has an Innovation and Bright Ideas Champion who constantly reminds us of the bigger goals. August 19, 2014 was Earth Overshoot Day, marking the date when humanity exhausted nature's budget for the year. So now is the time for us all to be creative and innovate. It would be great if the contribution of NRW will be that we will have played a significant role in bringing Wales Overshoot Day to midnight December 31 in future years and to have contributed to Wales being the World's leading green economy.

## **Chairman's column 8**

### **Viewpoint Wales**

*This month Peter Matthews, Chair of Natural Resources Wales (NRW) considers the issues around waste regulation, how to balance the often conflicting desires of stakeholders, and explores how current changes in Wales will help deliver better outcomes for the environment.*

In recent articles we looked at some of the principles with which we are managing natural resources in Wales. We will base this on integrated areas and we will be managing with wisdom, innovation, responsibility and customer care, for example, to quote from those recent articles. I now want to return to the basics of how we in NRW will apply these ideas to front line issues. Considering waste as a resource and the move towards a circular economy provides a very good, and current example.

Policies from Europe, Westminster and, for NRW, the Welsh Government have driven up recycling and driven down landfill. In 1998-99 only 5% of local authority municipal waste in

Wales was collected for preparation for re-use, recycling and composting. This has risen to 54% of all waste collected by Welsh local authorities in 2013-14. Wales is the only UK country to have introduced statutory local authority recovery targets for waste recycling and, collectively, Welsh local authorities achieved the first target of 52% cent in 2013-14. If it was a fully-fledged member state, Wales would rank fourth in the EU on this measure, and a recent National Assembly inquiry into recycling in Wales recognised “outstanding” public levels of engagement and passion for continuing to recycle as much of our waste as possible.

Current regulations give certainty to the waste sector. They know what is expected of them and how they are able to comply. It reassures the public who question how often regulators visit sites and carry out enforcement activities. However, we have a complex legal and regulatory picture implementing more than forty separate pieces of legislation. We take a risk-based approach with a focus on improving poorly performing sites and providing advice and guidance to encourage compliance and intelligence-led methods are used to take enforcement against waste crime and illegal operations.

A well-run site should pose no significant risk to the local environment, health or amenity but communities often expect zero impact from waste sites. Unfortunately, some are not ideally located or have outgrown their original purpose or scale and these often result in complaints and there are a very small number of cases where current ways of regulating do not always improve operator performance, deliver for the community or for public finances.

The waste market is continuously having to adapt to deal with future aspirations in dealing with waste and high levels of minimisation or recycling. This can drive perverse outcomes for the environment and communities. While we strongly support the principles of waste recovery this must be in the context of environmentally appropriate waste management.

I believe that there are lessons from the challenges we are facing in NRW which could equally benefit colleagues throughout the UK. Our primary role is to ensure that we deliver our statutory responsibilities, but we need to ensure that we regulate effectively and efficiently, delivering the required environmental outcomes at least cost to business and society, and to provide sound advice.

We work to deliver for the environment and people whilst minimising the burdens on business and the public purse – at the same time as looking for the most effective method in each given situation. Against a backdrop of reducing budgets we investigate alternative methods to deliver the service required with fewer resources, strengthening the drive for innovation and flexibility. Our approach will comply with the better regulation principles within the Regulators Code.

We have a unique opportunity to reconsider how we deliver environmental outcomes and regulation is only one of a number of tools that are available to achieve these. Alternatives could include voluntary schemes, market incentives, use of the circular economy, trading schemes and behavioural change.

