



UK ENVIRONMENTAL LAW ASSOCIATION – RESPONSE TO THE WELSH GOVERNMENT’S ENVIRONMENT BILL WHITE PAPER

Name	Dr Norma Barry
Organisation	UKELA
Address	8 Heol Wilf Wooller Pontcanna Cardiff CF11 9JL
E-mail address	norma.barry@btinternet.com

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Introduction

The UK Environmental Law Association aims to make the law work for a better environment and to improve understanding and awareness of environmental law. UKELA's members are involved in the practice, study or formulation of Environmental Law in the UK and the European Union. The organisation attracts both lawyers and non-lawyers and has a broad membership from the private and public sectors.

UKELA prepares advice to UK Governments with the help of its specialist working parties, covering a range of environmental law topics. This response has been prepared by the Wales Working Party in consultation with the UKELA's Climate Change and Energy, Waste, Water, and Nature Conservation Working Parties.

Summary Overview

In line with UKELA's mission, the proposals to remove legislative complexity; simplify process and plans; and deliver a more joined up approach to natural resource management is welcomed. The Welsh Government should be commended for recognising that the current legislative framework for the environment is unwieldy; lacking in coherence; and sometimes unsuitable in terms of its ambitions to deliver longer term economic, social and environmental outcomes for Wales. However, UKELA is also concerned to ensure that any legislative proposals do not diminish environmental protection measures.

Throughout the paper there are references to the Future Generations Bill. It is evident that the two pieces of legislation are inextricably linked so it is difficult to consider and comment in depth on the proposals for the Environment Bill in isolation of those for the Future Generations Bill. UKELA considers it crucial that the two pieces of proposed primary legislation and the Planning Bill, relevant subordinate legislation (such as the NRW (Establishment) Order 2012) and guidance are drafted so as to ensure a coherent approach. This includes making use where relevant of shared concepts that are consistently defined and understood, but avoiding unnecessary or confusing duplication. It would be interesting to know how the notion of environmental limits will be reconciled with the objective of sustainable

development and how the inevitable conflicts will be resolved. These considerations are key to ensuring legislative coherence, and that the reforms work together effectively.

Examples of potential areas of legislative inconsistency, confusion or tension are noted throughout this response. For instance, the White Paper states that the Environment Bill is being used to ensure that NRW will be able to embed sustainable development in the delivery of its functions (para. 1.17), but sustainable development remains undefined in the proposed primary legislation and it is understood that there are no plans to define it in the Future Generations Bill. However, the NRW (Establishment) Order 2012 defines sustainability (para. 1.24). In particular, there is mention that in relation to a number of proposed Bills a range of principles are to be embodied such as: all decisions support the economy, communities and environment; the needs of future generations are considered; transparent processes are in place; communities are involved in decisions that affect them; processes are simplified; duplication is avoided; and delivery and its improvement are prioritised (para.1.27). It should be stressed that in addition, under the NRW (Functions) Order 2013, when developing proposals, Welsh Ministers are charged with ensuring that NRW's nature conservation duties are consistent with the objective of achieving sustainable development. In the interests of making robust legislation, UKELA believes that there should be the same legal definition of sustainable development in both the Environment and Future Generations Bills in order to enable consistent delivery and compliance. It is noted that there is no mention of how a test is to be applied to ensure that these duties and requirements are carried through in all relevant legislative areas.

It is apparent that living within ecological limits (i.e. sustainability) is central to this piece of legislation. NRW's approach to decision making will, therefore, be closely identified with the wider sustainable development duty under the Future Generations Bill. It will be necessary to embed the duties within institutional structures through sound and robust processes and, where necessary, the setting of meaningful indicators and targets.

Chapter 2 - Natural Resource Management

Question 1

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

Yes – subject to consideration of comments below. No

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:

In order to provide clarity and ensure robust legislation, UKELA is of the view that it is essential to include a definition of natural resources in the Bill along with those for integrated natural resource management and sustainable management. It is, therefore, pleasing to note this intention although it is not entirely clear whether an actual definition of natural resources is to be included in the Bill or whether there is to be a reliance on the rather weak English dictionary definition mentioned in paragraph 2.10. This does not adequately cover what is meant by eco-systems services. The definition of natural resources needs to be broad enough to encompass the living and non-living components of eco-systems in Wales, including species, habitats, landscapes and physical factors such as geology, air and water. It should explicitly cover terrestrial, freshwater and marine eco-systems. Reference also needs to be made to the historic and cultural influences on landscapes. Furthermore, it would be useful to include specific reference to both the ecosystem approach and ecosystem services in the definitions of integrated natural resource management and sustainable management. Despite the people of Wales being an important resource, they do not appear to be taken account of in defining natural resources.

