

# Agenda – Climate Change, Environment and Rural Affairs Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	Marc Wyn Jones
Meeting date: 4 March 2021	Committee Clerk
Meeting time: 13.30	0300 200 6565
	<a href="mailto:SeneddCCERA@senedd.wales">SeneddCCERA@senedd.wales</a>

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## Private pre-meeting (13.30–13.45)

In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on [www.senedd.tv](http://www.senedd.tv)

## Public meeting (13.45–16.25)

### 1 Introductions, apologies, substitutions and declarations of interest

(13:45)

### 2 Legacy work: nature recovery

(13.45 – 15.00)

(Pages 1 – 51)

Rachel Sharp, Chief Executive Officer – Wildlife Trusts Wales, representing Wales Environment Link (WEL)

Annie Smith, Head of Nature Policy and Casework – Royal Society for the Protection of Birds (RSPB) Cymru

Arfon Williams, Head of Land and Sea Policy – Royal Society for the Protection of Birds (RSPB) Cymru

Clare Trotman, Policy and Advocacy Manager (Wales) or Gill Bell, Head of Conservation Wales – Marine Conservation Society



Attached Documents:

Research brief

Paper – Wales Environment Link

Paper – Royal Society for the Protection of Birds (RSPB) Cymru

Paper – Marine Conservation Society

## **Break (15.00–15.10)**

### **3 Legacy work: food exports**

(15.10–16.25)

(Pages 52 – 60)

Gwyn Howells, Chief Executive – Meat Promotion Wales

Professor Terry Marsden – Emeritus Professor of Environmental Policy and Planning – Cardiff University

Pete Robertson, Chief Executive – Food and Drink Federation (FDF) Cymru

Attached Documents:

Research brief

Paper – Meat Promotion Wales

### **4 Papers to note**

(16.25)

#### **4.1 Correspondence from the Minister for Environment, Energy and Rural Affairs regarding the Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2021**

(Pages 61 – 62)

Attached Documents:

Letter

#### **4.2 Correspondence from the Minister for Housing and Local Government in relation to Future Wales – The National Plan 2040**

(Page 63)

Attached Documents:

Letter

- 4.3 Correspondence from the Minister for Housing and Local Government regarding the British–Irish Council (BIC) Joint Housing and Spatial Planning Work Sectors Ministerial Meeting**

(Page 64)

Attached Documents:

Letter

- 5 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of the meeting**  
(16.25)

**Private meeting (16.25 – 16.55)**

- 6 Legacy work: consideration of evidence heard under items 2 and 3**

Document is Restricted

## **Introduction**

Wales Environment Link is grateful for the opportunity to input into Committee's Legacy Report for the 5th Senedd.

## **Statutory Nature Recovery Targets**

With regard to the Environment and Biodiversity, Wales Environment Link strongly agrees with the statement by the Committee Chair, Mike Hedges MS in the report on Environmental Governance that: "Air pollution, decline in biodiversity, climate change are, in my opinion, the greatest challenges of our age." We also welcome the recent recognition from Environment Minister, Lesley Griffiths MS, that "[Wales], along with the rest of the UK and the world, have failed to make enough progress against the global targets, and the outcome of reversing the decline in biodiversity"<sup>1</sup>.

2021 will see the Convention on Biological Diversity at Kunming in China. Around the world, the hope is that this conference will be for biodiversity what the Paris Agreement was for the climate. The UK Government says it's keen to play a key role but if this is to happen, all Governments in the UK will need to show their commitment to the targets that they want the global community to adopt.

WEL believes that if the Welsh Government is serious about addressing the nature crisis in Wales it will need to show leadership, to support ambitious global targets to restore biodiversity and to commit to embedding targets in domestic law. This will provide crucial accountability and focus Welsh Government's attention on achieving the targets and milestones, in the same way we have seen happen on climate. The Westminster Environment Bill (unfortunately paused) will introduce a framework for legally binding biodiversity targets for England.

This is a win-win situation. Many of the actions that we need to take to protect threatened wildlife will also serve as nature-based solutions to flooding, soil erosion and water and air pollution and also help capture carbon to reduce net greenhouse gas emissions. We need to adopt a nature positive approach, recognising the value of nature, placing it on the path to recovery and transforming our world to one where people, economies and nature thrive.

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<sup>1</sup> <https://gov.wales/sites/default/files/publications/2021-01/ministers-written-evidence-to-senedd-scrutiny-committees.pdf> . Page 86.

## **‘The Edinburgh Declaration’**

The good news is that the Welsh Government, along with the Scottish Government, was a leading signatory of the '[Edinburgh Declaration](#)'<sup>2</sup>, which makes clear the readiness of these and many other so-called sub-national governments, cities and local authorities across the world to play a full part in delivering the transformative change needed to turn around biodiversity declines.

WEL was delighted that the issue of nature recovery targets was raised with the Minister Lesley Griffiths by the Committee Chair at the meeting on 12 November 2020. But while the Minister reacted positively, no decisions have yet been made, and WEL hopes that the CCERA Committee will urge its successor Committee to pick up on this issue where it left it.

The Well-being of Future Generations Act rightly recognises a biodiverse natural environment with healthy, functioning ecosystems as crucial to our social and economic, as well as ecological resilience. WEL hopes that CCERA will flag up the need to act in this crucial area during the next Senedd term.

## **Environmental Governance and Principles**

When the EU Transition Period ended on 31 December the role of the EU Institutions in overseeing and enforcing environmental law derived from the EU also came to an end. As the Committee knows well, we do not have legislation in place – or even on the table – to replace their role in the domestic context, and Wales is facing a protracted governance gap. WEL members remain deeply disappointed by the Welsh Government’s decision not to sufficiently prioritise environmental governance and principles in the years since the EU Referendum and that as a result Wales has made less progress than the rest of the UK in terms of closing the governance gap created by EU transition. It remains our view, given the reality that Wales’ existing legislative frameworks lack the necessary legal strength, that we now have the weakest environmental governance structures in western Europe, and that we do not currently have a timeline to rectify the situation.

Non-legislative interim arrangements for environmental governance have been introduced, as of the 1st of January. Initially, this includes a webpage (published 31st December 2020) and mechanism to raise concerns about the functioning of environmental law<sup>3</sup>. This is an interim process while a permanent body to investigate non-compliance with environmental law is being developed, and that its focus is on the functioning of environmental law, not individual breaches of environmental law.

It is clear that this mechanism is not equivalent to a system that enables citizens to bring a challenge that will lead to investigation (or remedy) of potential breaches of environmental law. The Web page states that anyone wishing to make a challenge of this nature would need to pursue “existing means of redress such as judicial review” and seek “independent legal advice for confirmation as to what might be an appropriate means of redress”.

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<sup>2</sup> <https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>

<sup>3</sup> <https://gov.wales/raising-concern-about-functioning-environmental-law>

The Interim Environmental Protection Assessor for Wales<sup>4</sup> (the Interim Assessor) is yet to be appointed. The scope of their role has diverged somewhat from that originally envisaged (to provide “a platform whereby possible instances of failure to implement or non-compliance with environmental law in Wales may be reported by individuals, private businesses or other organisations”) – as noted above, it will now be around the functioning of law rather than individual failures or breaches.

Citizens will be able to raise their concerns with the Interim Assessor via an email address and we understand will be re-directed, if their concerns would more properly be considered by a public body or the Public Services Ombudsman. Issues raised will be logged and compiled into an annual report.

The Assessor will be supported by an expert panel appointed according to relevant expertise on a needs basis. The Assessor will be able to report to the Senedd and advise Ministers on matters that indicate that laws are not being properly enforced or implemented or are not having the intended impact.

At the time of writing, WEL considers there is an urgent need for greater clarification and guidance as to the role of the Interim Assessor for potential complainants. In addition, clarity is needed on what steps the Interim Assessor will need to take should issues be reported that indicate an urgent need for intervention.

As the committee is aware, the role of the Senedd in the emerging interim and longer-term governance arrangements is yet to be considered in detail, with initial discussions scheduled to take place between the Trefnydd and Presiding Officer. WEL welcomes the Committee Chair’s correspondence to the Presiding Officer<sup>5</sup> asking for clarity on the practical operation of the complaints system and the identifying the need to attach Welsh Parliamentary Commission resources to support emerging Parliamentary procedures.

We remain concerned about the delay before permanent and statutory arrangements for a governance body and principles are established, the inadequacy of the existing interim arrangements and the extended timeframe for measures intended as temporary to be in place. It is clear that the interim arrangements do not constitute a route to environmental justice nor do they provide a substitute for the oversight and enforcement role required to replace that provided by EU institutions, as recommended by the Task Group and accepted by the Minister.

The Minister has committed to continuing to work with the stakeholder task group with the aim of bringing forward a White paper on the permanent (statutory) arrangements after the Senedd election in May<sup>6</sup>.

**Much of the groundwork for legislation has been undertaken and the urgent need for statutory provisions to get Wales on track to fill the governance gap, WEL believes that it is feasible and necessary to move to a draft bill as the next stage for public consultation and pre-legislative scrutiny. We respectfully request that the Committee support this call.**

In addition, the Welsh Government is yet to produce guidance for Ministers on the application of environmental principles after the end of the transition period.

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<sup>4</sup> <https://cymru-wales.tal.net/vx/mobile-0/appcentre-3/brand-2/candidate/so/pm/1/pl/8/opp/6860-Interim-Environmental-Protection-Assessor-Wales/en-GB>

<sup>5</sup> <https://business.senedd.wales/documents/s110111/Letter.pdf>

<sup>6</sup> <https://business.senedd.wales/documents/s110068/Letter.pdf>

The Welsh Government and the Senedd will must ensure that this work is given priority as a key element of EU transition planning, and secure resources for legal capacity, support emerging Parliamentary procedures for interim and permanent governance arrangements, and secure Parliamentary time for legislation.

**In terms of the Committee’s legacy, it will be important to continue its work on environmental governance and principles post EU transition, including:**

- **Scrutinising the implementation of interim governance arrangements by the Welsh Government;**
- **Developing the role of the Senedd in environmental governance, and in particular potential failures to properly implement, or breaches of environmental law by the Welsh Government. We note the Chair’s correspondence to the Llywydd on this matter;**
- **The emerging draft legislation required to establish a body to investigate non-compliance with environmental law and environmental principles. We urge the Committee to call for a draft Bill, based on the proposals of the stakeholder task group which have been accepted by Government, as the next stage for public consultation and pre-legislative scrutiny.**

### **Update on Environmental Governance and Principles across the UK**

The UK Government’s Environment Bill provides a framework for environmental governance and principles; and establishes a new green watchdog for England and Northern Ireland – the Office for Environmental Protection (OEP). At the time of writing, the Bill has been paused due to concerns over whether there is sufficient parliamentary time for it to pass in the current session.