To guide us, we developed some simple principles to articulate and define what we need to do without detailed prescription. We used available evidence and, considered academic work in this area and the wisdom created. These principles are designed to ensure our customers understand what we do and why. They articulate that we will seek to:

- **deliver outcomes** - not just regulation, outcomes will be shared outcomes where possible

- **be prepared to challenge** - addressing barriers where they don't contribute to the environmental outcome
- **be flexible** - tailoring the approach to the needs of the recipient, using innovation and novel approaches where appropriate and learning from past experience
- **be intelligent** - using all available evidence from a range of sources so the data we collect from those we regulate helps to deliver outcomes
- **use the full range of tools available** - the tools we use will be chosen for their effectiveness in delivering outcomes, using the law to deal with those who act illegally, to protect honest business, society and the environment
- **bring the right skills / expertise together** - having the right skills to use the right tools effectively, or work with those who do
- **be clear on what we do and why** - embedding a consistent approach by ensuring everyone understands our role, purpose and desired outcomes so that it is easy to see the link between what we are doing and why and to
- **be efficient and effective** - being efficient and effective, working with others where we can, and where this is a good thing to do

In addition to our current approach our focus will include targeting the root causes of issues in the waste flow. To do this we will use wider social and economic interventions and influence behaviour which, through wise use of natural resources, will give rise to a more sustainable business cost model, preventing waste build-up at sites and help ensure the liabilities of waste operators are not transferred to the public purse. Taking a risk-based approach and allowing our staff to focus on outcomes using flexible ways of working will ensure we are proportionate, transparent and evidence-led and use the full range of tools available to us and others tailored to the situation and people we deal with.

Short-term actions are designed to create capacity within the business to develop our thinking around medium-term solutions. This includes developing the space to effectively engage with others who can help deliver the outcomes we want through partnership working. Specifically, we intend to:

- investigate the potential for using subsistence income more effectively
- develop the wasteflow approach at poor-performing sites to identify the root causes of non-compliance
- investigate mechanisms to protect the public purse from environmental liability
- develop supply chain interventions to maximise industry compliance schemes delivery of shared outcomes
- further our partnership working with Trade Associations to develop shared outcomes with industry

Our approach is not without risk. It could lead to a perception of inconsistency as the method would be strongly tailored to the recipient. But we manage our organisation on a risk-based approach, and this risk is worth taking for the greater good.

What is clear is that we have a unique opportunity to change the status quo on waste regulation to contribute to a better Wales which values the contribution of the circular economy in the overall thrust towards being the world's leading green economy. I am very happy that we in NRW are playing a leading role in this.

The wisdom we have gained from these experiences could well help others faced with the same dilemmas in other parts of the UK and we are keen to learn from you as well. If you are one of these, we would be delighted to from you.

## Chairman's column 9

### Viewpoint Wales

*In this month's column, Peter Matthews examines the evidence of the holistic benefits of using our environment for access and recreation and considers the opportunities provided by brigading more elements of environmental stewardship together.*

Last month I shared with you how the principles of better regulation, customer care and natural resources management come together in the front line management of waste as a resource. Now I am going to do the same for access and recreation using examples from Wales; it is a central feature of what we are doing.

There is now ample evidence that exposure to a healthy environment is good for human fitness and mental health. So we want people to “come outside” enjoy themselves and at the same time contribute to our economy. How does it all fit together?

**Environmental benefits** - Participation teaches people more about the natural world, often gaining a sense of responsibility and care for the environment and their local green-space. There is evidence that community engagement with a particular space not only provides individual health benefits for those involved, but often discourages crime and anti-social behaviour. Walking and cycling can play a key role in serving local transport needs and helping address the issues of congestion, pollution and climate change associated with car dependency. “Everyday journeys” to work by foot or bike also serve fitness and enjoyment demands. We need a healthy environment as a platform and some of our most enthusiastic outdoors sports people such as walkers, birdwatchers, anglers, hunters and swimmers have also been enthusiastic environmental guardians and form partnerships in delivering our purpose. Protecting sea water quality maximises the opportunities for beach recreation and managing our fisheries well maximises the opportunities for angling. Rhossili beach on the Gower is regularly ranked among the best in Europe.

