

Towards the Sustainable Management of Wales’ Natural Resources

Environment Bill White Paper – Consultation Responses

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

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

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

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

Please submit your comments by 15 January 2014.

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

NaturalResourceManagement@Wales.gsi.gov.uk

Data Protection

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

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

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 If someone has asked for their name and address not to be published, that is an important fact we would take into account.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be important reasons why we would have to reveal someone’s name and address, even though they have asked for them not to be published.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

Environment Bill White Paper

23 October 2013 – 15 January 2014

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

Question 1

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

Yes

No

Please provide comment:

We broadly agree with the overall package of proposals and in particular we welcome the focus on integrated natural resource management. We are pleased to see the Welsh Government intends to take a thoroughgoing approach to natural resources management but are concerned that some of the concepts used in the document are defined and referred to inconsistently.

As we said in our earlier response to the Green Paper on the environment, a truly holistic approach to the environment is the key to sustainable environmental management. The subsurface plays an active role in environmental processes, providing key resources and services, and supporting others. It is fundamental to a holistic understanding of the environment and so its inclusion in the document must be consistent throughout.

The geosphere acts as a first-order control on ecosystem services and is inextricably linked to the atmosphere, biosphere and hydrosphere. We are concerned that abiotic elements of ecosystems are undervalued in comparison with biotic elements; and that the significance of the geosphere within the wider Earth system, and its interactions with the atmosphere, biosphere and hydrosphere, are not fully recognised. These aspects are not made explicit in the definition of ecosystem services and need to be.

The Welsh Government is not alone in this shortcoming in attempting to implement an ‘ecosystems services’ approach. For example, DEFRA’s June 2011 White Paper on environmental policy for England, ‘The Natural Choice: securing the value of nature’, espoused an ecosystem services approach, but neglected abiotic aspects of ecosystems and entirely omitted any reference to the geosphere. The Geological Society wholeheartedly supports the ecosystems services approach. However, we believe that its efficacy is significantly diminished if the contribution of the geosphere to ecosystem service delivery and its interactions with other elements of the system are neglected or ignored.

It is important that all aspects of the environment are covered and considered in high-level policy documents such as the White Paper, to ensure they are fully integrated into subsequent policy implementation. These fundamental principles are always harder to shape in later implementation if the foundations are not right, especially as the geoscience community has limited influence and capacity to address such shortcomings at the implementation stage. We raise these concerns not to promote the interests of professional geoscientists, but because it is vital that there is recognition of the underpinning and dynamic role of the geosphere in providing

ecosystem services, discovering and producing the energy and mineral resources on which contemporary society depends, understanding and mitigating natural hazards and understanding environmental change.

We also support the move to an area-based approach in line with EU policy as a more effective and sustainable way to manage the environment and ecosystem services. It will allow for engagement with local stakeholders who are likely to have the most relevant knowledge as well as an interest in improving the surrounding area.

Question 2

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

Yes

No

Please provide comment:

We are pleased to see the inclusion of ‘geologic and landscapes’ in the definition of ‘Natural resources, in relation to Wales’. The inclusion of the term ‘geodiversity’ in point 2.13 also helps to close the loop regarding the range of areas that together contribute to the supporting, provisional and active role of geology within ‘natural resources’. However, consideration of the geosphere is inconsistent in the document. Indeed in the opening sentence in the ministerial foreword natural resources are referred to as ‘land, air and water’ which omits both the biosphere and the geosphere. The term ‘geologic’ is included in the definition of natural resources but its links with other spheres in the environment is not made clear. Additionally, there is no mention of geology in 1.11 regarding the ecosystems approach. In terms of ecosystem services, in 2.12 there is again only the mention of ‘land air and water’. In the more comprehensive description of ecosystem services in Figure (vi) there is no explicit mention of geology and the geosphere, nor does it refer explicitly to the earlier outlined definition of natural resources.

What is not explicitly included is consideration of the importance of the subsurface and the geosphere as a fundamental basis to ecosystem services. The definition of ecosystems mentioned in 2.12 includes ‘land, air and water’ and in the glossary refers to ‘underlying functions such as soil formation and nutrient cycling’. These terms may imply the role of the subsurface but a more explicit inclusion is needed to prevent incomplete or inconsistent implementation in the future of the policy principles set out in the consultation document. A definition of ecosystem services that does not consider the subsurface is incomplete as understanding and characterisation of the subsurface and wider geosphere and their impact on the atmosphere, biosphere and hydrosphere play a crucial role in underpinning the processes in the environment that create educational, economic, and other opportunities.

Question 3

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

Yes

No

Please provide comment:

We agree with this approach.