In Scotland, the UK Withdrawal from the European Union (Continuity) (Scotland) Bill 2020<sup>7</sup> intends to ensure that Scottish law continues to align with EU law after the transition period. The bill gives Scottish Ministers powers to keep devolved laws similar to EU laws; ensures that Scottish Ministers and public bodies pay attention to environmental principles in policy making; and establishes Environmental Standards Scotland to replace the oversight of environmental law provided by the EU<sup>8</sup>. Environmental Standards Scotland came into existence on a non-statutory basis on 1 January 2021, with longer term plans to ‘monitor and investigate public authorities’ compliance with environmental law, the effectiveness of environmental law and how it is implemented and applied’ on a statutory footing<sup>9</sup>.

The bill also includes a duty on Scottish Ministers to consult on the effectiveness of governance arrangements, in order to assess the following:

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<sup>7</sup> <https://beta.parliament.scot/-/media/files/legislation/bills/current-bills/uk-withdrawal-from-the-european-union-continuity-scotland-bill-2020/stage-3/bill-as-passed-uk-withdrawal-from-the-european-union-continuity-scotland-bill.pdf>

<sup>8</sup> <https://beta.parliament.scot/bills-and-laws/bills/uk-withdrawal-from-the-european-union-continuity-scotland-bill-2020>

<sup>9</sup> <https://blogs.gov.scot/rural-environment/2020/12/04/update-on-environmental-standards-scotland/>



- Whether or not provisions have ensured that there continues to be effective and appropriate governance relating to the environment following the withdrawal of the United Kingdom from the EU;
- Whether the law in Scotland on access to justice on environmental matters is effective and sufficient;
- Whether the establishment of an environmental court could enhance the governance arrangements.

The Bill was passed by the Scottish Parliament before Christmas is due to receive Royal Assent in a matter of weeks. While the decision to pause the UK Environment Bill until the next parliamentary session is disappointing, it is important to stress that the groundwork already undertaken and the status of interim arrangements for England and Northern Ireland remain more advanced what we have in Wales.

## RSPB Cymru's response to evidence call for CCERA Committee Legacy Work 29 January 2021

RSPB Cymru is grateful for the opportunity to provide evidence in support of the CCERA Committee's legacy work. We have contributed to numerous inquiries during the current Senedd, and welcomed the Committee's focus and recommendations on a broad range of issues. Many of these recommendations, together with issues raised during inquiries or scrutiny work for which reports have not yet been published, remain highly pertinent; we hope they will play an important role in shaping the current Committee's legacy work and the agenda of the Committee's successor.

Our response comprises a series of short papers focusing on the following areas where we see a vital role for the CCERA Committee and its successor in the next Senedd:

- **Agriculture and food**
  - Pushing forward the transition to a Nature Friendly Food System
- **Marine and fisheries**
  - Exploring how the Wales National Marine Plan can be improved to ensure marine development in harmony with nature
  - Securing progress on Welsh Government's promised policy outputs under the Fisheries Act 2020
  - Continuing to press for progress in relation to Marine Protected Areas
  - Considering the goal of Good Environmental Status as a framing for work on fisheries and the marine environment
- **Environment and biodiversity**
  - Ensuring Wales' Green Recovery has nature at its heart
  - Setting Wales on track to drive both domestic and global ambition for nature through statutory Nature Recovery Targets
  - Securing robust, independent Environmental Governance and EU Principles enshrined in Welsh legislation as swiftly as possible.

### Summary

- Our food and farming system is responsible for ongoing wildlife declines.
- At the same time, we are failing to feed ourselves well whilst also threatening future production capacity.
- By reshaping our food and farming system to cater for sustainable and healthy diets based on nature friendly farming we can deliver better outcomes for people, nature and our climate.
- A range of policy tools will be required to move to a system which safeguards both farmland wildlife and nature in the wider environment (both at home and overseas) as well as delivering social, cultural and economic benefits.

### Food System Commission

RSPB Cymru is a member of [Food Policy Alliance Cymru](#) (FPAC). The Alliance launched a [Manifesto](#) which includes our central ask that within its first year of office, the next Welsh Government should appoint an independent, **cross sector Food System Commission**. This commission should be tasked with developing a roadmap to deliver a *Food System Fit for Future Generations*, aligned with the principles of agroecology. Sitting beneath this ask are 6 main priorities: -

1. **Food for all:** Wales becomes the first nation to eliminate the need for food banks by 2025. Everyone in Wales has access to the food they need in a dignified way, in order to live a healthy life.
2. **Food for public health:** 75% of Eatwell's recommended vegetable consumption is produced sustainably in Wales for Wales by 2030.
3. **Net zero food system:** Develop a plan by 2022 to deliver a net zero food system to ensure swift assessment and implementation of actions for Wales. The target is for Wales to have a Net Zero Food System by 2035.
4. **Farming for nature and climate:** Create a roadmap by 2022 to adopt agro-ecological principles across the whole food system, including 100% agro-ecological production by 2030 on all farms in order to halt and reverse loss of nature and increase climate resilience.
5. **Sustainable seafood:** Setting catch limits (without further delay) which enable fish stocks to be restored and maintained above biomass levels that deliver the Maximum Sustainable Yield.
6. **Sustainable food sector jobs and livelihoods:** Everyone who earns their living within the food system receives, or is enabled to receive, at least the living wage or a fair return for their work. Work, whether on land or sea, is free from exploitative practices, and is varied, engaging and empowering.

## Sustainable Land Management Policy

- A future Sustainable Land Management policy should be centred on *public money for public goods* that facilitates and rewards nature friendly farming. A future *Sustainable Farming Scheme* should pay farmers for delivering services that are currently not awarded by the market, such as biodiversity, clean air and water, boosting pollinators, natural flood defence and carbon sequestration.
- Payment should be made for outcomes that go above and beyond an ambitious regulatory baseline in order to secure value for money.
- It should drive agroecological farming that adopts the '[Less is More](#)' approach<sup>1</sup> to agriculture which is delivers both benefits to nature and farm businesses.
- Future policy must be appropriately funded. Research<sup>2</sup> shows that at least £273 million per annum would be needed to achieve Wales' environmental land management priorities. However, the model does not cost supporting investments such as monitoring, evaluation and transaction costs meaning that the total figure is likely to be much higher.
- Advice and guidance should be central to help farmers prepare and transition to future *Sustainable Farming Scheme*.

## Public Procurement

- Welsh Government has a real opportunity to support nature friendly farming by embedding high environmental standards into public procurement processes. Where possible, this should focus on sourcing local and regional food produced identified via certification.
- This has the added benefits of improve transparency in supply chains and developing a better understanding of where food comes from and how it is produced. This can help drive up standards, shorten supply chains and can help provide better returns for producers who currently often receive too little value for their produce.
- Labels such as Fair to Nature, Leaf Marque, Organic and Pasture Fed (or Marine Stewardship Council (MSC) labelling for seafood) are a good way to determine if the food you buy has been produced in a more nature/environmentally friendly way.
- Such procurement policies would increase uptake in a future *Sustainable Farming Scheme*, and would further encourage agroecological/regenerative farming practices in Wales.
- Enrolment in an appropriately designed *Sustainable Farming Scheme* could in itself form a demonstration of high environmental and biodiversity standards. We would encourage join up in this department.
- Public procurement can also provide an opportunity for farmers to diversify into alternative food commodities<sup>3</sup> (e.g. arable and horticulture) through creating new markets. Research has shown that increasing agricultural diversity and engagement

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<sup>1</sup>See the Nature Friendly Farming Network's [Nature Means Business Report](#) (p10 & 11) for an overview of the *Less is More* approach.

<sup>2</sup> Matt Rayment 2019 [Paying for public goods from land management: How much will it cost and how might we pay?](#)

<sup>3</sup> This could benefit nature, as farming has become specialized over the last few decades, with farms focusing on a limited number of commodities (mainly beef, sheep and dairy). This has led to a more uniform landscape, whereas nature thrives on diversity.

in agri-environment schemes can increase the stability of many farm businesses whilst also reducing negative impacts of farming on the environment<sup>4</sup>

### Sustainable Brand Values

- If Wales is set on carving a niche as a sustainable food nation, we need to **seriously address our biodiversity declines**<sup>5</sup>.
- Enrolment in an appropriately designed future *Sustainable Farming Scheme* that facilitates and rewards nature friendly farming could be used to evidence Wales' **Sustainable Brand Values**.
- However, future Agri-policy schemes must incorporate ambitious biodiversity standards e.g. The [Fair to Nature](#) standard, which includes the requirement for farmers to create science-led wildlife habitats on at least 10% of their land. We would encourage such a standard to be incorporated into a future *Sustainable Farming Scheme*.

### Globally Responsible Wales

- Welsh Government should do all within its power to eliminate imported commodities that are driving global biodiversity loss (particularly linked to deforestation).
- We recommend Welsh Government adopt the key recommendations outlined in Size of Wales, RSPB Cymru and WWF Cymru's policy document [Making Wales a Deforestation Nation](#).
- The hidden costs of our food system which is driving biodiversity loss beyond the border of Wales must be considered when developing Wales' Sustainable Brand Values<sup>6</sup>.
- Government should mandate a due diligence obligation under which businesses integrate the management of environmental (and human rights) risk and the prevention of harm comprehensively and transparently into business planning and operations. This should also result in improved fairness within supply chains as producers are supported for more sustainable and nature friendly production techniques. A robust system of oversight and sanctions is essential to ensure that power within the supply chain is not abused.

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<sup>4</sup> Harkness et al (2021) [Stability of farm income: The role of agricultural diversity and agri-environment scheme payments](#)

<sup>5</sup> [State of Nature 2019 \(Wales\)](#) highlights that 1 in 6 wildlife species in Wales is at risk of disappearing altogether, with unsustainable land management being one of the main drivers.

<sup>6</sup> For example, around 80% of the UK's imported soy (a major driver of global deforestation) is used for animal feed, particularly in poultry and pork farming in Wales.

## RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Marine and fisheries

Thank you for the opportunity to share our views on matters, on which the Committee has reported, that require further consideration and/or action. This Committee has undertaken a range of inquiries relating to the marine environment and fisheries. We thank the Committee for raising the profile of this important policy area, which is too often overlooked.

### Summary of key areas requiring further consideration and/or action

- Since the Committee's work on the Welsh National Marine Plan (WNMP), the ambitions for development (particularly renewables) within Welsh seas has grown significantly. We would welcome further consideration of:
  - How marine development can be delivered in harmony with nature; and
  - The role that marine spatial planning should play in this.
- This Committee has received numerous commitments from the Welsh Government in relation to future policy outputs to be developed under the [Fisheries Act \(2020\)](#). We hope future Committees will return to these.
- A significant proportion of recommendations made in this Committee's latest [Marine Protected Area inquiry](#) remain unaddressed. Given this, we would welcome the Committee requesting a progress update from the Welsh Government on its response.
- We believe the topic of Good Environmental Status is of relevance to all aspects of the Committee's work on marine and fisheries to date and would benefit from further consideration.