**Social and health benefits** - Active participation can make a significant contribution to people's physical health and mental well-being. Increasing levels of physical activity has benefits in terms of increasing people's healthy lifespans and reducing the incidence of chronic disease, including cardiovascular disease, some cancers, type II diabetes, allergies and osteoporosis. Nearly a third of adults in Wales have been able to gain the health benefits associated with physical activity through participating in outdoor recreation, indicating the significant contribution it can make to the nation's health.

**Economic benefits** - Economic prosperity and employment opportunities for communities and local enterprises are often derived from recreational opportunities and are particularly important for areas that are economically reliant on tourism activity. For example, over one third of accommodation providers located on or near a National Trail in Wales described the Trail as “very important” to the profitability of their business. Walking as an activity generates £562m of additional demand in the Welsh economy, £275m of Gross Value Added (GVA), and around 11,980 person-years of employment. This is demonstrated by the Wales Coast Path, which alone generates £32.2m of additional demand, £16.1m of GVA, and 730 FTE of employment. In addition proximity to high quality green space increases property values and every £1 of public spend on green space projects levers in £4.20 of private sector investment, boosting regeneration.

Outdoor recreation already provides society with a wide range of valuable services. NRW is in a unique position - globally - in the way it combines so many elements of environmental stewardship in one organisation to go much further. There is so much more our organisation can do with managing fisheries, the National Nature Reserves we manage, the mountain

bike trails and pathways in our forests, adapting our Flood Risk Management schemes to provide green spaces for recreation and wildlife and developing society's understanding of the true value and benefits provided by our environment. And of course working with tourism and our partners in National Parks and AoNBs.

For example, a consistent, strategic approach to recreation and access opportunities across Wales means we can mitigate visitor impacts or direct people away from the more vulnerable areas. Developing a consistent approach to recreation planning that considers the sensitivity of the environment by encouraging behaviour change is an important part of our natural resource management approach.

It is estimated that the annual cost of physical inactivity to Wales is around £650 million per year and that one in four adults in Wales experiences mental health problems or illness at some point, with an estimated annual cost of £7.2 billion. Passive contact with green infrastructure can be psychologically and physiologically restorative, reducing blood pressure and stress levels. Participation in outdoor recreational activities is often perceived as being limited by income, ability and access. But the outdoors can offer opportunities for everyone and appropriate promotion, facilities and access opportunities can improve social inclusion. The development of path networks, urban woodlands and other green infrastructure aimed at enhancing the quality and accessibility of the local environment play an important role in improving people's health and well-being.

We have already taken large strides towards reaping the economic benefits of our amazing natural resources and more opportunities are within our grasp. Research demonstrates that gains are being made and that there is an appetite for more.

High proportions of the Welsh adult population visit the outdoors. And the numbers of adults who have met the required level of physical activity through participation in outdoor recreation in Wales is growing. Studies show that participation in outdoor recreation is helping people to 'turn the curve' and increase their physical activity levels and therefore improve their health.

Tourism is increasing. Out of around 6 million holiday visits to Wales in a year, almost 2 million visit our beaches and we sell around 60,000 angling licences every year.

### **The Path Forward!**

What do we need to do to achieve further successes? NRW's Board have agreed a strategy which draws together all the elements into an integrated whole and this is unique in the UK. In summary this will help us not only to embed the recent improvements, but to make sure that more of the people of Wales take advantage of, and benefit from, the opportunities provided to them by outdoor recreation. But we want to share this with the rest of the UK.

1. Opportunities are provided and improved that best meet people's needs for recreational enjoyment of the outdoors
2. Promotional information and engagement about recreational access opportunities are widely available in appropriate formats
3. Recreational users have an increased understanding of how to act responsibly in the natural environment
4. Effective planning for the sustainable recreational use and management of natural resources is embedded in our work



5. Effective mechanisms for the delivery of the benefits of outdoor recreational are developed and embedded in our work

Over the next five years we will focus our efforts on ensuring that we deliver to people and places which will benefit the most. We need to ensure that our activities help deliver our overarching aim of more people participating in outdoor recreation more often and at the same time contribute to the green economy.

