

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:

Hybrid – Committee room 2 Senedd
and video Conference via Zoom

Meeting date: 26 October 2023

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

0300 200 6565

SeneddClimate@senedd.wales

Private pre-meeting (09.15–09.30)

Public meeting (09.30–12.10)

1 Introductions, apologies, substitutions, and declarations of interest

(09.30)

2 General scrutiny of the Minister for Climate Change – part 1

(09.30–10.30)

(Pages 1 – 51)

Julie James MS, Minister for Climate Change

Emma Williams, Director of Housing and Regeneration – Welsh Government

Claire Bennett, Director of Environmental Sustainability – Welsh Government

Attached Documents:

Research brief – General ministerial scrutiny

Paper – Welsh Government

Break (10.30–10.40)

3 General scrutiny of the Minister for Climate Change – part 2

(10.40–11.30)



Julie James MS, Minister for Climate Change

Emma Williams, Director of Housing and Regeneration – Welsh Government

Claire Bennett, Director of Environmental Sustainability – Welsh Government

Break (11.30–11.40)

4 20 mph Speed Limit – Scrutiny session with the Deputy Minister for Climate Change

(11.40–12.10)

(Pages 52 – 66)

Lee Waters MS, Deputy Minister for Climate Change

Christopher Warner, Deputy Director Transport Strategy and Policy – Welsh Government

Phil Jones, Chair of the 20mph Task Force – 20 mph Task Force Group

Kaarina Ruta, Transport Assistant, Lead for 20mph – Welsh Local Government Agency

Attached Documents:

Research brief – 20mph policy

5 Papers to note (12.10)

5.1 Retained EU Law (Revocation and Reform) Act 2023

(Pages 67 – 70)

Attached Documents:

Letter from the Chair of the Economy, Trade, and Rural Affairs Committee to the Minister for Economy and Minister for Rural Affairs and North Wales, and Trefnydd in relation to the Retained EU Law (Revocation and Reform) Act 2023

Response from the Minister for Economy and Minister for Rural Affairs and North Wales, and Trefnydd to the Chair of the Economy, Trade, and Rural

Affairs Committee in relation to the Retained EU Law (Revocation and Reform) Act 2023

5.2 Deposit Return Scheme (DRS)

(Pages 71 – 72)

Attached Documents:

Llythyr gan y Gweinidog Newid Hinsawdd at Gadeirydd Pwyllgor yr Economi, Masnach a Materion Gwledig mewn perthynas â'r cynllun dychwelyd ernes – cynnwys gwydr

5.3 The Environment (Wales) Act 2016 (Commencement No. 4) Order 2023

(Page 73)

Attached Documents:

Letter from the Minister for Climate Change to the Chair in relation to The Environment (Wales) Act 2016 (Commencement No. 4) Order 2023

5.4 Off shore wind developments in the Celtic sea

(Pages 74 – 75)

Attached Documents:

Letter from the First Minister of Wales to the UK Government in relation to off shore wind developments in the Celtic sea

6 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting

(12.10)

Private meeting (12.10–12.30)

7 Consideration of evidence received under items 2, 3 and 4

Document is Restricted



Evidence paper for Minister for Climate Change and Deputy Minister for Climate Change General Scrutiny at CCEI Committee

26/10/2023

Information provided to aid the Committee in advance of the Minister and Deputy Minister's attendance for General Scrutiny on 26 October.

Contents

Water (including pollution from sewage)	4
Combined Storm Overflows (CSOs).....	4
Sewage and bathing waters.....	5
Nutrient Neutrality.....	6
Water Price Review 24 process (PR24).....	6
Sustainable Drainage Systems (SuDS).....	7
Nature and Biodiversity	8
Decarbonisation of housing – social and private housing sectors	
10	
Social Housing.....	10
Optimised Retrofit Programme.....	10
Wales Housing Quality Standard 2023.....	10
Privately Owned Homes.....	11
Warm Homes Programme.....	12
Residential Decarbonisation Route Map.....	13
Housing Net Zero Carbon performance Hwb.....	13
Waste (Including Deposit Return Scheme and Extended	
Producer Responsibility	15
Extended Producer Responsibility for Packaging.....	15
Deposit Return Scheme for Drink Containers.....	16
Workplace recycling reforms:.....	16
Landfill (reduction/ no waste to landfill):.....	17
Forestry	19
Latest Position.....	19
Actions from the Forestry Deep Dive.....	19
Challenges.....	22
Flooding	23
Flood and Coastal Erosion Risk Management (FCERM) - General.....	23
FCERM Programme 2023-24.....	23
National Strategy for Flood & Coastal Erosion Risk Management in Wales.....	24