The definition of sustainable management is closely related to that for sustainable development and this reinforces the need for its statutory definition in the Future Generations Bill. This should ensure integrated legislation as well as sound and consistent interpretation, and application of the law.

Question 3

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

Yes

No

Please provide comment:

Climate resilience and climate change mitigation are essential components of management of the natural environment. It is, therefore, important that they are embedded into integrated natural resource management at both national and local levels. However, the arrangements for measuring the impact of actions, in particular the how, whom and when need to be clear, as the potential impact of climate change on the environment of Wales could be significant and require the development of new mitigation methods.

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

On the whole an outcomes based approach is to be welcomed, but there needs to be further detail contained within the statute. In particular, it needs to be clear whether the achievement of outcomes is to be formally subject to a legal duty either in the Environment Bill or under the wider sustainable development duty in the Future Generations Bill. UKELA has concerns about the suggestion that Welsh Ministers will have the power to interpret definitions by guidance or orders (paragraph 2.20) as it derogates from greater scrutiny of policy decisions and may constitute an inappropriate manner of rule making.

The statements about how the Bill's provisions will enable positive planning by providing an integrated and consistent evidence-based, national framework which should help inform decisions to achieve sustainable economic development are welcomed together with the intention to use the evidence-based framework to inform the delivery of public services for the long term development of Wales and its people. However, it needs to be made clear how the natural resource outcomes will link to high- level outcomes under the Future Generations Bill.

Although, it makes sense to align the work on national outcomes and priority natural resource management with the timetable for the higher national outcomes under the Future Generations Bill, there appears to be some confusion over the separation and linkages of the provisions proposed for the Environment Bill and those for the Future Generations Bill. For example, it is stated that the Future Generations Bill will change the way public services prioritise activities and make their decisions, whilst the Environment Bill also has this aim in relation to the nation's natural resources. It is acknowledged that the Bills mutually support one another, but there could be potential for overlap. Furthermore, there needs to be clarity around how the Future Generations Bill's outcomes complement, rather than duplicate the setting of national and local outcomes for natural resource management under the Environment Bill.

There are some concerns over the proposal to set out actions required by statutory undertakers, as currently a number are to be exempt from the proposed sustainable development duty. It seems inconsistent to expect these companies to take actions to ensure that the management of Wales's natural resources supports national outcomes, whilst excluding them from the sustainable development duty within the

proposed Future Generations Bill.

Question 5

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

Yes **X, partly.**

No

Please provide comment:

There are concerns about the lack of detail on the linkages between a national and area-based approach, particularly as the delineation of the latter may well affect the former. Furthermore, there is potential for conflict because the National Plan is to be owned, agreed and published by Welsh Ministers, whereas responsibility for area based approaches falls to Natural Resources Wales. It is stated in the paper that NRW is already looking at ways to bring together its functions to enable integrated resource planning and consideration of operational delivery implications at various spatial areas (paragraph 2.30). This work is, therefore, taking place before the national plan is to be published in 2017-8 and implies that the area-based approach will be decided in isolation from the National Plan, which will be of greater strategic significance. In the view of UKELA, local area plans should be developed in the context of the National Plan and arrangements should be put in place for formal scrutiny of and reporting on the implications for local area approaches.

Although UKELA endorses the need for an area based approach in the context of a national policy/strategy, it stresses that defining the areas will need careful consideration. A number of aspects will need to be taken into account, such as the outcomes to be achieved; natural resource boundaries; current and possible future administrative boundaries; the proposed National Development Framework and

strategic development plans; the National Infrastructure Plan; existing environmentally designated areas; cross border issues; the marine environment; LDPs; the work of Local Service Boards and the current single integrated planning areas. The absence of reference to organisations below local authority level, such as community and town councils is of some concern. Furthermore, there is no reference to public communication and engagement on the area based approach. UKELA would appreciate information on how the public is to be involved in the process. The responsibilities of NRW in relation to the marine environment need to be clarified as currently Welsh Ministers are mainly responsible for planning and management of the marine environment.

There is a need to clarify the processes for developing and implementing an area based approach and to set out how the natural resources of areas not included in local area plans will be managed in order to help ensure that services are not impacted because of geographical limitations or boundary issues.