### Report: "Feedback on the Welsh Government's draft Welsh National Marine Plan"

Since the WNMP was developed, ambitions for development (particularly renewables) in Welsh seas have grown significantly. Potential impacts to marine ecosystems from marine developments include wildlife collision, disturbance, marine noise, habitat loss, and loss of access to preferred foraging areas (displacement).

The marine environment is not currently resilient and a [recent evaluation](#) shows that the status of some species, such as seabirds, is worsening. Marine planning must therefore ensure that marine development ambitions are delivered in a way which does not further hinder the achievement of [Good Environmental Status](#).

We would welcome further consideration of marine planning by the Senedd's Committees. Recommendation 1 of the Committee's report stated that "the plan should give equal weight to achieving environmental resilience and promoting 'blue growth'". It is our view that the Welsh Government needs to do more to ensure that the implementation of the Welsh National Marine Plan (WNMP) (and other marine planning outputs) support environmental resilience.

The WNMP does not have a spatial component. As Welsh seas become more crowded, we believe the marine planning system must operate at a strategic and spatial level to:

- guide the siting of developments away from the most ecologically sensitive areas;
- assess and minimise the cumulative impacts on habitats and species; and
- provide greater certainty to developers and other sectors.

Sectoral Locational guidance as currently proposed by the Welsh Government is not enough. A statutory spatial plan must look cross-sector, at either a regional or national level, to address cumulative impacts on our marine ecosystems from all marine users. A marine development plan, such as those that are commonplace on land, would be one way to achieve this. Our [briefing on marine development plans](#) (PDF 153KB) provides further detail.

As marine evidence continues to be cited as a constraint for marine planning and marine conservation in Wales, we would also welcome the Committee revisiting recommendation 7, particularly the need for a dedicated budget for evidence.

#### Report: "The impact of Brexit on fisheries in Wales"

Recommendation 4 of the Committee's report, which covers the Welsh Government's policy capacity, is of great importance to all fishery matters. Unfortunately, it is our view that insufficient progress has been made on this. The Committee asked for information in terms of staffing numbers and expertise in the Welsh Government on fisheries policy. Similar questions were also asked during the Committee's [scrutiny](#) (PDF 424 KB) of the [UK Fisheries Bill](#) Legislative Consent Memorandum's (LCM), during [inquiries](#) on Marine Protected Areas (MPAs) and during [scrutiny](#) of the 2020-21 draft budget. We understand that this continues to be a constraint for the Welsh Government's delivery of marine and fisheries work, alongside legal capacity. A cap on civil servant capacity has often been cited as a challenge for this department, which has limited its ability to externally recruit new employees with the technical expertise needed for many of the roles it requires. Indeed, the Minister has [said](#) (PDF 424 KB) to the Committee that "staffing is a matter for the civil service". We would welcome the Committee's continued examination of this matter.

Recommendation 7 of this report requires "an ecosystem-based approach" to be "embedded and enforceable in future Welsh fisheries policy". The *Fisheries Act (2020)* shall act as a framework for fisheries management across the UK. However, much of the policy detail shall be encompassed in a forthcoming Joint Fisheries Statement (JFS) and Fisheries Management Plans (FMPs). Throughout the Committee's consideration of the Fisheries Bills and Legislative Consent Memorandums (LCMs), the Welsh Government has made numerous commitments to this Committee regarding the JFS and FMPs (as well as a future Welsh Bill), [including](#) (PDF 424KB) but not limited to:

- *"I expect the JFS and FMPs to set out our commitment to MSY and to set targets, where appropriate";*
- *"I am happy to reconfirm my intention to explore whether it is appropriate to include in a future Welsh Fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives";*
- *"I remain, as before, committed to setting milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders, in the JFS";*

- *“Through the JFS, our policies for FMPs will set a long-term approach for managing our fisheries and fish stocks to secure their sustainability for future generations”; and*
- *“Although the detail of FMPs is still being worked up, I consider it to be entirely reasonable for FMPs to set out actions and timescales for recovery of stocks (where needed and appropriate)”.*

There is a requirement, within the *Fisheries Act (2020)* to lay a consultation draft of the JFS before the appropriate legislature. We believe there would be merit in future Committees holding evidence sessions to revisit these commitments at this stage.

[Report: “The Welsh Government’s progress on Marine Protected Area management”](#)

In relation to recommendation 1 of this report, we believe clarity is still needed on how MPA management could be funded on an ongoing basis. A positive step forward would be for the [MPA steering group](#) to develop initiatives which facilitate the sharing of information on funding opportunities (to support MPA management), with a wider range of stakeholders and MPA management authorities.

The Welsh Government’s response to recommendation 1 was “our resources are focussed on delivery and improving our governance arrangements such as stakeholder engagement via the newly established WMAAG Sub-group on Marine Resilience.” Unfortunately, this sub-group has not met for a long time. We are keen to see it revived. This is also relevant to the Welsh Government’s response to recommendation 2.

Whilst the MPA management steering group (recommendation 2) has not been broadened out to include a wider range of stakeholders, we have recently had greater opportunity to input ideas to the annual MPA action plans. However, we strongly believe the MPA steering group should consider what more it could do to better engage with other MPA management authorities. The number of management authorities that participate in the group is minimal compared with the list of authorities identified in the Welsh MPA framework [document](#) (PDF 1.13MB).

Regarding the duties in recommendation 3, we are unaware of this having been taken forward despite this recommendation being accepted. Similarly, recommendation 4 (area-based approach) remains unaddressed.

Regarding recommendation 6 (staffing), we note the [letter](#) (PDF 472KB) from the Permanent Secretary to the Committee on this matter, which said:

*The Division is not currently at full strength, with 4 of the 8 agreed staff in place at this time. I can assure you that I am very much aware of the importance of this work and will prioritise staffing of this branch.*

As noted with regards to fisheries, capacity (particularly constraints on being able to recruit externally to bring in new technical expertise) continues to be a concern for the Marine and Fisheries Division. Whilst we are pleased with the progress that has been made on some aspects of policy since the appointment of a new lead for the Marine Ecosystem and Biodiversity team, this team remains severely under capacity.



Regarding recommendation 9, the Assessing Welsh Fisheries Project continues to be delayed. Indeed, there has been no new publication of material relating to the project since the Committee's report. Nor are we aware of anything having been published since this Committee's [first report](#) (PDF 1.81MB) on MPAs in 2017, by NRW or the Welsh Government. In our view, this remains one of the most pressing issues relating to this topic.

Recommendation 11 of the report asked for MPA evidence gaps to be addressed through plans. Since this Committee's report, elements of the [marine evidence strategy](#) (particularly those around marine renewables and fisheries) have been subject to discussion and input in stakeholder groups. However, a similar level of prioritisation is needed for the marine conservation components of this strategy.

Recommendations 12 – 14 relate to Marine Conservation Zone (MCZ) designation. Following a slow start, the task and finish group are now working at pace to deliver MCZ designations. However, recommendation 13 and 14 have not been met. Whilst members of the group have consistently asked for consideration to be given to mobile species and highly protected sites within this process, space has not been provided for this.

Regarding recommendation 14, whilst the Welsh Government has said that it will consider mobile species in a future process, a plan has not been developed. We believe that a more holistic approach to MCZ designation would better embed the ecosystem-approach and be less resource intensive overall. Indeed, as a minimum and as a first step, the Welsh Government could provide opportunity to propose the addition of mobile species as additional features within the MCZs that it takes forward in its upcoming consultation. We would also welcome any further discussion between the Committee and the Minister on how the MCZ task and finish group could develop this plan. It would be helpful for the plan for mobile species to also reflect the need for completion of the Special Protection Area (SPA) network in Welsh waters. Whilst work on a marine SPA sufficiency review was conducted some years back, delivery upon this has not yet commenced in Wales. It is notable, however, that [Scotland recently designated 12 new SPAs](#).

In relation to recommendation 15, there remains a lack of clarity over the replacement of some of the EU institutions and funding opportunities for marine conservation.

Given the number of recommendations that remain unaddressed for this report, we would welcome the Committee requesting a progress update from the Welsh Government on its response.

#### [Additional considerations](#)

The [Marine Strategy Regulations \(2010\)](#) require the Welsh Government and other policy authorities to take the necessary measures to achieve or maintain [Good Environmental Status](#) of marine waters by 31st December 2020. However, the joint-governmental [evaluation of progress](#) shows that this deadline was not only missed but that marine biodiversity continues to decline.

We believe the topic of Good Environmental Status in the marine environment could be a useful area for future Committees to work on. It would provide a new angle for exploration

of marine and fisheries matters, whilst also providing an opportunity to directly build upon the work this Committee has undertaken.

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Green Recovery

### A Green Recovery for Wales

Covid-19 has revealed the crucial role of the environment and natural resources as the foundation of our economy and our collective physical and mental health. A Green Recovery must therefore cut across all government departments and a number of Senedd Committees – for example, while the CCERA Committee has heard evidence on our recovery from the Covid-19 crisis in recent months, so too have the Economy Infrastructure and Skills Committee, the Health, Social care and Sport Committee and the Committee and the Equality, Local Government and Communities Committee. The CCERA Committee and its successor will have a key role in championing Wales' response to the nature and climate emergency as central to a green recovery.

### Putting Nature Based Solutions at the centre of our Green Recovery

The [Reconstructing Wales Report](#) has provided a real opportunity to put nature based solutions at the heart of a Green Recovery<sup>7</sup>. A new RSPB report has shown the economic potential of restoring nature-based solutions at scale across the UK: every £1 invested in peatland, salt marsh and woodland secures £4.26, £2.48 and £2.79 of benefit in return respectively.<sup>8</sup> An investment in carbon-rich habitat provides a clear solution to addressing the climate crisis, while investment in green jobs to restore habitat provides new employment opportunities to respond to the immediate economic impact of the pandemic while providing a vehicle for long-term transformational change.<sup>9</sup>

### This can be achieved by:

- **Investing in Nature Based Solutions** to recover carbon-rich habitat at scale to tackle the nature and climate emergency over the coming decade
- **Investing in Green Jobs** to stimulate the economy and provide long-term skills development and recover our natural habitat to enable long-term, structural change
- **Investing in a National Nature Service** to address the immediate economic effect of the pandemic and restore our land and marine habitat
- **Ensure a Green Recovery addresses existing inequalities** and creates new employment opportunities and provides skills for the future

<sup>7</sup> See WEL Report on [Principles and Tests for a Green Recovery](#)

<sup>8</sup> RSPB report due to be published March 2020.

