

Cynulliad Cenedlaethol Cymru Pwyllgor Amgylchedd a Chynaliadwyedd	National Assembly for Wales Environment and Sustainability Committee
Egwyddorion cyffredinol Bil yr Amgylchedd (Cymru)	General principals of the Environment (Wales) Bill
Ymateb gan Cyngor Sir Penfro	Response from Pembrokeshire County Council
EB 36	EB 36

Pembrokeshire County Council response to Environment (Wales) Bill NAFW 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?