We need to co-ordinate and integrate our work with a range of public, private and third sector organisations as well as with communities at national, regional and local levels. Our role as an enabler, facilitator and helper to others where they are best placed to deliver will be key. We will be good regulators to protect the environment, make sure that our customers are delighted and recreation and access will be key elements of our natural resources management area statements ... so watch this open space!

## **Chairman's column 10**

### **Viewpoint Wales**

*This month Peter Matthews, Chair of Natural Resources Wales (NRW), expands on the themes articulated in recent columns on the application of the principles of management – this month in the area of front line operations and trees.*

I have learned that with the inclusion of forestry in the remit of NRW and natural resources management, the most basic principles of good environmental management are the same for forests as they are for other aspects of the environment - such as water. But there are also some differences. The first is what I describe as ecological inertia, decisions made with trees take a longer time to manifest themselves and mistakes take longer to rectify. This requires us to think and plan over a longer timescale. The other is that in addition to our ecological purpose we have responsibilities to grow trees and market timber. We manage the Welsh Government Woodland Estate, which is 7% of the land area of Wales.

The terms treeland, woodland and forests can be confusing and are often interchangeable. The WG 50 year Strategy 'Woodlands for Wales', published in 2001 and updated in 2009 states that it will have a significant influence on the direction of Welsh forestry. It established the role that woodlands and trees can play in sustaining and improving the environment and lives of everyone in Wales.

Ordinary people might think of "woods" as being relatively modest in size and comprised principally of indigenous species with some traditional management such as coppicing, and "forests" being larger and comprised more of commercial species managed sustainably to produce timber.

In recent times forestry management has evolved to contribute to a diverse environment with extensive recreational opportunities for local communities as well as making a significant contribution to the economy. I am going to refer to the principles of what we are doing with all trees and when there is a specific point about managing the forests on the Welsh Government Estate I will make that clear.

It was recognised explicitly in the creation of NRW that forests, managed previously by the Forestry Commission would be integrated with the other aspects of natural resources management. We could not meet our purpose if forests had been excluded. It is clear that, with the concept of basing Natural Resources Management Areas on catchments as environmental engines, that forests are major drivers. I described in my first article how our

Area Plans will have local and cross catchment elements. Our Forest Plans are examples of the inter-catchment elements and it has been an inspiration to me to see how this matrix model is being understood and developed as we move to more integrated planning and outcomes through our Forest Resource Plans, the concepts of which are currently being piloted.

And as it turns out, we expect quite a lot from our trees, including:

- a contribution to the biodiversity of the countryside
- a pleasant appearance to the countryside
- a range of access and recreation opportunities as an ecosystem service, either by managing woods in our National Nature Reserves or within our forests
- contributions to the Welsh Government's strategy to increase tree cover
- contributions to the economy by the provision of timber as an ecosystem service and to promote the innovative uses of Welsh timber
- key elements of natural resource management where woodlands are managed to support the retention of water in uplands, abating flooding in lowlands and retaining sediment in the uplands to protect lowland water quality – key ecosystem services
- reduce carbon dioxide in the atmosphere by fixing it into the tree, particularly in our forests, and storing this through timber products and by using timber instead of products which use more carbon

Timber production must be a major contributor to the Welsh Government's aspiration to be the World's Leading Green Economy. We need better predictive models for supply and demand in future and we need innovative market mechanisms such as hedging of timber prices.

But recent events have demonstrated that the many services provided by trees and woodlands are vulnerable. The threat to our trees and whole woodlands from new diseases have materialised in Wales over the last few years. We have seen the devastating effect of *Phytophthora ramorum* - a fungal disease imported on horticultural nursery plants - on larch trees across the country. I have been amazed how easy it is to import diseases, apart from wind and insect vectors, and more needs doing on import controls. In the two years since we were established we have had to fell 3 million larch trees and are planting around three million new trees each year. We have met this challenge of doing all that we can to check the spread of the disease and to find new markets for the larch wood without affecting timber prices. Dealing with this has disrupted the planned programmes for felling, timber sales and replanting, but it has also given us the opportunity to redesign these areas to reflect new opportunities and future challenges such as improved resilience.