<sup>9</sup> See WEL paper on [Jobs for a Green and Just Recovery](#)

### Investing in Nature Based Solutions

The Government Draft Budget 2021 has allocated an additional £5M for biodiversity and the National Forest, taking the overall budget to £32M. However, this does not come close to the estimated level of investment needed to meet nature priorities in Wales of £70m per year for 10 years. This figure is based on an annual need on investment for priority habitats (maintenance, creation and restoration) of £120 million in Wales, which includes £70 million capital costs for habitat creation and restoration, and annual maintenance costs of £50 million.<sup>10</sup>

### Investing in Green Jobs Green Jobs

The economic impacts of the pandemic in Wales could see long-term unemployment rise above 44,000.<sup>11</sup> The TUC has estimated the job creation potential for land, forestry and agriculture in Wales to be almost 4,000 direct jobs.<sup>12</sup> However, as outlined by the Future Generations Commissioner to the **Economy, Infrastructure and Skills Committee**, there is also a significant skills gap in Wales, with these sectors only taking in between 50 and 120 apprenticeships each year.

### Investing in a National Nature Service

The expected economic impact of the pandemic has provided an urgent need for new employment schemes. The [NRW Green Recovery Task & Finish Group Priorities for Action Report](#) has identified a National Nature Service<sup>13</sup> as a priority action for a Green Recovery. A National Nature Service for Wales is envisaged as an employability scheme to protect and restore the environment while meeting current unemployment needs, providing training to young people (16 -24) and retraining for those recently unemployed.

A recent RSPB paper has estimated that a National Nature Service for Wales, where it provides opportunities across green jobs (including restoration and creation of priority habitats, nature-based tourism development plan, as well as creation of woodland and urban green spaces), could support almost 7,000 direct FTE jobs in Wales based on the nature related investments summarised above. Additional jobs would be created through supply chain and multiplier effects.

### Achieving a Just Transition

At a UK-wide scale, evidence has shown that lack of access to green spaces further widens the gap of positive mental and physical health outcomes between the richest and poorest in society.<sup>14</sup> The **Equality, Local Government and Communities Committee** has found that

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<sup>10</sup> Report commissioned by the RSPB, the National Trust and the Wildlife Trust in 2019; [Paying for public goods from land management: How much will it cost and how might we pay?](#)

<sup>11</sup> Based on [research commissioned by BBC](#)

<sup>12</sup> TUC Report 2020; [Job creation in Wales from a Covid recovery infrastructure stimulus](#)

<sup>13</sup> FFCC Report 2019; [Our Future in the Land](#)

<sup>14</sup> Ramblers UK Report 2020; [Why access to green space matters Report](#)

Covid-19, and the measures taken in response to it, have had a disproportionate impact on the most disadvantaged groups across Wales. In November, the **Economy, Infrastructure and Skills Committee** heard evidence on the impact of Covid-19 in highlighting and perpetuating existing inequalities.

Investing in green jobs provides a vehicle through which to address existing inequalities and achieve a just transition as part of a Green Recovery. In the short-term, investing in a National Nature Service will provide employment opportunities for those most affected by the pandemic, including young people and those currently facing redundancies. In the medium-term, investment in green jobs will also provide alternative employment opportunities to those who are currently reliant on zero hours contracts in retail or catering jobs that have seen a severe contraction in the market. In the long-term, an investment in green jobs and upskilling will create lasting employment opportunities and ensure a skill set that is able to meet the needs of the future job market.

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Targets for nature's recovery

Thank you for the opportunity to share our views on matters, on which the Committee has reported, that require further consideration and/or action. The Committee undertook a session on rewilding and biodiversity in November 2020 at which the issue of targets for nature recovery was raised. We believe this is a crucial issue for further early consideration by the Committee and its successor, to inform Welsh Government action in this year when the Convention on Biological Diversity COP15 will be taking place and setting international targets.

#### Summary of key areas requiring further consideration and/or action

- The recovery of nature and the restoration of the resources and services that nature provides, including nature-based solutions, must be central to Wales' Green Recovery.
- In the absence of a domestic framework of nature recovery targets, Wales is failing to deliver against international biodiversity commitments. The outlook – in Wales and globally – is stark. Securing the transformational change we need to restore nature requires a framework of legally binding targets and accountability, building on our existing Welsh laws.

#### Context and suggestions

At the time of writing no report of the one-off session on Biodiversity and Rewilding in Wales has yet been made available. RSPB Cymru welcomed the opportunity to participate in the session and submit evidence. The primary focus of the discussion was on rewilding, and it is our view that the 'current progress against biodiversity targets' aspect of the terms of reference for the session merits further attention in the context of the current nature crisis;

past progress against biodiversity targets; and the opportunities presented by the COP15 in Kunming this year.

The latest IPBES [global assessment report on biodiversity and ecosystem services](#)<sup>15</sup> made clear that nothing but transformational change will allow us to reverse biodiversity loss, and secure the essential services nature provides to society. The coronavirus pandemic has placed fresh emphasis on the value of nature to people, and the urgency of action for biodiversity as part of a green recovery.

The [Global Biodiversity Outlook Report](#)<sup>16</sup> concluded that the UK – and the rest of the world – has failed to take sufficient action to reverse nature’s decline. The [UK’s Sixth National Report](#)<sup>17</sup> to the CBD (prepared by JNCC on behalf of the four administrations) showed the UK missing 14 out of the 20 Aichi Targets. The RSPB’s [Lost Decade Report](#)<sup>18</sup> found an even worse picture. The [State of Nature 2019](#)<sup>19</sup> Report highlights that 1 in 6 species in Wales are threatened with extinction, and the latest [State of Natural Resources Report](#)<sup>20</sup> (SoNaRR) summary finds that ecosystem resilience in Wales is declining in line with global trends. The [Welsh Government Draft Budget 2021-22 evidence paper](#)<sup>21</sup> presented to the Committee in December 2020 states that *“As a Government we have acknowledged the escalating nature emergency and that we, along with the rest of the UK and the world, have failed to make enough progress against the global targets, and the outcome of reversing the decline in biodiversity.”*

**Decades of international targets under the CBD have not been sufficient to drive the action needed to stop the loss of biodiversity in Wales.** The international framework of the UNIPCC has led to decarbonisation targets being set, planned for, and reviewed, under domestic law. The international recognition of the nature crisis and calls for transformative change must similarly be met with improvements in domestic ambition and accountability – i.e. **legally binding nature recovery targets.**

We have welcomed the Welsh Government’s support of the [Edinburgh Declaration](#)<sup>22</sup>, under the UN Convention on Biological Diversity (CBD). The Declaration emphasises the critical role of sub-national governments under the CBD and calls for transformative change to turn around biodiversity decline. We further welcome the statement in the Draft Budget evidence paper that Welsh Government officials are *“currently working with the UK biodiversity*

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<sup>15</sup>[https://ipbes.net/sites/default/files/ipbes\\_global\\_assessment\\_report\\_summary\\_for\\_policymakers.pdf?file=1&id=35329&type=node](https://ipbes.net/sites/default/files/ipbes_global_assessment_report_summary_for_policymakers.pdf?file=1&id=35329&type=node)

<sup>16</sup> <https://www.cbd.int/gbo/gbo5/publication/gbo-5-spm-en.pdf>

<sup>17</sup> <https://data.jncc.gov.uk/data/527ff89f-5f6b-4e06-bde6-b823e0ddcb9a/UK-CBD-6NR-v2-web.pdf>

<sup>18</sup> [http://ww2.rspb.org.uk/Images/A%20LOST%20DECADE%20FOR%20NATURE\\_tcm9-481563.pdf](http://ww2.rspb.org.uk/Images/A%20LOST%20DECADE%20FOR%20NATURE_tcm9-481563.pdf)

<sup>19</sup> <https://www.rspb.org.uk/our-work/state-of-nature-report/#:~:text=The%202019%20State%20of%20Nature,Arctic%20skuas%20and%20Scottish%20wildcats.>

<sup>20</sup> <https://naturalresources.wales/about-us/state-of-natural-resources-report-sonarr-for-wales/>

<sup>21</sup> <https://gov.wales/sites/default/files/publications/2021-01/ministers-written-evidence-to-senedd-scrutiny-committees.pdf>

<sup>22</sup> <https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>

*framework, the sub-national regions and governments and the Convention on Biological Diversity to develop ambitious indicators and targets for the next decade".* What is not yet clear is whether these targets will be given the statutory footing that is clearly needed in order to drive meaningful and effective action that delivers results for nature.

The Environment (Wales) Act requires an integrated approach to managing natural resources to improve the resilience of our ecosystems and the benefits they provide us. The framework for the sustainable management of natural resources set out in the Act involves an iterative approach – evidence (SoNaRR) informs policy (the Natural Resources Policy) which should drive delivery (including via Area Statements). However, the framework does not set out what success looks like – what progress must be made, longer term and in a five year cycle, to assess whether we are on track to reverse nature’s decline before it is too late.

As we have for decarbonisation, we need both long-term targets and five-yearly milestones against which the Welsh Government can be held to account for nature’s recovery. If a milestone is not met, Government will need to analyse and explain why, and effect the necessary policy and regulatory changes to address this. The aspects of resilience of ecosystems set out in the Environment (Wales) Act provide a framing to identify the appropriate targets, which must include measures of species (abundance, distribution and extinction risk) and habitats (condition and scale/extent). The [Nature Recovery Action Plan for Wales](#)<sup>23</sup> recognises the need to improve evidence, understanding and monitoring and work is planned on a framework of biodiversity indicators for Wales. This is neither legally binding nor equivalent to a targets framework but this work should help identify key measures and highlight gaps, e.g. in monitoring, that need to be addressed.

The UK Government’s Environment Bill places duties on the Secretary of State to set targets for England, including biodiversity targets, in secondary legislation. We want to see a similar approach in Wales – a time-bound duty on the Welsh Minister to set targets via secondary legislation to enhance the framework that already exists under the Environment (Wales) Act. There is a clear opportunity for promised legislation on post-Brexit environmental principles and governance to be used to bring forward a target setting framework.

Nature targets will be key to monitoring whether a green recovery is being successfully delivered, and public investment is securing the right results. In her [manifesto report](#)<sup>24</sup>, the Future Generations Commissioner for Wales sets out a key recommendation to “*establish nature recovery targets on land and sea including the completion of the protected site network*”. The CCERA Committee has previously recognised the importance of specific targets for biodiversity restoration in relation to monitoring the effectiveness and value for money of the future Sustainable Farming Scheme in its 2019 [report](#)<sup>25</sup> on the role of the scheme in restoring biodiversity.