Question 4

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

Yes

No

Please provide comment:

Question 5

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

Yes

No

Please provide comment:

An area-based approach provides the opportunity to generate a more focussed and integrated environmental management plan. As an example, heterogeneity within the environment in terms of water catchment, groundwater systems, geodiversity and localised climate and pollution can be very significant. A more area-based approach can incorporate this local heterogeneity to inform a more sustainable and informed environmental management plan.

Area-based approaches also offer the opportunity to engage local communities, as well as active local environmental groups, to collate observations or data they may have collected, and also work together to improve the area for everyone. This knowledge is a valuable resource.

Question 6

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

Yes

No

Please provide comment:

Question 7

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

Yes

No

Please provide comment:

Question 8

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

Yes

No

Please provide comment:

The proposal to make NRW the lead reporting authority for natural resources is sensible providing that the streamlining of services in the newly integrated NRW does not reduce the level of environmental protection undertaken for its own sake, as an unintended consequence of pursuing other objectives. There are benefits to be had from bringing together the geoscientific functions of the Environment Agency (hydrogeological services, flood risk assessment, etc) and the Countryside Council for Wales (geoconservation, protection of geologically important sites). However, care must be taken to maintain the capacities required to do these various strands of work rather than assume that Earth scientists employed by the new body are all equally able to carry out all of NRW's geoscience functions, and to do so more efficiently than was the case within its individual predecessor. Vital and varied work is done by geoscientists in NRW, many of whom are Fellows of the Geological Society. The Welsh Government should work closely with NRW to maintain the geoscience capacity required to carry out many of the proposals set out in the consultation document.

Question 9

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

Chapter 3 - Natural Resources Wales – new opportunities to deliver

Question 10

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

Yes

No

Please provide comment:

We are concerned to see that the definition of ecosystem services as outlined in Figure (vi) omits any specific mention of the geosphere, subsurface and geology. While there is mention of services such as raw materials, there is no explicit mention of the contribution of the geosphere as a whole. The benefits of a truly holistic approach to environmental management are outlined in our response to Question 1.

Question 11

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

Question 12

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

Yes

No

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

Question 13

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

Question 14

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

Question 15

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

A

B

Please provide comment:

Question 16

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

Question 17

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

Chapter 4 - Resource Efficiency

Waste Segregation and Collection

Question 18

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

Yes

No

Please provide comment:

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

Yes

No

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

Question 19

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

Yes

No

If no, please state why and an alternative.

Question 20

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

Yes

No

If yes, please identify them and explain why.

Question 21

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

Yes

No

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

Yes

No

If yes, what are they?

Question 22

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

Yes

No

If no, what other approach could we adopt?

Question 23

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

Yes

No

If yes, should this apply to:

a)
Sector

Households
c) Both

b) *Businesses and Public*

Please provide comment:

Question 24

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

i)

ii)

Question 25

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

Yes

No

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

Question 26

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

Yes

No

Question 27

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

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

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

Question 28

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

Carrier Bags

Question 29

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

Yes

No

Please provide comment

Question 30

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

Yes

No

Please provide comment

Question 31

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

Chapter 5 - Smarter Management

Marine Licensing Management

Question 32

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

Yes

No

Please provide comment

Question 33

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

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

Please provide comment

Question 36

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

Yes

No

Please provide comment

Question 37

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

Land Drainage Management / Flood and Water Management

Question 38

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

Yes

No

Please provide comment

Question 39

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

Yes

No

Please provide comment

Question 40

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

Implementation / Equalities

Question 41

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

Question 42

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

We are surprised at the lack of mention of Sites of Special Scientific Interest (SSSI) and Geological Conservation Review sites (GCR). We assume that this is covered in other policy documents but we take this opportunity to highlight the importance of geology in these protected areas.

Despite the commitment to ‘ensure that the environment and natural resources of Wales are sustainably maintained, sustainably enhanced and sustainably used’ there is still a significant backlog of nominated Geological Conservation Review (GCR) sites awaiting designation as SSSIs. GCR site designation is an essential requirement for the sustainable management of the environment. It creates protected spaces to be used by people for leisure, education and training at all levels, particularly in the Earth sciences, as well as providing a basis for future conservation of scientifically important sites.

Over 30% of the designated SSSIs in Wales are wholly or partially defined based on their geology or geomorphology ranging from quarries, presence of economic minerals and fossils to natural exposures and structural landforms. They are of economic importance, for both tourism and (in some cases) material content, as well as having cultural value and underpinning biodiversity. Furthermore, Wales’ National Parks and Areas of Outstanding Natural Beauty are largely based on their underlying geology. Future assessments of SSSIs and other designated areas may fail to recognise the extent to which their status and value are based on geology, if geodiversity is under-represented in the White Paper.
