



**Cyfoeth  
Naturiol**  
Cymru  
**Natural  
Resources**  
Wales

FAO – Jackie Burney  
Office of the Sentencing Council  
Steel House  
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LONDON SW1H 9AJ

**Ein cyf / Our ref:**

KMM

**Eich cyf / Your ref:**

**Dyddiad/Date:** 4<sup>th</sup> June 2013

**BY EMAIL AND POST:** [consultation@sentencingcouncil.gsi.gov.uk](mailto:consultation@sentencingcouncil.gsi.gov.uk)

Dear Ms Burney

## **ENVIRONMENTAL OFFENCES GUIDELINE CONSULATION**

From 1<sup>st</sup> April 2013, the Natural Resources Body for Wales [known as Natural Resources Wales] combined the functions of the Countryside Council for Wales together with the Welsh devolved functions of the Environment Agency in Wales and the Forestry Commission in Wales.

Natural Resources Wales has been established by the Welsh Government and is a statutory body which has a regulatory and enforcement role for environmental matters in Wales. Our purpose is to ensure that the natural resources of Wales are sustainably maintained, enhanced and used, now and in the future.

Our functions are extensive. They include the management of Wales's forests and woodlands, pollution control, waste regulation, the management of water resources, flood and coastal risk management, fisheries, navigation and the safeguarding of protected sites and species.

Our aim is deliver the best possible environmental, social and economic outcomes for people and communities in Wales both now and in the future. We aim to secure compliance with legal requirements and use enforcement powers, including prosecution, where appropriate.

We welcome the proposals set out by the Sentencing Council in its Consultation on Environmental Offences and broadly support the principles set out in the Consultation document. In terms of the questions asked, we have specific comments on the following matters:-

**Q2** – We agree with the proposed grouping. We would ask that consideration be given to including offences under the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 and the Hazardous Waste (England and Wales) Regulations 2005 and Hazardous Waste (Wales) Regulations 2005.

[www.cyfoethnaturiolcymru.gov.uk](http://www.cyfoethnaturiolcymru.gov.uk)

[www.naturalresourceswales.gov.uk](http://www.naturalresourceswales.gov.uk)

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Croesewir gohebiaeth yn y Gymraeg a'r Saesneg  
Correspondence welcomed in Welsh and English

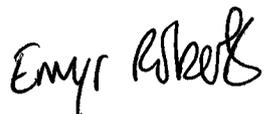
**Q14/Q16/Q18** – It is anticipated that some of our prosecution matters under the Environmental Protection Act 1990 and the Environmental Permitting (England and Wales) Regulations 2010 will be dealt with by the Crown Court where fines are unlimited. We suggest that the range of financial penalty for large, medium and small organisations be revisited to take this into account.

**Q25** - Whilst it is noted that the focus of this consultation applies to environmental offences under section 33 Environmental Protection Act 1990 and Regulations 12 and 38(1),(2) and (3) of the Environmental Permitting (England and Wales) Regulations 2010, in the event that proposals are made to extend guidelines to other regimes within our functions, please note our interest as we would welcome the opportunity to comment on any further relevant consultations.

As partners of Fly-tipping Action Wales, we also support the comments provided on behalf of the partnership.

Should there be any questions or matters arising from our response, please contact Katherine Morris, Principal Solicitor, Natural Resources Wales, tel : 029 2046 6246, email : [katherine.morris@naturalresourceswales.gov.uk](mailto:katherine.morris@naturalresourceswales.gov.uk)

Yours sincerely,



**EMYR ROBERTS**  
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