



Environment (Wales) Act 2016

2016 anaw 3

An Act of the National Assembly for Wales to promote sustainable management of natural resources; to provide for targets for reducing emissions of greenhouse gases; to reform the law on charges for carrier bags; to provide for the separate collection of waste, prohibit disposal of food waste to sewers and provide for prohibiting or regulating disposal of waste by incineration; to make provision about several and regulated fisheries for shellfish; to make provision about fees for marine licences; to establish the Flood and Coastal Erosion Committee; and to make minor changes to the law about land drainage and byelaws made by the Natural Resources Body for Wales. [21 March 2016]

Having been passed by the National Assembly for Wales and having received the assent of Her Majesty, it is enacted as follows:

PART 1

SUSTAINABLE MANAGEMENT OF NATURAL RESOURCES

Introduction

1 Purpose of this Part

The purpose of this Part is to promote sustainable management of natural resources.

2 Natural resources

In this Part, “natural resources” includes (but is not limited to)—

- (a) animals, plants and other organisms;
- (b) air, water and soil;
- (c) minerals;
- (d) geological features and processes;

Status: This version of this Act contains provisions that are prospective.

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- (e) physiographical features;
- (f) climatic features and processes.

3 Sustainable management of natural resources

- (1) In this Part, “sustainable management of natural resources” means—
- (a) using natural resources in a way and at a rate that promotes achievement of the objective in subsection (2),
 - (b) taking other action that promotes achievement of that objective, and
 - (c) not taking action that hinders achievement of that objective.
- (2) The objective is to maintain and enhance the resilience of ecosystems and the benefits they provide and, in so doing—
- (a) meet the needs of present generations of people without compromising the ability of future generations to meet their needs, and
 - (b) contribute to the achievement of the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2).

4 Principles of sustainable management of natural resources

In this Part, the “principles of sustainable management of natural resources” are—

- (a) manage adaptively, by planning, monitoring, reviewing and, where appropriate, changing action;
- (b) consider the appropriate spatial scale for action;
- (c) promote and engage in collaboration and co-operation;
- (d) make appropriate arrangements for public participation in decision-making;
- (e) take account of all relevant evidence and gather evidence in respect of uncertainties;
- (f) take account of the benefits and intrinsic value of natural resources and ecosystems;
- (g) take account of the short, medium and long term consequences of actions;
- (h) take action to prevent significant damage to ecosystems;
- (i) take account of the resilience of ecosystems, in particular the following aspects—
 - (i) diversity between and within ecosystems;
 - (ii) the connections between and within ecosystems;
 - (iii) the scale of ecosystems;
 - (iv) the condition of ecosystems (including their structure and functioning);
 - (v) the adaptability of ecosystems.

General duties of public authorities

5 General purpose of Natural Resources Body for Wales

- (1) The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903) is amended as follows.
- (2) For article 4 substitute—

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“4 **General purpose**

(1) The Body must—

- (a) pursue sustainable management of natural resources in relation to Wales, and
- (b) apply the principles of sustainable management of natural resources, in the exercise of its functions, so far as consistent with their proper exercise.

(2) In this article—

“principles of sustainable management of natural resources” (“*egwyddorion rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 4 of the Environment (Wales) Act 2016;

“sustainable management of natural resources” (“*rheoli cynaliadwy ar adnoddau naturiol*”) has the meaning given by section 3 of the Environment (Wales) Act 2016.”

(3) In article 5—

- (a) in the heading, after “Body's” insert “ general ”;
- (b) in paragraph (1), for “purpose” substitute “ general purpose in article 4 ”;
- (c) in paragraph (3) for “functions” substitute “ general purpose in article 4 ”.

(4) Omit articles 5B and 5E.

6 **Biodiversity and resilience of ecosystems duty**

(1) A public authority must seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

(2) In complying with subsection (1), a public authority must take account of the resilience of ecosystems, in particular the following aspects—

- (a) diversity between and within ecosystems;
- (b) the connections between and within ecosystems;
- (c) the scale of ecosystems;
- (d) the condition of ecosystems (including their structure and functioning);
- (e) the adaptability of ecosystems.

(3) Subsection (1) does not apply to—

- (a) the exercise of a function by Her Majesty's Revenue and Customs, or
- (b) the exercise of a judicial function of a court or tribunal.

(4) In complying with subsection (1)—

- (a) the Welsh Ministers, the First Minister for Wales, the Counsel General to the Welsh Government, a Minister of the Crown and a government department must have regard to the United Nations Environmental Programme Convention on Biological Diversity of 1992, and
- (b) any other public authority must have regard to any guidance given to it by the Welsh Ministers.