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<sup>23</sup> <https://gov.wales/sites/default/files/publications/2020-10/nature-recovery-action-plan-wales-2020-2021.pdf>

<sup>24</sup> <https://www.futuregenerations.wales/wp-content/uploads/2020/10/Manifesto-for-the-Future-FGCW1.pdf>

<sup>25</sup> <https://www.assembly.wales/laid%20documents/cr-ld12831/cr-ld12831%20-e.pdf>

Targets set in law will provide stability across successive governments, giving clear context for public delivery and innovation by business. The [Aldersgate Group](#) (a multi-stakeholder alliance including some of the largest businesses in the UK) has [welcomed](#)<sup>26</sup> the establishment of legally binding long-term targets for England via the Westminster Environment Bill. They say, *"it is important that the targets provide much-needed clarity on long-term policy development and a stable investment environment. Clear targets establish a framework for government policies, subsidies and regulations within which businesses can receive predictable revenues from investing in more resource efficient and environmentally restorative business models. Ambitious targets can also create a regime whereby businesses are incentivised to go above and beyond minimal compliance baselines"*.

We believe that there is an important opportunity for the Committee and its successor to build on discussions to date on the topic of biodiversity and nature recovery targets, exploring such areas as:

- What would constitute ambitious and robust suite of nature recovery targets for Wales
- Ensuring progress and accountability on nature recovery, and the role of statutory targets in this
- Giving nature targets parity with climate targets, following Welsh Government acknowledgement of the nature emergency
- Results of the State of Natural Resources Report and the soon-to-published SSSI evidence review for Wales, and the implications of this for action on nature recovery and targets
- Resourcing and delivery mechanisms needed to achieve nature recovery targets in Wales, including for monitoring to track progress
- Prioritising nature-based solutions that deliver for both climate and biodiversity as part of green recovery

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<sup>26</sup> <https://www.aldersgategroup.org.uk/blog/the-environment-bill-is-urgently-needed-to-set-direction-of-travel>

## RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Environmental Governance and Principles

### Background

RSPB Cymru took part in the Stakeholder Task Group convened to advise the Welsh Government on post Brexit environmental governance, and we welcomed the Minister's acceptance, or acceptance in principle, of the group's recommendations for new legislation to embed core environmental principles in Welsh law, and establish an independent governance body.

However, as the Committee knows well, legislation has not yet been brought forward in Wales, nor is there a clear timetable to do so. As a result, contrary to Welsh Government commitments, our environmental protections are weaker now that the EU transition period has ended.

### Interim arrangements

Non-legislative interim arrangements for environmental governance have been introduced with the publication of a [webpage](#)<sup>27</sup> on 31 December 2020. An Interim Environmental Protection Assessor for Wales<sup>28</sup> (the Interim Assessor) is yet to be appointed.

It is clear that this interim mechanism is not equivalent to a system that enables citizens to bring a challenge that will lead to investigation (or remedy) of potential breaches of environmental law. The webpage states that anyone wishing to make a challenge of this nature would need to pursue "existing means of redress such as judicial review" and seek "independent legal advice for confirmation as to what might be an appropriate means of redress".

Instead, under the interim arrangements, people will be able to raise concerns about *functioning of environmental law*.

Clarification and guidance as to the role of the Interim Assessor, for the public audience, is needed. In addition, clarity is needed on what steps the Interim Assessor will need to take should issues be reported that indicate an urgent need for intervention.

The Welsh Government has stated that, in the interim period before legislation is passed, the core EU environmental principles will continue to be applied by Welsh Ministers. However, guidance for Ministers on the application of environmental principles after the end of the transition period has not yet been published.

As the committee is aware, the role of the Senedd in the emerging interim and longer-term governance arrangements is yet to be considered in detail, with initial discussions scheduled

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<sup>27</sup> <https://gov.wales/raising-concern-about-functioning-environmental-law>

<sup>28</sup> <https://cymru-wales.tal.net/vx/mobile-0/appcentre-3/brand-2/candidate/so/pm/1/pl/8/opp/6860-Interim-Environmental-Protection-Assessor-Wales/en-GB>



to take place between the Trefnydd and Presiding Officer. We welcome the Committee Chair's correspondence to the Presiding Officer on this matter.

The Minister has committed to continuing to work with the stakeholder task group with the aim of bringing forward a White paper on the permanent (statutory) arrangements after the Senedd election in May<sup>29</sup>. However, as noted above, the need for legislation to address the governance gap is urgent. Given that much of the groundwork for legislation has already been undertaken, **we are calling on the Minister to commit to a draft Bill as the next stage for public consultation and pre-legislative scrutiny. We respectfully urge the Committee to support this call.**

In terms of the Committee's legacy, it is vital that its work on environmental governance and principles post EU transition is continued, including:

- Scrutinising the implementation of interim governance arrangements by the Welsh Government, and the Interim Assessor once established;
- Scrutinising Welsh Government interim guidance on the application of the environmental principles;
- Developing the role of the Senedd in environmental governance;
- Pressing for legislative proposals – a draft Bill – to be brought forward swiftly as the next stage for public consultation and pre-legislative scrutiny.

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<sup>29</sup> <https://business.senedd.wales/documents/s110068/Letter.pdf>

**Senedd Cymru**  
**Y Pwyllgor Newid Hinsawdd,**  
**Amgylchedd a Materion Gwledig**  
**Gwaith gwaddol**  
**CCERA(5) LW05**  
**Ymateb gan Cymdeithas Cadwraeth**  
**Forol**

**Welsh Parliament**  
**Climate Change, Environment and Rural**  
**Affairs Committee**  
**Legacy work**  
**CCERA(5) LW 05**  
**Evidence from Marine Conservation**  
**Society**

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Thank you for providing the Marine Conservation Society (MCS) with the opportunity to deliver feedback on the environmental legacy of the 5<sup>th</sup> Assembly term.

MCS is the UK's leading marine charity. We work to ensure our seas are healthy, pollution free and protected. Our vision is for seas full of life where nature flourishes and people thrive. We have actively been working in Wales to improve the health of Welsh seas for the past 13 years.

We are primarily providing feedback to the 2019 MPA inquiry and the 2019 Plastic Pollution and Packaging Waste inquiry. We have set out our response to each recommendation separately, with a text box that includes key recommendations for the 6<sup>th</sup> Assembly and future Government.

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## Marine Protected Areas inquiry, Nov 2019

### Summary

We would like to thank the Committee on the production of their report into the [Welsh Government's management of Marine Protected Areas in Wales](#) (November 2019) and for all of their support in trying to raise the profile of marine and fisheries management throughout the 5<sup>th</sup> Assembly term.

Although we feel there is still a long way to go in getting resources and priority for marine management within Government, we can positively reflect of the fact that since the start of this Assembly term, **we now have a Marine Plan, Marine Area Statement**, and have begun the process of identifying MCZs in Welsh waters. We would like to thank the Committee for their part in pushing the marine agenda, through their various inquiries and follow up reports.

That said, **there is still much work to do** if we are to achieve "[safe, healthy and biologically diverse seas](#)"; a requirement of the Marine and Coastal Access Act, 2009. For instance, we still need:

- Greater priority given to implementing sustainable fisheries management: **Fisheries consultations and regulations are already severely delayed**, compounded further by the

equally pressing need to work on Welsh and joint UK future fisheries policy, now that we are no longer part of the European Union. □ Better management of pressures and threats on marine wildlife: Our marine biodiversity remains under pressures from numerous sources. NRW's most recent Indicative Feature Condition Assessments for European Marine Sites (EMS) highlight that **almost half of MPA features remain in unfavourable condition**, and in 2019, it was determined that 11 out of 15 indicators for healthy seas are failing to achieve Good Environmental Status.

- Greater effort to tackle marine pollution: Marine litter continues to blight Welsh beaches, water quality issues continue to persist, and **action (not words or more strategies!) is desperately needed** if we are to turn the tide on pollution.

If people living in, and visitors to, Wales are to continue to benefit from the goods and services that our marine environment provides, **we must start to fully invest in our seas' recovery** before it is too late to do so.

We hope that the future Committee will continue to raise the importance of marine and fisheries to Wales, highlight management issues, and the need for adequate resourcing of the Marine and Fisheries Division and legal capacity for fisheries enforcement in Welsh Government.

## Updates to the 2019 report on Management of Marine Protected Areas (MPAs) in Welsh Waters

The report outlined some excellent recommendations for the Minister, principally the **need for greater leadership, resources and changes to existing ways of working** if the Welsh Government is to secure effective management of their internationally important Marine Protected Areas in Welsh waters.

Back in 2013, the then Environment and Sustainability Committee highlighted similar concerns within their [Inquiry into Marine Policy in Wales](#), their [Marine Policy follow up reporting in 2015](#), and again in the [Committee's Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management](#) in 2017.

With that in mind, MCS were disappointed that in her response to the Committee's 2019 report, the Minister for Environment, Energy and Rural Affairs **failed to address some key ongoing concerns** of the Committee. As a result of this, her response did not recognise the need to prioritise and fund recommendations appropriately.

In light of COVID-19 and Brexit, we are happy to provide an update to the Committee on how we feel their recommendations have progressed since 2019.

## **Recommendation 1: The Welsh Government should bring forward as a matter of urgency an ambitious strategy for MPAs.**

We are disappointed that the Minister rejected this recommendation, referencing the existence the MPA Network Management Framework and Action Plan as the justification for doing so.

### MPA Network Management Framework

The current Framework, which is set for 5 years, was not consulted upon and the majority of marine stakeholders did not have access to it until it was finalised and published. As this was developed by the Steering Group (including the management authorities who would have to deliver on any changes), it was not subject to adequate scrutiny and is very much a continuation of existing practices. These existing practices demonstrate a lack of ambition and radical thinking, which is required to overhaul historic mismanagement of MPAs, and bring them back to favourable conservation status.

One way to do this would be to include **milestones** and **targets for recovery** of those features currently in unfavourable conservation status and for the whole network. **We would urge the next Government to adopt such an approach.**

In order for the Marine and Fisheries Division to apply the Wellbeing Ways of Working (a requirement of the Wellbeing of Future Generations Act) future decisions taken on the framework should be **collaborative, involve a wide range of stakeholders and should improve on funding decision transparency.**

### MPA Network Management Action Plan

The Action Plan itself retrofits, in many cases, already-existing projects in Wales to demonstrate the work being carried out on MPAs (only as far as existing funding will allow). Many of the **actions are investigatory** in nature (i.e. actions focussed on gathering more evidence, rather than taking a precautionary approach and putting in place actions to resolve mismanagement).

One huge drawback of the Action Plan is that 'actions' are limited to being network-wide, meaning that there is no clear way to collate and identify funding for actions that will directly improve the condition of individual MPA features. Where there are local actions (individual MPA actions in the Plan), these tend to be 'ad hoc' and again reflects only what is already taking place. Many actions also **rely on delivery via external grant sourcing.**

Although we recognise the importance of actions at network level are required to manage the network as a whole, **we find the current Action Plan to be restrictive** and limits the much-needed improvements to individual MPAs. We strongly feel that this is a contributing factor to why so many features are in unfavourable conservation, compounded by the lack of funding for the site officers, which results in ad hoc and piecemeal actions being taken only where external funding could be secured.