When we plant trees in a forest, we do so typically with a mixture of conifers and hardwood. Our focus is on how we can change the nature and species of planting to make our woodlands more resilient to future environmental threats and change. So public perception of forests will change as the years go by.

But we also have a regulatory role and that applies as much to our own enterprise activities as it does to privately managed forests. Hence, we have a clear division of roles and responsibilities in NRW. We manage our forests sustainably to meet the UK Forestry Standard and we certify under the UK Woodland Assurance Scheme, our Forest Resource Plans are a key part of that process and assessment.

Forestry plans are also a requirement under the Rural Development Plan regulations for the private sector seeking Welsh Government grants (known as Glastir) to manage existing woodlands and create new ones. The formats have been developed by the Welsh

Government to meet the requirements of the UK Forestry Standard (UKFS - the reference standard for sustainable forest management in the UK) leaving it to forest owners to further certify to UK Woodlands Assurance Scheme standards if they wish. Although the full details are still being developed they will include NRW regulatory approvals where these are required and the final Plans will be signed off as meeting UKFS, as well as grant scheme rules, as part of the approval process.

We have a long way to go. But as we move forward with the delivery of existing and new pieces of legislation in Wales, decisions over how we manage and what we deliver from Wales' public woodland estate will have to adapt in line with changing National policy. Recognising the value we can derive from sustainably managed woodland allows us to think about our wider remit for the sustainable management of all of our Natural Resources to ensure we make conscious decisions about integrated resource management, optimising the benefits for Wales. Critical to this is good customer care, reflecting on the needs of our communities and good regulation to support others towards optimising the forest resource.

As the rest of the UK reflects on how it wants to create further integration to manage our natural resources more sustainably, it might also wish to think carefully about the role of trees and how they can help optimise the benefits.

## **Chairman's column 11**

### **Viewpoint Wales**

*Peter Matthews, Chair of Natural Resources Wales (NRW) presents his thoughts on the hot issues of the day. This month he looks at the challenges involved in improving air quality in the context of one scheme where collaborative working has led to some innovative improvements.*

A constant theme running through this series of articles has been natural resource management and in particular the notion that area management will be based on catchments. It is easy to envisage this in terms of fixed environmental assets like rivers and fields, but how do we think air quality management will fit in? It obviously moves about a lot! However, the sources of air pollution are manageable as identifiable assets, which fits into the notion of integrated management. So I am going to explain how the principles are being applied in one specific example.

We breathe without thinking. And whilst we can survive without water for 3 days, we can only manage 3 minutes without the right air quality. How fragile and dependent we are on something most people take for granted and hardly ever contemplate.

The Clean Air Act of 1956 put an end to industrial smogs and the recent Industrial Emissions Directive, fondly known as IED, is electric in the atmosphere of governments and Board-rooms throughout Europe. In NRW we believe in the four pillars - environment, economy, community and knowledge. We support a thriving economy for jobs so communities are sustainable and we want to preserve our traditional manufacturing base. We also value knowledge and our experienced staff work with government and industry to write guidance so we implement the new IED standards to drive up air quality for everyone who lives, works and visits our country.

Even if we forget we have to breathe, we are frequently reminded on the news about the risks to good air quality with stories about fine sand from the Sahara or dust from European

pig farms blowing across to the UK. We depend on an air quality regime that is operated by the Local Authorities and is familiar to us as Air Quality Management Areas (AQMAs).