Natural Flood Management Programme	25
Independent review of the local government section 19 and Natural Resources Wales reports into extreme flooding in winter 2020-21	26
Default 20mph speed limit on restricted roads	27
Background.....	27
The evidence base.....	28
The first weeks with the new speed limit and next steps	29
Further monitoring	30

Water (including pollution from sewage)

Combined Storm Overflows (CSOs)

1. Combined Storm Overflows (CSOs) provide a controlled point of relief at times of heavy rainfall. With more extreme weather events occurring, they perform a crucial role in reducing the risk of sewers flooding homes and public spaces, preventing sewage from flooding homes and businesses.
2. As the environmental regulator for Wales, Natural Resources Wales (NRW) places tight regulatory controls over the number and volume of discharges from CSOs. NRW issues permits for CSO discharges which require water companies to ensure they only discharge during heavy rainfall, when the capacity of the sewer has been exceeded and there is a risk of sewage backing up into properties. Where water companies fail to comply with their permit conditions, or operate without a permit, NRW will investigate and, where appropriate, take enforcement action.
3. Both Dŵr Cymru Welsh Water (DCWW) and Hafren Dyfrdwy have installed event duration monitoring (EDM) equipment on their storm overflow assets, which captures information on the duration and location of storm overflows. EDM data is publicly available online on the respective water company websites.
4. CSOs that are not breaching permit conditions but meet the criteria as spilling frequently are being assessed under the Storm Overflow Assessment Framework programme, where DCWW are required to investigate and improve the performance of these CSOs. High spilling discharges are assessed to determine if they are causing a detrimental impact on the environment and to determine if the spill frequency can be reduced following a cost benefit assessment. EDM data is used to prioritise investment to upgrade storm overflows as part of the National Environment Programme (NEP) which forms part of DCWW's Asset Management Plan (AMP) in each price review period.
5. Welsh Government has been working with several partners including NRW and water companies to build long-term strategies to reduce pollution from CSOs. For example, between 2020 and 2025 DCWW will invest £101 million to upgrade their wastewater management network to reduce discharges into waterways as part of a wider investment package of £765 million to protect the environment. This includes investing £42m in the Storm Overflow Assessment Framework, which will prioritise wastewater assets for improvement, to reduce both the number and volume of storm water discharges to the environment.
6. New CSOs in Wales are rarely, if ever, created. Welsh Government has made sustainable drainage systems (SuDS) mandatory on almost all new building developments. This will relieve pressure on the network by redirecting and slowing down the speed at which surface water

enters the sewer system. It will help ensure storm overflows are only used as a last resort.

7. As part of the Better River Quality Taskforce's Environmental Regulation of Overflows Action Plan, the Welsh Government engaged environmental consultants, Stantec, to independently assess the existing policies of Dŵr Cymru Welsh Water (DCWW) and Hafren Dyfrdwy (HD) relating to the control of Combined Storm Overflows (CSOs) and explore alternative policy options. The outcome of this is the Storm Overflow Evidence for Wales (SOEfw) Report, which will be published later this year.

Sewage and bathing waters

8. Wales is recognised internationally as having some of the best beaches with excellent water quality in Europe. Wales currently has 109 designated bathing waters, the majority at coastal sites.
9. In 2022, 99% of designated bathing waters across Wales met stringent bathing water quality standards, with 85 of the 106 bathing waters achieving the highest classification of 'excellent'. The results for 2023 are expected later this year.
10. As part of our Programme for Government, we have committed to begin designation of Wales' inland waters for recreation and strengthening water quality monitoring. The main driver of the commitment is to improve inland water quality in Wales replicating the success of coastal bathing waters.
11. Across July and August 2023, Wales received 148% of its long-term average rainfall, which resulted in some CSOs operating near our designated bathing water sites in Wales. We understand the concern this may have caused for individuals wishing to use these areas for recreational purposes during the height of the bathing water season.
12. Discharges from CSOs are regulated by NRW and are a necessary part of the existing sewerage system, preventing sewage from flooding homes and businesses. Nevertheless, we recognise that pollution risks CSOs present and are taking concerted action to tackle overflows as part of our holistic approach to improving water quality as set out above.