Whilst we welcome the recent opportunity from the Welsh Government to suggest new actions for the 202122 Action Plan, the criteria for acceptance of these actions is very narrow and funding is not transparent nor guaranteed.

What is really needed is a plan that looks at, regardless of funding, **what needs to be done to improve the condition of features of Wales's MPAs**, rather than listing predominantly pre-existing strategic projects - hence the need for a new overall plan to supplement the strategy.

We recommend that, in the 6<sup>th</sup> Assembly term, the Framework and Action Plan should be revised collaboratively with stakeholders. A full investigation into what actions needs to be taken at a network and local level to improve the condition of MPAs is needed. These should then be actioned and prioritised, including the additional resources and funding that may be required to make that happen.

We recommend that, as part of this exercise, the next Government should be held accountable of setting **milestones** within ocean recovery **targets** to help achieve this goal.

## **Recommendation 2: The Welsh Government should discuss with the MPA Management Steering Group how it can receive input from a broader stakeholder base and additional management authorities.**

In her response to the inquiry, the Minister accepted this recommendation and suggested this is already in hand based on the creation of the Marine Resilience Sub-group. However, this is misleading.

The Marine Resilience Sub-group of the WMAAG was originally set up for different reasons than inferred in the Minister's response. The Sub-group came about from requests by WMAAG members that there was insufficient opportunity to discuss biodiversity and recovery within the time-limited meetings of WMAAG, given the scope of ongoing issues. **The Resilience sub-group was not set up as a way of involving wider stakeholders in Steering Group decisions.**

Firstly, the Resilience Sub-Group does not provide a mechanism for wider stakeholders to engage directly with discussions and decisions made on the Steering Group. Secondly, membership to the Steering Group **remains closed** and both agendas and papers are not available prior to meetings. Thirdly, minutes from these meetings are intentionally high-level only and lack detail on how decisions were reached and what issues were considered. Attempts for even observer status from the NGO community have been denied. This type of non-transparent working goes directly against the Wellbeing Ways of Working.

We remain concerned about the closed nature of this decision-making group and would ask that the next Government **review the group's ToR** and look to **widen its membership** to marine stakeholders to better support transparency and the Wellbeing Ways of Working.

**Recommendation 5: The Welsh Government should consider how the Marine and Fisheries Division will, in discussions with the five Welsh Relevant Authority Groups (RAGs), develop a more integrated approach to working with RAGs.**

We welcomed the agreement from the Minister in her response to the report to write to the Chairs of the marine Relevant Authority Groups and request their attendance at the Resilience Sub-group.

However, Welsh Government is also a Relevant Authority, yet there is no accountability or scrutiny of their actions to undertake their duties.

We would suggest that the Committee follow up with the uptake at the Resilience Sub-Group with the Minister as a result of her letter.

We would recommend some investigatory work into the attendance of the Relevant Authorities Groups to the MPA Steering Group to ensure that the Minister's letter is having traction.

We would also like to see transparency in statutory duties and accountability with milestones and targets.

**Recommendation 11: The Welsh Government should ensure that MPA evidence gaps are addressed through the implementation of the Marine Evidence and Fisheries Evidence Plans.**

Published in September 2019, the [Wales Marine Evidence Strategy 2019-25](#) outlined Welsh Government's key marine evidence gaps and their plans to address these. Whilst this is a positive

first step to understanding and filling marine evidence gaps, there are several issues with the strategy.

Firstly, the Strategy reads like a **list of evidence gaps which are driven by policy prioritisation**, rather than wider evidence gaps in our understanding of marine ecosystem functioning. This is likely to be, in part, a consequence of limited stakeholder engagement and in-house development of the Strategy. It instead would have benefited from a truly collaborative approach.

Secondly, the focus on the four key strategic policy goals (marine renewable energy, ports and shipping, aquaculture and coastal tourism) is driven by Welsh Government's blue growth ambitions, without first understanding what gaps need to be filled in our understanding of ecosystem resilience and recovery. That notwithstanding, the precautionary principle should always be applied over perceived insufficient evidence.

Lastly, greater emphasis needs to be placed on supporting a collective understanding of the role that a healthy, functioning ecosystem can bring to the wellbeing of people in Wales.

We would welcome any further correspondence between the Committee and the Minister on this matter and recommend that the next Government review the Evidence strategy to incorporate **marine ecosystem** evidence gaps.

**Recommendation 12: The Welsh Government should report back on the progress of the work of the**

**Task and Finish Group established to identify potential MCZs. The Welsh Government should ask the Task and Finish Group to bring forward proposals for consultation as soon as possible, but no later than February 2020.**

Work has now begun by Government on the identification of Broad Areas of Search in the Irish Sea and Western Channel, which are based on the identification of nationally important species and habitat shortfalls that require immediate protection. We welcome the Welsh Government's more inclusive approach to the identification of these areas through the MCZ Task and Finish Group.

That said, we are disappointed that the process by which **targets have been reached** for the area required to cover shortfalls in habitats was not discussed with stakeholders. As it currently stands, the Welsh Government is likely to only designate the bare minimum of area required to meet national targets, rather than take a more aspirational approach to MCZ site designation. This is

especially needed in the offshore area of Wales, which currently has next to no protection from damaging activities.

A word of caution for the next Government - sites are yet to be discussed in any detail with the wider public (expected Spring/summer 2021). We would **strongly emphasise** a need for a well-funded, transparent and well-facilitated public awareness campaign from the Welsh Government in the 6<sup>th</sup> Assembly, in order to avoid repeating the disastrous consequences of the 2012-13 MCZ process.

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**We would like to take this opportunity to update the Committee on other areas of marine and fisheries that are likely to be of importance for the 6<sup>th</sup> Assembly term:**

**Recommendation 3: The Welsh Government should explore whether duties for Welsh Ministers, similar to those placed on English Inshore Fisheries and Conservation authorities (IFCAs) under the Marine and Coastal Access Act (2009), should be introduced in Wales and should report back to the Committee on this matter.**

The review and dissolution of the inshore fisheries groups by Welsh Government removed a level of stakeholder engagement for fishers, with the national level Wales Marine Fisheries Advisory Group (WMFAG), now the only means of stakeholder engagement.

Unlike England, stakeholders no longer have a local authority body (previously Sea Fisheries Committee) to enable delivery of actions and to address local pressures and threats.

An independent review of the decision to take the duties of the Sea fisheries committee in-house and accountable by Welsh Ministers concluded that it had not delivered on the proposed benefits.

Currently, there are no direct conservation actions to improve MPAs within the WMFAG. It is focussed around target/quota species management. The IFCAs have a conservation remit that to date has not been apparent within the actions undertaken by Welsh Ministers.

With the passing of the UK Fisheries Act, Section 134 provides the ability to make orders to conserve marine flora and fauna or marine habitats from fishery resource exploitation. We would recommend that the future Government make use of this new power as a matter of urgency.



**Recommendation 4: The Welsh Government should develop proposals, in consultation with the MPA Management Steering Group, for an area-based approach that would see management authorities put in an amount of money to the pot which is proportionate to the protected area for which they have responsibility.**

This matter has not progressed since the CCERA made its recommendation. MCS remains concerned that in denying financial support for individual MPAs, funding to reduce local scale pressures will continue to be piecemeal, short-term and inconsistent across sites.

We recommend that the Minister encourage the Steering Group to re-consider their decision on adopting an area-based approach if the condition of MPAs in Wales are to improve. The next Government should consider how it can promote **fair and consistent financing of MPAs** in Wales, including that of MPA site officers and actions within MPA management plans.

**Recommendation 6: The Welsh Government should identify the specific number of staff in the Marine Conservation branch of the Marine and Fisheries Division and report back to this Committee.**

Since publication of the CCERA report, there has been a high numbers of Marine and Fisheries Division staff moving on from their posts. This, combined with the recruitment freeze within the Welsh Government's civil service, has resulted in the recruitment of staff with limited specialist technical knowledge and expertise that is required for some of the more complex marine and fisheries work. This, in conjunction with COVID-19 staffing impacts, has resulted in the significant delay in proposed pieces of work being taken forward by the marine ecosystems team.

Ideally, external recruitment of staff with technical specialist knowledge in marine fisheries and management would support the timely delivery of policy implementation and management of the Marine and Fisheries Division.

**Recommendation 9: The Welsh Government should explain why management has not yet been implemented as a result of the Assessing Welsh Fishing Activities (AWFA) assessments for high risk activities, which were published in 2017**

To date, no action has been undertaken to prevent continued or potential damage in Wales. The Welsh Government have had ample time to progress this. The current lack of legal

capacity to progress this now (as highlighted by the Minister in the CCERA draft budget scrutiny this month) demonstrates that it is purely a lack of prioritisation and financial resources that have delayed its delivery.

The Assessing Welsh Fisheries Activities does what it says; it assesses the risk of fishing gear impacting and damaging protected marine features, whether they are animals, plants or habitats. This is a legal requirement of the Habitats Directive (Article 6). The Welsh Government is in breach of this article by continuing to allow potentially damaging activities to continue within protected sites.

The next Government must provide the legal expertise required to take forward the consultation on AWFA as a matter of urgency. The longer this continues not to be acted upon, the greater the chance of nationally important wildlife and species being damaged, perhaps irrevocably.

**Recommendation 10: The Welsh Government should explore the desirability of making the production of site-level feature condition reports and the collection of relevant monitoring information a statutory requirement.**

NRW have produced 'indicative' site condition assessments, however these cannot be used for Article 17 reporting and are prefaced by the disclaimer:

*'The views and recommendations presented in this report are not necessarily those of NRW and should, therefore, not be attributed to NRW.'*

This leads to the conclusion that NRW do not have high confidence in their assessments of MPAs. As the Statutory Nature Conservation Body, we rely upon their judgement and advice in developing management plans. If this is in question, due to lack of data and good quality data, then why are they not advocating the use of the precautionary and preventative principle for future management of these sites?

Significantly more investment into site level monitoring and management is needed if we are to understand how best to manage these nationally and internationally important sites for nature. The next Government needs to sufficiently fund site level monitoring of MPAs.



## Plastic Pollution and Packaging Waste inquiry, June 2019

### Summary

Within legislation terms, there has been no further policies to reduce microplastics by Welsh Government since June 2018. In addition to this, despite the cross-party support, public support and urgent need, this Government term has seen a very slow pace and projections to address macroplastic. It has been stated that some required legislation will not come into effect until 2023. For the EU Single Use Plastic Directive (SUPD), this would be 2 years after the legal deadline. We outline our recommendations to the Committee for the 6<sup>th</sup> Assembly term below.

**Recommendation 1: More research is needed to address knowledge gaps in relation to nano and microplastics in Welsh waters. The Welsh Government should explore how such research can be supported, so that its policy interventions are informed by the latest knowledge.**

In June 2018, a UK ban on **microbeads** in cosmetics and personal care products came into effect. This is the **only piece of legislation to reduce plastic pollution at source** that has been passed during this Government term. Whilst we welcome this, the legislation is **too limited** and needs to include items such as sun creams, make-ups and general cleaning products that are used every single day.