To get technical for a minute, the European standard allows for an annual average of 40 micrograms (one millionth of a gram) per cubic metre and a daily mean of 50 micrograms per cubic meter not to be exceeded for more than 35 days in a calendar year. So we start counting the number of exceedance days. If the 35-day threshold is breached, then there is an initial multi million pound fine followed by fine of up to 850,000 euro a day to the end of the calendar year. This fiscal measure, drives an 'invest to save' approach; it is worth investing in good air quality for the economy, the environment and people's health. New technology has driven down point-source emissions such as Sulphur Dioxide, lead and dioxins but the more stubborn ones are those from diffuse sources such as Nitrogen Oxide and particulate matter less than 10 microns per cubic metre (also known as PM10s).

In 2000, the Local Authority declared an AQMA in Port Talbot for PM10s. The principal source was recognised as the various industries on the steelworks site with the geography of the coastal location, the prevailing wind and the main M4 transport link to West Wales all contributory factors. Through our participation on the Neath Port Talbot Local Service Board (where leaders from Health, Police, Fire and Rescue, Local Authority Councillors and Officials, Probation, Housing, Industry, Education, the Third Sector and Natural Resources Wales meet to improve service delivery into communities) we championed an Air Quality Project, working collaboratively with multi-agency partners to co-produce local solutions that directly improved air quality.

The initiative delivered innovation and proven results as our ambitions for Port Talbot were raised higher and higher, providing me with confidence that new alliances will be forged through the Public Service Boards, suggested in the Welsh Government's proposed Environment Bill.

We set about the task by establishing a multi-agency working group with partners from industry, regulators, government and academics who work purely on the basis of evidence. This co-ordinated monitoring equipment and locations to give triangulation points for pinpointing sources at any one time, activity logs for reference and the latest technology to give us data on not only wind direction, PM10s and the smaller PM2.5s but also metals in the particulate matter. Working in a technical group has broken down barriers, experts poring over data has produced insights that have led to new operational procedures on sites. Reducing lorry movements and using tarmac roads is one change that has saved the companies money in transport costs, an example of how being good for the environment can also be good for the economy.

Health and wellbeing is a primary driver at Local Service Boards, so driving an air quality agenda through this channel made sense because while compliance with an EU standard is one requirement improving air quality for a community is so much more inspirational and motivating. And the community in Port Talbot is central to the project. We have organised three annual community engagement events where those who were previously viewed as complainants are now at the heart of influence. The Minister speaks alongside NRW and industry and the workshop session has generated the project ideas.

I have previously written about ecosystem services in this column and one of these ideas to improve air quality in Port Talbot is the Urban Trees Project. Planting more than 1,000 trees of the right species to improve air quality attracted a European Social Fund grant and involved schools, churches, local councillors and the community. The day planting trees at the school turned into an environmental festival with stalls and enthusiasm to inspire even

the cynics. And it didn't end there, many more trees have been planted on the steelworks site and along a recently completed new distributor road.

Focussing on health, one of the projects investigated the impact of poor air quality on residents in the AQMA. Health professionals liaised with local GPs to identify patients at risk of asthma, lung and other complaints so they could receive an alert in real time when the live monitoring data showed any increase in PM10s. Patients then changed their routines to reduce activities according to medical advice. Primary benefits were realised for people's health and wellbeing while also offering potential cost savings to the local health board through reduced emergency admissions to A & E.

These examples demonstrate that regulation alone will soon be a thing of the past. NRW is fighting for the environment on a new front, one where the economy and people also benefit.

What next? Well, we are actively sharing our knowledge and in May a delegation from the (South) Korea Environment Cooperation (KECO) asked specifically to visit Wales to learn about our natural resource management approach to regulating steelworks. The searching questions they asked and the presentation from Tata Steel Ltd demonstrated that an open and transparent regulatory approach which benefits from clear communication and early engagement signals the way ahead.

If you think that this approach would pay dividends for your area of work, we'd be delighted to discuss it with you.

# Agenda Item 9

Document is Restricted

# Agenda Item 10

Document is Restricted