

Cynulliad Cenedlaethol Cymru <a href="#">Pwyllgor Amgylchedd a Chynaliadwyedd</a>	National Assembly for Wales <a href="#">Environment and Sustainability Committee</a>
Egwyddorion cyffredinol <a href="#">Bil yr Amgylchedd (Cymru)</a>	General principals of the <a href="#">Environment (Wales) Bill</a>
Cyngor Bwrdeistref Sirol Castell-nedd Port Talbot (Saesneg yn unig)	Neath Port Talbot County Borough Council
EB 56	EB 56



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

## Environment Bill Consultation

### Brief Summary of proposed changes

**Biodiversity Summary:** The Bill proposes to strengthen the Biodiversity duty. The Council will be required to maintain and enhance biodiversity in all functions. This is intended to include promoting ecosystem resilience; which incorporates a number of aspects such as adaptability and diversity. The Council will be required to publish a report on what it has done to deliver this duty every 3 years starting in 2019. The general intention is to mainstream and integrate biodiversity into decision-making and policy throughout all activities undertaken by the Council.

**Natural Resource Management:** Welsh Government will be charged with introducing a national policy for natural resource management; NRW are then required to produce Area Statements, in consultation, setting out how natural resources should be sustainably managed in a particular area (e.g. Tawe River Catchment). The Council will be required to provide information and assistance to NRW to develop the area statements and to help implement the actions identified within the individual Statements. If the Council does not engage/cooperate they can be directed to do so by the Welsh Government. It is however in the interests of the Council to engage/cooperate as it will also help the Council meet the biodiversity requirements set out above and it links in with the requirements of the Well-being of Future Generations Act.

### Responses to specific Questions within the Consultation

#### 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 natural resources does not include a reference to habitats and generally the important connections between the items listed, to form a functioning ecosystem. It is understood from the explanatory memorandum that this exclusion has been purposefully made as the sustainable management definition will include this functioning and wider scale. However, as the natural resources definition does not include reference to ecosystems or this wider scale functioning, the link between the natural resources and the sustainable management definitions is unclear. There appears to be a gap in explanation between the definition of natural resources and their management.

In reference to sustainable management definition, sub-section 2 includes reference to the 'resilience of ecosystems' within the objective. No definition of ecosystem or resilience of ecosystems is included. These are complicated concepts to fully understand, particularly to anyone with little or no ecological training. Qualifying these terms would be considered helpful to aid implementation, transparency and general understanding of the legislation within the wider community. In addition, as above, the

link between this definition and the natural resources definition needs to be clearer; they use different terminology that is not explained. There is a jump between the definition of natural resources and items listed under it and the ecosystems approach to be delivered in management. There is no definition of ecosystems to explain that these include all of the natural resources as defined by that definition along with the connections between them.

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

The content of the policy is not expressed in the bill and as such it not possible to provide further comment. The intention to set priorities and opportunities for the sustainable management of natural resources is supported.

***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?***

The consideration of local context in the delivery of the national policy is supported; however it is not clear how this new approach will fit with existing and emerging land-use policy at a local and regional level. It is not clear what issues will be considered in the area statements and what outcomes will be expected to be delivered and whether any conflicts may result with existing local plans. As the statements will be developed in consultation we look forward to contributing towards the statements and working towards common objectives.

Without the overarching national policy it is unclear what should be covered by the area statements; however we would suggest that a robust evidence base detailing the existing natural resources and their services is made available for each area to ensure that the statements are appropriately targeted.

It is also unclear what scale the areas will cover and what mechanism will be applied to decide on that scale. To date river catchments have been utilised but it may be the case that the scale would need to differ depending upon the intended outcome.

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

The strengthening of the biodiversity duty and the intention to mainstream this issue across all Public Authority functions in Wales is welcomed however specifically in relation to the wording set out in the bill it is unclear what the 'seek to' is intended to mean. Further clarification would be welcomed in this respect. As the biodiversity duty is intended to be applicable to all functions of Public Authorities further explanation as to what would be required to be able to demonstrate implementation would be helpful along with guidance. The potential cost of an increase in this duty must also be borne in mind especially given the reducing budgets which are becoming increasingly evident across all public authorities.

Subsection 2 includes numerous references to ecosystems; again no definition and explanation is provided for the lay-person and further guidance would be helpful to enable these items to be fully understood and requirements met.