Microbeads that are currently restricted under Welsh legislation only make up a small proportion of microplastics. Analyses by ECHA cites (across the EU) emissions of microbeads, i.e. from rinse-off containing microbeads cosmetics, make up only 107 tonnes per year whereas cosmetics in total emit 9300 tonnes/year. In addition, other sources of emissions include detergents (9700), agriculture (23500), paints (5,200) and medicinal (2,300). Therefore, **restrictions implemented by REACH should be invoked as a minimum.**

We recommend that existing microplastic legislation is broadened to include all other products containing microbeads. For further information, please see our work on the ban of microbeads in additional products, [here](#).

**Microfibres** are a key microplastic pollutant. It is believed that over 700,000 microfibres are released into our waters with each clothes wash. There are simple measures that can be taken to reduce this.

We would greatly welcome legislation that will see washing machine manufacturers fit microfibre filters in all new domestic and commercial machines by law by 2023 and retrofitted in commercial machines by 2024.

In addition, the next government could work with water companies to supply low-income families with a microfibre-catching bag (such as a guppybag). These currently retail at £25, which is beyond the means of many people.

## REACH

REACH stands for the Registration, Evaluation, Authorisation and Restriction of Chemicals (2007). This is an EU regulation that came into effect on 1 June 2007. Chemicals can potentially pose a threat to humans and the environment. REACH provides the regulations that help reduce these and covers both industrial and domestic products including cleaning products. This includes cleaning products, furniture, paints and clothes – hence, **microplastics are included under REACH**.

Any product that contains intentionally added microplastics is by definition a single use plastic as the plastic is too small to be recovered. As the UK exits the EU, we are also leaving REACH, which is consulting on restricting the use of intentionally added microplastics. ECHA's (European Chemicals Agency) committee for Risk Assessment (RAC) supports the proposal to restrict the use of microplastics that are intentionally added to products on the EU/EEA market, in concentrations of more than 0.01% weight by weight.

In the first instance, we would like to **re-join REACH or negotiate for a closer relationship**. At an absolute minimum, we want to see UK REACH keep pace with EU REACH on all the current and future proposed restrictions.

We therefore recommend that the next Government continue to be part of REACH and to implement further legislation to reduce microplastics from entering the waterways from both industry and domestic sources.

**Recommendation 6: The Welsh Government should prepare and publish a 10-year, comprehensive and ambitious strategy aimed at reducing plastic pollution. The strategy should be developed with stakeholders and include targets and milestones. It must make clear linkages with other policy areas, such as waste management and "green" procurement.**

The move from a focus on recycling (evidenced by the new waste plan, Beyond Recycling) to that of a circular economy within Welsh Government is greatly welcomed.

That said, MCS and other stakeholders have provided extensive evidence to the Welsh Government on the topic of plastic pollution reduction over the course of this Assembly term, and we are disappointed to note that there have been no legislative changes to reduce macroplastic.

There have been delays with the implementation of major waste legislation, namely; the introduction of a Deposit Return System (DRS), Extended Producer Responsibility (EPR) and the EU Single Use Plastics Directive. **The next Government must make new waste legislation a matter of priority.**

The Welsh Government's 2010 Towards Zero Waste plan is still yet to be updated. The update must include long-term commitments and highlight the funding available to achieve outlined targets, milestones and continuous stakeholder engagement.

Stakeholder collaborations within this area have already begun to be established. We were very pleased with the creation of the Wales Clean Seas Partnership, which draws together relevant stakeholders and experts that all commonly seek to eliminate plastic pollution. The group has already developed a Marine Litter Action Plan 2020-23, which outlines 4 key themes;

1. Prevention of litter at source
2. Support and connect the community and volunteer led responses
3. Promote, support and connect behaviour change initiatives
4. Communicate and measure impact

Whilst we welcome the formation of this group, as with many of these partnerships, they are to some extent 'talking shops'. Whilst stakeholders volunteer their time and expertise to effectively identify key areas of work, there is no funding associated with the work identified.

We would welcome further information surrounding how the new waste strategy would be developed alongside stakeholder input and how complete representation from relevant stakeholders is to be ensured e.g., involvement of large retailers, environmental NGOs, government departments, existing plastic pollution stakeholder partnerships, etc.

The next Assembly must introduce new waste legislation on DRS, EPR and SUP as a matter of priority.

In developing the Towards Zero Waste Strategy, the next government must ensure that a wider range of stakeholders are consulted upon and directly involved.

We recommend that the Welsh Government adopts SMART targets and ambitious yet practical milestones that are legally binding. Further funding to implement these changes is required and needs to be made accessible to relevant stakeholders.

**Recommendation 8: The Welsh Government should explore the potential for introducing Welsh legislation to reduce plastic waste and pollution, based on the model for emissions reduction in the Environment (Wales) Act 2016. The Welsh Government should report back to this Committee within 6 months of the publication of this report.**

As touched upon in our response to Recommendation 6, we would greatly welcome the implementation of 3 key legislations surrounding plastic pollution and waste reduction. These are; introduction of a DRS, Extended Producer Responsibility and adopting the Single Use Plastics Directive. In addition to the list of Single Use Plastic products outlined in the Directive, we recommend the additional inclusion of the following Single Use Plastic items:

1. **Plastic cigarette filters:** In 2019 on Welsh beaches, 32.6 cigarettes butts were found on average for every 100m surveyed. It was the third most prevalent litter type found. Comparison of cigarette data across Wales shows that compared to 1994, there has been over a 1000% increase. While Extended Producer Responsibility should also be applied, a ban on plastic filters would bring both environmental and health benefits.
2. **Single use sachets:** Single use sachets and other applications which have multilayer, multimaterial should be banned. This material is not fit for the circular economy of the future.
3. **Plastic tampon applicators:** Plastic tampon applicators should be banned. Similar to plastic cotton bud sticks, this item is regularly miss-flushed and ends up on our beaches.

We additionally would recommend the inclusion of the below in Extended Producer Responsibility legislation:

1. **Packets and wrappers:** Packets and wrappers were uncovered to be a top 10 item (number 5) in the MCS 2019 Beachwatch survey. 20.9 packets per 100m were found on Welsh beaches. We therefore recommend that these should be considered under EPR. In particular, they need to show feasible economical recyclability. If they cannot meet this criterion, the material should be removed from the market.
2. **Tethered lids:** The EU Directive has highlighted the issue of separate lids and will require by 2024 that all drinks lids are tethered. We believe this is an important addition as it would ensure that drinks containers would include their lids when recycled (and if returned under a Deposit

Return Scheme). In Wales, 14.8 lids on average were found per 100m of beach, with caps and lids being the 8th most prevalent item found in 2019.

3. **Balloons and sky lanterns:** Balloons should also be subject to EPR and awareness raising. Sky lanterns, while typically made of paper, are a single use item that causes environmental harm as well as posing a fire safety threat and the potentially required intervention of vital emergency services. We suggest that Welsh government legislates to ban mass sky lantern and balloon releases.

4. **Disposable Nappies:** Extended Producer Responsibility on nappies should be used to support reusable nappies and schemes. As the Welsh Government are currently piloting a baby bundles scheme through Swansea Bay University Health board, these bundles should include a focus on reusables. Providing parents with a free starter pack of reusable nappies is likely to improve uptake as it provides the opportunity for consumers to test these reusable products.

Furthermore, additional charges should apply to the following:

1. **Cups (for all beverages, not just “coffee” cups):** A charge should be applied to all single use cups as they are not compatible with a circular economy. “Coffee” cups are difficult to recycle. They require specialist equipment, meaning that very few are recycled. In 2017, the Environmental Audit committee found that only 0.25% were recycled. Industry’s response to this was to set a lowly target of 8% by 2019, which they have so far failed to achieve (reaching only 6%). We would highlight that these products are part of a linear-make-use-throw system. Despite industry setting its own low target of 8%, it was still unable to achieve a basic response recycling rate. In line with the waste hierarchy, reusables need to be encouraged. Research by Cardiff University has showed that charging was considerably more effective than a discount. We therefore recommend a minimum charge of 25p on all single use cups with a target for reduction.

We would also greatly welcome legislation surrounding clear labelling of Single Use Plastic products. Many items are often not clearly labelled and add to consumer confusion for disposal e.g. biodegradable, compostable. This is particularly relevant to sanitary items such as wet wipes and tampons.

We recommend that the single use plastic legislation be expanded to include a wider range of items than those within the Directive, including but not limited to those listed above.

Clear labelling of all items that contain plastic is needed for consumers. Appropriate recycling/disposal pathways also need to be highlighted.

**Recommendation 9: Whatever the outcomes of the joint consultation with DEFRA and any subsequent decisions by the UK Government, the Welsh Government should introduce a comprehensive extended producer responsibility (EPR) scheme in Wales. The Welsh Government should use, as a starting point, the report it commissioned from Eunomia.**

Introducing comprehensive Extended Producer Responsibility (EPR) legislation is an integral component if the Headline Actions outlined in the Welsh Government's Beyond Recycling Strategy are to be achieved.

Where it is unsuitable or not possible for a Single Use Plastic item to be banned, it should be subjected to EPR. Please see our response to Recommendation 8 for further information.

EPR funds should be used to promote reusable alternatives and support these as they reduce both waste and our national carbon footprint. Wales has already identified period poverty as a significant social issue and allocated funding. Reusables have additionally been identified as part of this solution; they can last a number of years and therefore are cost-efficient but can represent an expensive upfront cost.

EPR on nappies should be used to support reusable nappies schemes. As the Welsh Government are currently piloting a baby bundles scheme through Swansea Bay University Health board, these bundles should include a focus on reusables. Providing parents with a free starter pack of reusable nappies is likely to improve uptake as it provides the opportunity for consumers to test these reusable products.

The next Assembly must implement legislation on EPR as a matter of priority.

**Recommendation 10: The Welsh Government should introduce a DRS that applies to the broadest variety of containers, so that no restrictions are placed on the size of containers eligible for the scheme. If the UK Government decides to introduce a scheme with a narrower scope, the Welsh Government should consult on a specific scheme for Wales, with a DRS with the broadest scope as its preferred and recommended option.**

We are disappointed that plans to introduce a DRS in Wales have not been acted upon since the DEFRA consultation in February 2019. The majority (69%) of the 672 respondents expressed support for an 'all in' option. The Welsh Government should build upon the overwhelming support from the



public and Members of the Senedd to act on reducing plastic litter as soon as possible. The next Government should prioritize the introduction of an 'all in' DRS.

MCS, as a member of Wildlife and Countryside Link (a national coalition for conservation organisations), drafted a response to DEFRA's consultation. The response recommended the importance of creating a clear, simple system that includes all materials and sizes and avoids confusion to the end user.