It is accepted that there is no necessity for the process for the area-based approach to be included in the primary legislation, provided the power for Welsh Ministers to give further direction in relation to the process, location and scope of the areas is in secondary legislation. UKELA is concerned that the latter does not appear to be proposed at present and about the lack of opportunity to review or call into question the methodologies and decisions of NRW.

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:

It is difficult to comment without further detail on the processes to be undertaken.

Question 7

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

Yes **X, partly**

No

Please provide comment:

Although there are analogies in civil emergencies and flood management legislation, it is considered unusual to introduce a statutory requirement demanding that public bodies (including statutory undertakers) cooperate, share information, jointly plan for and jointly report on the management of natural resources. UKELA is concerned about whether statutory undertakers will refuse to share information on the basis of commercial confidentiality or competition issues, and whether area-based plans will be effective in delivering more integrated resource management.

UKELA would like more detail on exactly how “other bodies” will be determined and the consequences of refusing to cooperate.

Question 8

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

Yes **X, subject to views below.**

No

Please provide comment:

UKELA is concerned about the capacity of Natural Resources Wales to report objectively on its own performance and those of others, particularly as this will need to be in line with the Future Generation Bill proposals, which at the moment do not include a definition of sustainable development. There appears to be no mention of the part to be played by the Auditor General Wales, who has a key role in monitoring the implementation of the sustainable development duty under the Future Generations Bill. UKELA is of the view that there is a need for a scrutiny process and formal responses to this from the Welsh Government and Natural Resources Wales. In the light of the AGW’s proposed responsibility to oversee public bodies’ implementation of sustainable development as a central organising principle, it may appear sensible to

require NRW to report to the AGW on their progress in relation to natural resource management as part of its commitment to sustainable development.

Question 9

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

In principle, UKELA supports the Welsh Government's aims of streamlining processes, reducing administrative burdens and bringing together disparate policies and processes.

In its nature, UKELA itself will not be affected by the proposals although its members may have to work within new structures and may have clients impacted by the changes. Such clients may be based outside Wales while engaged in projects or pursuing business opportunities in Wales. What is proposed would be new for the UK and much of Europe. This is not an objection to the proposals, but it does mean that such proposals should be well formulated in primary legislation so that the impact is readily apparent for those contemplating doing business in Wales.

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 -partly, subject to comments in response to questions below. **No**

Please provide comment:

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?

Without examples of where it would not be possible or difficult for NRW to adopt integrated resource management, it is not easy to comment on the need to introduce these experimental powers. It would be reassuring to know how the organisation will develop its capacity to take forward its experimental powers. In addition, any innovative approaches will need to be carefully monitored to assess their efficacy in achieving the Future Generations Bill's "high level purposes".

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 - subject to comments below. No

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

Whilst UKELA supports the proposal to increase the power of NRW to stimulate payment of ecosystems, there are no clear examples of how this would work in practice, in particular how duplication with other conservation management agreements will be avoided and especially where market instruments will be used. UKELA believes it would be helpful to know whether, and if so, the extent to which it is

envisaged that these payments will be private contractual arrangements or market instruments as part of the regulatory processes. If the former, then fewer powers would be required, though both approaches will have regulatory implications either by analogy to existing arrangements or in response to new property and transactional structures on which market based regimes depend. In the interests of achieving integrated legislation, it would also be useful to have information on how the proposal will tie in with conservation management agreements and other similar initiatives. It should be noted that in many contexts in which market instruments are in play, brokers and accreditors are separate from the regulatory agency and indeed the regulators oversee the work of the accreditors, who in turn police the brokers. Therefore the new powers depend on the organisational structures that are to be overseen by NRW, and until such structure is clear, it is difficult to be more specific.

In summary, the issue of new powers on top of those that already exist needs to be justified further. We note that a study on the subject has been commissioned, so would welcome an opportunity to comment further once this has been received.

Question 13

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

UKELA supports this proposal and has no further comments to offer in addition to those in the previous section. It considers the requirement to register obligations under an agreement a useful reform measure. However, it needs to be recognised that these agreements could be viewed as a burden and could potentially affect land and property values unless they are attractive, in which case they could possibly increase property values.

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?