Whilst it is understood that the intention is to mainstream this issue within all functions of Public Authorities, the concepts involved are not necessarily easily understood out with biodiversity staff. It is considered likely that Local Authority biodiversity staff resources will be significantly impacted by the change; particularly in the early stages of implementation of the new 'ecosystem' approach. Given that this resource is reducing within Public Authorities, appropriate funding must be identified in order to deliver upon this additional duty.

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

It is welcomed that a mechanism to ensure long term security of land and any delivery work is included.

A key element of this Bill and the Well-Being of Future Generation Act is to encourage more innovative working. By supporting NRW in relation to experimental powers it is considering that the flexibility and innovation needed to react to future issues and change, over a long period of time, will be promoted.

## **Part 2: Climate Change**

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

Nil Response

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

***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?***

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

***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?***

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

## **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?***

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

Plastic carrier bags have a significant impact upon the environment and whilst it would be welcomed that profits be targeted where the need is most within our communities at least some should be specifically focused on delivery of initiatives to minimise the damage that plastics have within our environment; both in respect of the terrestrial and marine environments.

#### **Part 4: Collection & 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?***

***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. It is an expectation upon domestic collections and also needs to apply to non-domestic producers of waste if the principles of working towards a circular economy are to succeed. This also provides greater financial efficiencies to business as well as improving future environmental carbon efficiencies. However the ability of some business in high density locations to comply with this requirement may however require more than one approach to collection.

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

Yes in so far that banning recyclable waste from incineration promotes a higher recycling society that can benefit economically and environmentally. EfW can however play a part in the production of energy and diversion of waste from landfill for materials that are recyclable but contaminated and therefore of low quality or no economic value. There could also be 'emergency' occasions when short term landfilling is the only practical and sensible option.

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

NPTCBC has responded to the waste regulations and provides a collection service for separated recyclable waste. It is the Council's policy for commercial waste producers to recycle their waste. Collections are not provided to organisations not prepared to recycle their waste. This has affected the level of income generated since some waste producers are not prepared to recycle their waste and regulations upon commercial waste producers to segregate their will not be in place until January 2017.

The council is currently working towards maximising recycling and composting to meet future targets and achieve its goals concerning sustainability in waste management. On the basis that the council can extract key recyclable waste from the residual waste stream without affecting the quality of SRF currently produced there will not be any significant impact upon the council in future.

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

NA

#### **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?***

***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?***

The inclusion of powers to protect Wales' important marine environments is supported.

***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?***

The inclusion of powers to protect Wales' important marine environments and to act to prevent any harmful operations is supported.

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

## **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?***

Currently there are two separate working groups, the Carmarthen and Swansea Bay Coastal Management Group and the South Wales Flood Risk Management Group. These groups are both attended by the WLGA who feed any issues up to the WG. There is similar officer membership on both group, although there is a more diverse attendance within the coastal authorities group, attendees comprise from LA, NRW, NT, CADW, Ecologists etc. whereas the SWFRMG tend to be more LA orientated. It would appear there may be benefit in combining coastal/land flooding issues under one umbrella.

***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?***

It would be sensible to use the LLFA's staff to act as agents for the Welsh Government in these situations as they would have greater local knowledge. They would also have the powers under current legislation to undertake such investigations. As part of this there should be a mechanism to allow LLFA's to recharge this time to the Welsh Government, to aid with resources.

## **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?***

The links between the Bill and the Well-Being of Future Generation Act are clear; there appears to be similar aims, especially in relation to biodiversity and ecosystems, which will aid implementation of the requirements of both. However, it is unclear how the

Bill will link with the Planning (Wales) Bill and with existing processes; particularly in relation to Area Statements and land-use /development plans and policies.

## **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).***

The costs in relation to the enhanced biodiversity duty and the change towards an ecosystems approach within Local Authorities have not been investigated fully to assess the likely costs. Whilst it is understood that the aim is to integrate and mainstream the issues to deliver more efficient working it is likely that significant and ongoing change will be required to deliver the intended outcome across all functions. The concept particularly of ecosystem resilience is not easily understood or deliverable without ecological / biodiversity staff input. The changes in approach and the likely increased pressure upon current biodiversity staff resources, that are already stretched, will have cost implications to ensure capacity is available to deliver the necessary outcomes.

***You may also want to consider:***

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

As above: the costs in relation to the enhanced biodiversity duty have not been accurately assessed as no specific measure was available to assess such. See above concerns about additional costs in staff resources.

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

A change towards a new ecosystems approach would benefit from guidance and training particularly for biodiversity staff within Local Authorities; this in turn will have cost implications.

***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 that 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?***