We recommend that an 'all in' DRS for all sizes and all material types is implemented by the next Government as a matter of priority.

**We would like to comment on the following additional recommendations set out in the Committee's report:**

**Recommendation 3: The Welsh Government should explore whether legislation can be introduced to restrict access to certain products that contribute to microplastics pollution, through the wastewater treatment pathways, such as non-biodegradable wet wipes. It should undertake this exploratory work and report back to this Committee within the next 6 months, setting out its initial views on this proposal.**

Wet wipes (both flushable and non-flushable) are a growing problem from an environmental, pollution and carbon point of view. They additionally do not fit into a circular economy. Across the last 26 years, MCS has found over a 50% increase in the amount of sewage-related debris found on Welsh beaches and a depressing increase of 361% in the number of wet wipes found since wet wipes first started being monitored in 2005.

However, we recognize that a ban of all wipes has the potential to cause issues surrounding health. Therefore, we propose that plastic wet wipes be banned with Extended Producer Responsibility being applied to all other types of wipes. This does not move from a model of make-use-dispose and therefore EPR must be applied to all material types (excluding those banned).

Banning plastic wipes alone will not remove the issue of incorrect disposal of wipes into the sewer system. Consumers are already confused about wipes and their flushability. Welsh Water reported that 25% of flooding was caused by wet wipes in August 2020. Wipes that pass the water industry's 'Fine to Flush' specification (WIS 4-02-06) could have a lower EPR applied. However, 'Fine to Flush' should only be used for products that are expected to come into contact with faecal matter or other

bodily fluids, and should not be applied to wipes with e.g. anti-bacterial applications that should be continued to be disposed of in the bin.

We recommend that the next Assembly act on the following:

- A ban on plastic wet wipes, with Extended producer responsibility (EPR) applied to all other types of wipes.
- Wipes that pass the water industry's 'Fine to Flush' specification (WIS 4-02-06) could have a lower EPR applied.
- Clearer labelling with only those that pass 'Fine to Flush' labelled as such. Non 'Fine to Flush' products should be labelled with 'Do Not Flush' clearly on the front of the packaging, which should be statutory and standardized.

**Recommendation 5: The Welsh Government should explore approaches to reduce the amount of fishing gear discarded in the sea and encourage the retrieval of lost fishing gear, including awareness raising measures and the use of geotagging and sonar technology for tracking gear. The Welsh Government should also explore the potential inclusion of fishing gear in a future extended producer responsibility (EPR) scheme.**

### *Fishing litter*

Fishing litter makes up over a fifth of litter (21%) found on Welsh beaches and therefore steps need to be taken to address this. Fishing net is the second most prevalent item found on Welsh beaches (behind plastic pieces) with 40.9 pieces per 100m (almost double the average across the UK). EPR for nets as well as ensuring that ports offer a flat fee for port reception facilities, with lockable skips, should be implemented. The current Welsh fleet are mainly potters, although the number and location of pots are currently unknown.

Within future fisheries policy, all pots should be registered and traceable, similar to American and Canadian schemes. This would allow for pot recovery and better fisheries management. With the possible expansion of the existing offshore pelagic and demersal fleet, all opportunities should be investigated to support Welsh fisheries to adopt a more circular approach to fishing gear.

We recommend that the future Government take action on the following:

- All pots and nets should be registered and traceable.
- All pots should include escape hatches to reduce ghost fishing from abandoned or lost gear.

- Extended Producer Responsibility for nets should be applied, as well as ensuring that ports offer a flat fee for port reception facilities, with lockable skips.

**Recommendation 11: We welcome the funding that has been made available for the Circular Economy Fund. The Welsh Government should clarify how the fund will be monitored; how it will assess the fund's impact and effectiveness; and how it will assess whether the fund has provided value for money.**

A request for an update from the current Minister on this point would be very welcome, alongside a review of what benefits have been achieved from the current fund and lessons learnt.

The circular economy fund should be focussing on progressing the zero waste targets and should be adequately funded with accountability and criteria for return on investment.

Thank you for the opportunity to provide feedback on the environmental legacy of the 5<sup>th</sup> assembly term. We hope you find our feedback and recommendations for the future helpful. If you would like to discuss any points in further detail, please do get in touch.

# Agenda Item 3

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

**Senedd Cymru**  
**Y Pwyllgor Newid Hinsawdd,**  
**Amgylchedd a Materion Gwledig**  
**Gwaith gwaddol**  
**CCERA(5) LW 04**  
**Ymateb gan Hybu Cig Cymru**

**Welsh Parliament**  
**Climate Change, Environment and**  
**Rural Affairs Committee**  
**Legacy work**  
**CCERA(5) LW 04**  
**Evidence from Meat Promotion Wales**

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## **Climate Change, Environment and Rural Affairs Committee legacy work**

1.1 Thank you for notifying us of the committee's intention to produce a legacy report to mark the end of the current Senedd session. Our comments relate not so much to individual recommendations of the committee, but to new research and developments we wish to make members aware of, particularly relating to 3 of its 5 areas of work: agriculture & food, environment and biodiversity, and climate change and energy.

1.2 During the past two years, new scientific research has become more widely accepted which reassesses the relative impact of different greenhouse gases. Based on pioneering work at the University of Oxford, with contributions by scholars at Cranfield University, the University of California and elsewhere, the work particularly reassesses the impact of methane.<sup>1</sup> The research concludes that methane only exists in the upper atmosphere for 10-15 years, in contrast to gases such as carbon dioxide which accumulate for centuries. As methane is the most common gas emitted by livestock agriculture and ruminant wildlife, this research has an impact for how the climate impact of livestock should be calculated. Discussions continue over whether international bodies should adjust their metrics (GWP – global warming potential) for how different gases are measured.

1.3 Hybu Cig Cymru, working with scientists in Bangor, Limerick and elsewhere, has produced an important new document on Welsh meat production and its climate impact – [The Welsh Way](#).<sup>2</sup> This document seeks to place Welsh livestock production in its global context, uses the latest methodology to measure emissions and carbon sequestration on beef and sheep farms, identifies where further improvements can be made, and articulates a vision that Wales has the potential to be a global leader in sustainable meat production. It argues that an overly-simplistic approach to policy in the area of climate change, diet, land use and global food security risks having negative consequences. It concludes that recognition should be made that production systems in Wales are vastly different from damaging and intensive farming in other parts of the world, and that Welsh livestock farming has an opportunity to be part of the solution to climate change.

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<sup>1</sup> <https://www.oxfordmartin.ox.ac.uk/publications/climate-metrics-for-ruminant-livestock/>

<sup>2</sup> <https://meatpromotion.wales/en/industry-resources/environment>

# Agenda Item 4.1

Lesley Griffiths AS/MS  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Mike Hedges MS  
Chair  
Climate Change, Environment and Rural Affairs Committee

22 February 2021

Dear Mike,

## **The Approved Country Lists (Animals and Animal Products) (Amendment) Regulations 2021**

The above named Statutory Instrument (SI) amends several pieces of retained EU law, using powers in the Trade in Animals and Animal Products (Legislative Functions) and Veterinary Surgeons (Amendment) (EU Exit) Regulations 2019 (SI 2019/1225). It corrects deficiencies that are present in European Union law and which were retained through the European Union (Withdrawal) Act 2018.

The amendments make provision for Iceland to export animal products to Great Britain to ensure that trade from Iceland can continue with minimal disruption from 1 April 2021 when Export Health Certificates (EHCs) are required for Products of Animal Origin (POAO). If Iceland is not listed as approved to export POAO by 1 April, trade in fishery and aquaculture products from Iceland is likely to be disrupted. Northern Ireland will remain aligned with European Union import legislation under the Northern Ireland Protocol.

I am writing to let you know I give my consent to the Secretary of State to make this SI in relation to Wales. I understand the SI will be laid before the Houses of Parliament on 3 March to come into force on 28 March. The SI will be subject to the negative procedure.

In these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments. Should consent be withheld, these corrections will need to be made through legislation made by the Welsh Government. There is insufficient time and resources to be able to draft and lay such regulations to come into force before the end of 2021.

Bae Caerdydd • Cardiff Bay  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

I am copying this letter to the Counsel General and Minister for European Transition, Minister for Finance and Trefnydd and Chair of the Legislation, Justice and Constitution Committee.

Regards,

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping flourish at the end of the name.

**Lesley Griffiths AS/MS**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

# Agenda Item 4.2



Llywodraeth Cymru  
Welsh Government

Julie James AS/MS  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Mike Hedges MS  
Climate Change, Environment and Rural Affairs Committee Chair

24 February 2021

Dear Mike,

I have today published the Welsh Government's national development framework '[Future Wales – The National Plan 2040](#)'. I have laid in the Senedd a [Statement](#) explaining how I have had regard to the views of the Senedd and its committees that were expressed during the scrutiny process in September to November 2020.

The publication of Future Wales is a major milestone for our Nation. We are the first nation in the UK to publish a national development plan and we will use it to help deliver a healthier, greener, more prosperous and fairer Wales.

I would like to thank you and your committee for your role in helping shape Future Wales. I am pleased to have been able to respond positively to the vast majority of recommendations made by the committees which have strengthened Future Wales.

Yours sincerely

Julie James AS/MS  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



# Agenda Item 4.3

**Julie James AS/MS**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**

Our ref: DC-JJ-00371-21

Mike Hedges MS - Chair  
Climate Change, Environment and Rural Affairs Committee  
Welsh Parliament

[SeneddCCERA@senedd.wales](mailto:SeneddCCERA@senedd.wales)



Llywodraeth Cymru  
Welsh Government

24 February 2021

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the British-Irish Council (BIC) Joint Housing and Spatial Planning Work Sectors Ministerial Meeting will be held tomorrow Thursday 25 February. Member Administrations have agreed to hold a virtual meeting which will be hosted by the Northern Ireland Executive. As the Minister with responsibility for housing and planning, I will be representing the Welsh Government.

The meeting is an opportunity for Member Administrations of the BIC to discuss the implications of the changing demography of administrations and the potential impact this will have for the spatial planning and housing sectors. It will also allow discussion on how we can work to resolve these issues as a collective.

The meeting will provide an opportunity for Ministers to reflect on the joint work of the Housing and Collaborative Spatial Planning work sectors, while also agreeing Forward Work Plans for both work sectors.

A communiqué will be agreed by the council at the meeting and I will update the Committee about its publication and the outcome of the meeting, in due course.

I have written in similar terms to the chairs of the Legislation, Justice and Constitution Committee, Mick Antoniw MS and the Equality, Local Government and Communities Committee, John Griffiths MS.

Yours sincerely,

**Julie James AS/MS**  
**Y Gweinidog Tai a Llywodraeth Leol**  
**Minister for Housing and Local Government**

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.