The use of General Binding Rules (GBRs) arises in certain environmental contexts such as under Article 9(8) of the IPPC Directive. GBRs, in this context, provide for limit values or other conditions often applied within sectors to directly fix conditions or minimum standards within permits. While this suggests they will be mandatory, this is not always the case as some departure from conditions may be allowed. It is assumed that what is envisaged here will be directly binding rules. These can have advantages of regulatory transparency, administrative efficiency, and consistency/comparability within a sector. Whether or not efficiency and other advantages can be achieved depends on the size of the sector and the extent to which permit conditions can be applied in a standardised, rather than a bespoke, manner. This may vary from sector to sector. In Wales, it may be that the relatively small size of certain regulated sectors means that there are fewer gains from the use of GBRs and that any efficiency is off-set by the need to keep such rules constantly up to date.

The granting to Welsh Ministers of the enabling power to make General Binding Rules in relation to sustainable management of natural resources through secondary legislation appears to be a worthwhile proposal, subject to compliance with human rights legislation. However, the White Paper is not particularly specific on the composition of such rules. This requires careful handling to avoid claims of interference with property rights. Furthermore, the uncertainty about whether civil or criminal sanctions are to be imposed needs to be resolved in order to ensure that more efficient enforcement of environmental rules is likely to support the reduction of costs and help avoid court cases, legal challenges and judicial reviews.

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:

Whilst it may appear logical and sensible to enable Welsh Ministers to make specific changes to existing primary legislation in cases where the law contradicts the definition, purpose and objectives of integrated natural resource management, in the interests of sound constitutional law, UKELA has some concerns about secondary powers being used to amend primary legislation, unless the power is very carefully defined and restricted.

The case for the alternative proposal to combine the proposal to give Welsh Ministers the power to make amendments to NRW's functions with the proposal to allow Ministers to pre-consolidate primary legislation in relation to water and extend the scope for amending environmental legislation is not particularly clear, so it is difficult to form a view. Whilst consolidation of legislation is welcome, in cases of primary legislation UKELA is of the view that the mechanism for achieving consolidation should be through a new Act rather than delegation.

Although the Welsh Government has a long-term aspiration to consolidate legislation in relation to Wales, UKELA is disappointed that the opportunity has not been taken to do so in this instance. Whilst it is appreciated that a "tidying up" provision needs to be included in the Environment Bill, it would be good to have a time table for the consolidation exercise.

The requirements in relation to the making of orders are welcomed as they provide for wide consideration of any proposals for secondary legislation.

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.

The existing environmental legislation often applies in relation to England and Wales. For example in relation to the Flood and Water Management Act 2010, the management of water can have effects on both sides of the border. It is possible that flood works will need to be completed in Wales for the benefit of land in England (but not Wales) and vice versa.

The current legislation requires cooperation and consideration of national and local strategies and guidance in border areas. It is important that this cooperation is maintained.

This legislation has the opportunity for Wales to promote the primacy of environmental over socio and economic considerations wherever possible.

The issue is not simply one of conflict, but is a more complex question of how approaches from natural resource management will fit with other areas of environmental decision making; for example, how will this approach influence environmental impact assessment, especially where there may be arguments about the more appropriate choice of an alternative site. Will insights from natural resources management and, in particular, better understandings of ecosystem service values begin to influence environmental permitting decisions, perhaps through the application of General Binding Rules? If so, what consultative structures will be devised to ensure that this can happen? Considerable thought needs to be given to this if clear procedural rules are to be developed.

Question 17

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

Please refer to question 9 above.

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:

The proposal to give Welsh Ministers the power to extend the requirement for separate waste collection for materials not covered by existing legislation is supported. UKELA would welcome more information about how the duty in relation to commercial and industrial waste would be regulated by NRW.

The requirement in the EU Waste Framework Directive (2008/98/EC) is to set up separate collection for “**at least paper**, metal, plastic and glass” (UKELA emphasis) so it is clear that Member States have the power to go beyond this minimum requirement.

However, there is some concern about the failure to address resource efficiency in a holistic way in line with the waste hierarchy under the EU Revised Framework Directive. The consultation paper only refers to separated recycling collections, restrictions on energy from waste activities and landfill bans. These are the three

least preferred options in the Waste Hierarchy. In particular, the EU Waste Framework Directive's higher level options of waste prevention and preparing for reuse should be reflected in the proposals for the Bill.

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?

The only comments UKELA has on this question are that if grass cuttings/weeds and plants are not covered by the category of "wood", perhaps they could be included, and textiles could also be considered as a separate waste stream.

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Question 19

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

Yes *subject to the comment below*

No

If no, please state why and an alternative.

The placing of a duty on waste producers to present recyclable waste separately is supported in the light of the evident economic and environmental benefits, but subject to the findings of the study into the cost implications for SMEs unless it is necessary to comply with the EU Waste Framework Directive.