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- (5) In complying with subsection (1), a public authority other than a Minister of the Crown or government department must have regard to—
- (a) the list published under section 7;
 - (b) the state of natural resources report published under section 8;
 - (c) any area statement published under section 11 for an area that includes all or part of an area in relation to which the authority exercises functions.
- (6) A public authority other than a Minister of the Crown or government department must prepare and publish a plan setting out what it proposes to do to comply with subsection (1).
- (7) A public authority must, before the end of 2019 and before the end of every third year after 2019, publish a report on what it has done to comply with subsection (1).
- (8) A public authority that has published a plan under subsection (6)—
- (a) must review the plan in the light of each report that it publishes under subsection (7), and
 - (b) may revise the plan at any time.
- (9) In this section—
- “Minister of the Crown” (“*Gweinidog y Goron*”) has the same meaning as in the Ministers of the Crown Act 1975 (c. 26);
- “public authority” (“*awdurdod cyhoeddus*”) means—
- (a) the Welsh Ministers;
 - (b) the First Minister for Wales;
 - (c) the Counsel General to the Welsh Government;
 - (d) a Minister of the Crown;
 - (e) a public body (including a government department, a local [^{F1}authority [^{F2}, a corporate joint committee] and] a local planning authority [^{F3}...]);
 - (f) a person holding an office—
 - (i) under the Crown,
 - (ii) created or continued in existence by a public general Act of the National Assembly for Wales or of Parliament, or
 - (iii) the remuneration in respect of which is paid out of money provided by the National Assembly for Wales or Parliament;
 - (g) a statutory undertaker.
- (10) In subsection (9)—
- [^{F4}“corporate joint committee” (“*cyd-bwyllgor corfforedig*”) means a corporate joint committee established by regulations made under Part 5 of the Local Government and Elections (Wales) Act 2021 (asc 1);]
- “local authority” (“*awdurdod lleol*”) means a council of a county, county borough or community in Wales;
- “local planning authority” (“*awdurdod cynllunio lleol*”) has the meaning given by the Town and Country Planning Act 1990 (c. 8);
- “statutory undertaker” (“*ymgymerwr statudol*”) means any of the following—
- (a) a person authorised by any enactment to carry on any railway, light railway, tramway, road transport, water transport, canal, inland

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- navigation, dock, harbour, pier or lighthouse undertaking or any undertaking for the supply of hydraulic power;
- (b) an operator of an electronic communications code network (within the meaning of paragraph 1(1) of Schedule 17 to the Communications Act 2003 (c. 21));
 - (c) an airport operator (within the meaning of the Airports Act 1986 (c. 31)) operating an airport to which Part 5 of that Act applies;
 - (d) a gas transporter (within the meaning of Part 1 of the Gas Act 1986 (c. 44));
 - (e) a holder of a licence under section 6(1) of the Electricity Act 1989 (c. 29);
 - (f) a water or sewerage undertaker;
 - (g) the Civil Aviation Authority or a holder of a licence under Chapter 1 of Part 1 of the Transport Act 2000 (c. 38), to the extent that the person holding the licence is carrying out activities authorised by it;
 - (h) a universal service provider within the meaning of Part 3 of the Postal Services Act 2011 (c. 5);

F5
...

Textual Amendments

- F1** Words in s. 6(9) substituted (21.1.2021) by [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(1\)\(e\), Sch. 9 para. 46\(a\)\(i\)](#)
- F2** Words in s. 6(9) inserted (3.12.2021) by [The Environment \(Wales\) Act 2016 \(Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty\) Regulations 2021 \(S.I. 2021/1350\), regs. 1\(2\), 2\(2\)](#)
- F3** Words in s. 6(9) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(1\)\(e\), Sch. 9 para. 46\(a\)\(ii\)](#)
- F4** Words in s. 6(10) inserted (3.12.2021) by [The Environment \(Wales\) Act 2016 \(Public Authorities subject to the Biodiversity and Resilience of Ecosystems Duty\) Regulations 2021 \(S.I. 2021/1350\), regs. 1\(2\), 2\(3\)](#)
- F5** Words in s. 6(10) omitted (21.1.2021) by virtue of [Local Government and Elections \(Wales\) Act 2021 \(asc 1\), s. 175\(1\)\(e\), Sch. 9 para. 46\(b\)](#)

7 Biodiversity lists and duty to take steps to maintain and enhance biodiversity

- (1) The Welsh Ministers must prepare and publish a list of the living organisms and types of habitat which in their opinion are of principal importance for the purpose of maintaining and enhancing biodiversity in relation to Wales.
- (2) Before publishing a list under this section the Welsh Ministers must consult the Natural Resources Body for Wales (“NRW”) as to the living organisms or types of habitat to be included in the list.
- (3) Without prejudice to section 6, the Welsh Ministers must—
 - (a) take all reasonable steps to maintain and enhance the living organisms and types of habitat included in any list published under this section, and
 - (b) encourage others to take such steps.
- (4) The Welsh Ministers must, in consultation with NRW—
 - (a) keep under review any list published by them under this section,