



# CIWM

**National Assembly for Wales  
Environment and Sustainability Committee  
EB 48  
Environment (Wales) Bill  
Response from CIWM Cymru Wales**

CIWM Cymru Wales  
PO Box 5144,  
Cardiff, CF5 9AL

T: +44 (0) 2920 652 003  
M: +44 (0) 7921 310 245  
E : [celine.anouilh@ciwm.co.uk](mailto:celine.anouilh@ciwm.co.uk)  
W: [www.ciwm.co.uk/Wales](http://www.ciwm.co.uk/Wales)

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**