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.

UKELA suggests that the Welsh Government considers an exemption from this requirement for small businesses operating from premises where there is insufficient space to store collection containers for all seven waste streams. Examples could include small retail outlets. To prevent abuse, UKELA suggests that the burden of proof be placed on the person claiming the exemption to prove that there is insufficient storage space at the premises.

Careful consideration needs to be given to the frequency of collection of different streams of waste to ensure that the requirement to separate the waste is practicable.

Question 21

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

Yes - generally, subject to the comment below.

No

Generally, UKELA welcomes consolidation measures, but in this case it is not evident to us why the power needs to be consolidated. There is a need to have some clarity

around what might constitute recyclable or recoverable materials, in particular what would be the status of the materials under consideration if they are processed into refuse derived fuel (RDF) at a mechanical and biological treatment (MBT) plant.

The banning of specified materials from energy from waste facilities appears to be acceptable, although there may be a requirement to revise permits that are currently in force at the time.

UKELA also suggests that the Welsh Government carries out an impact assessment (if it has not already done so) of the effect of the proposed bans on existing energy from waste facilities, particularly those procured under PPP/PFI arrangements. If such facilities were to cease operation as a result of the bans, there could be considerable costs to the public authorities that procured the facilities. The Welsh Government should also consider the possibility that materials that are banned from energy from waste facilities in Wales are simply transported to energy from waste facilities in England, where there are no such bans.

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

Yes

No

If yes, what are they?

Textiles are a possibility. They are recyclable and at present large quantities are sent to landfill unnecessarily.

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

UKELA supports the development of guidance for acceptable levels of contamination in residual waste, but believes that any such guidance must be legally binding, given that the potential consequence of breaching the levels of contamination set out in the guidance would be enforcement action. Operators therefore need to rely on compliance with such guidance as providing them with protection from enforcement action.

UKELA also assumes that NRW would use the Quality Protocols developed by the Environment Agency and WRAP to determine when wastes processed for use as fuel in combustion plants had achieved end-of-waste status.

It would be helpful to know whether there are any plans for NRW to formally adopt the Environment Agency/WRAP Quality Protocols generally.

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:

The case for prohibiting the disposal of food waste to sewer and to introduce an appropriate enforcement regime is supported. However, the types of business premises to be covered by the prohibition need to be made clear and there should be appropriate financial penalties possibly linked to the sewerage charging system.

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)* Given that sewerage undertakers are responsible for enforcing the trade effluent discharge consenting regime under the Water Industry Act 1991, UKELA suggests that they be responsible for enforcing the prohibition.

- ii)* Not applicable. UKELA does not support the prohibition being applied to households, as it would be difficult to enforce a domestic prohibition.

Question 25

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

Yes

No

UKELA does not have any comments on this aspect.

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

NRW is the waste regulation authority and therefore seems best placed to regulate the duty. UKELA suggests that it would not appropriate for local authorities, as waste collection authorities, to regulate the duty.

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:

Please see the response to Question 24.

Question 28

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

None, other than the comments above in response to questions 18 to 27.

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

It is understood that this is a controversial proposal despite the fact that it is an extension to existing powers in order to cater for emerging trends or unintended consequences. The justification for enabling Ministers to set a minimum charge for types of carrier bags other than the single use bags is well made and this will require an amendment to the Climate Change Act 2008. UKELA would support this provision, provided the circumstances under which it would be exercised are clear. UKELA is of the view that there is too little differentiation between the price of a single use carrier bag and bags for life, which has led to increased use and disposal of the latter causing problems for the environment and increased use of resources.

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 **generally.**

No

Please provide comment

Generally, UKELA would support sale proceeds going to environmental charities, but recognises the value of supporting local charities delivering wider social sustainability benefits.

Question 31

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

UKELA does not have any comment on this question.

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

This is in line with the current principles of the UK Government to aim for full cost recovery in a number of areas, so UKELA supports the proposal.

Question 33

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

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

Question 34

Do you have any comments relating to the impact of the proposals?

Shellfisheries Management

Question 35

Do you agree with the proposal in relation to Shellfishery Orders?

Yes

No

Please provide comment

Yes. This is a sound proposal worthy of support.

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

UKELA supports this proposal to clarify and ensure enforcement of the law.

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

UKELA favours such a proposal, the aims of which are in line with its overall mission.

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.

Within these proposals there are potential Human Rights issues where existing rights will be affected by the legislation e.g. changes to incineration permits or shellfish orders.

Question 42

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