Sources of pollution

13. There has been widespread media coverage not just recently but throughout the last year and more about water quality and sewage discharges into waterways. There is a widespread perception this is the main cause of poor water quality. However, source apportionment evidence shows that numerous factors contribute to poor water quality - agricultural pollution, private drainage misconnections and septic tanks, being among them.

14. Last year, the first **River Pollution Summit** brought together regulators, water companies, developers, local government, farming unions, academia and environmental bodies to discuss the development of a strategic and joined-up approach of dealing with river pollution. In order to help identify solutions, NRW and Dŵr Cymru Welsh Water (DCWW) developed **source apportionment modelling** to help identify the share of phosphate pollution attributable to each sector in each of the Special Area of Conservation (SAC) river catchments, with rural land use being the leading contributor. This further reinforces the need for a multi-sector 'Team Wales' approach to improving water quality.

Nutrient Neutrality

15. On 29 August, the UK Government announced their plans to unblock housebuilding through reforming EU legislation around nutrient neutrality, via an amendment to the Levelling Up and Regeneration Bill.
16. These plans were voted down in the House of Lords on 13 September. Nevertheless, this is an evolving situation: the Welsh Government is still working through what the implications of the UK Government's plans would mean for Wales, particularly for our cross-border catchments, should the UK Government seek to advance their plans through an alternative bill.
17. Meanwhile in Wales, we have been clear we have no intention of rowing back on our environmental protections in the way the UK Government has attempted. We remain committed to the health of our rivers and are clear that there will be no regression of environmental standards here.
18. Earlier this year, the First Minister hosted the second summit on the challenges of phosphorus pollution in Wales and, as a result, key partners – across water, housing, planning and agricultural sectors - have agreed to an **Action Plan**. The Action Plan sets out clear actions, timescales, and responsibilities to tackle water quality, and to address planning constraints.
19. The next river pollution summit is taking place on 30 November where we will take stock of progress made against the action plan and continue the open dialogue with all key sectors around the table.

Water Price Review 24 process (PR24)

20. As the independent economic regulator for the water and wastewater sector in England and Wales, Ofwat undertakes a statutory price review every five years. This Price Review sets water bills and agrees water company business plans and investment in infrastructure and services, and environmental objectives over the period.
21. We are working closely with Ofwat to ensure a price review framework for Wales aligns with the Welsh legislative and policy framework.

22. In July 2022 Welsh Government published our [Strategic Priorities Statement for Ofwat](#). This key document confirmed our strategic priorities, objectives and expectations for Ofwat in making its determinations on water company priorities and business plans for PR24. It sets out key priorities relating to climate emergencies, environment, resilience, asset health, and customer affordability where we expect Ofwat to challenge or encourage water companies to deliver.
23. Key players – including the Welsh Government, Ofwat, water companies, Natural Resources Wales, Consumer Council for Water, Drinking Water Inspectorate and independent challenge groups – have convened a PR24 Forum to deliver a collaborative approach among government, regulators, water companies and wider stakeholders.
24. The PR24 Forum has provided strategic steers on the high-level outcomes that will guide and inform the development of water companies' PR24 Long-Term Delivery Strategies and Business Plans and provide views on the priorities for the sector in Wales.
25. On 2 October, water companies submitted their draft business plans to Ofwat which are available online. Ofwat will now scrutinise the plans carefully before publishing draft determinations next summer 2024.

Sustainable Drainage Systems (SuDS)

26. Sustainable Drainage Systems (SuDS) describes an approach for the management of surface water. In contrast to conventional piped drainage, effective SuDS aim to treat surface water as a resource, seeking to keep water close to its source at the surface of the land, and to mimic natural drainage processes by using the landscape and natural vegetation to control the flow and volume of surface water.
27. Since January 2019, the Welsh Government has made sustainable drainage systems (SuDS) mandatory on almost all new building developments. SuDS have been a requirement that most new developments in Wales. The SuDS must be designed and built in accordance with the statutory standards published by Welsh Ministers.
28. As part of our Programme for Government, we committed to legislate to strengthen the requirements for the use of SuDS that provide wildlife habitat.
29. In 2022 the Welsh Government commissioned Arup to undertake an independent review of the SuDS legislation and guidance. This was published in July 2023. We are now carefully considering the review's recommendations and evidence.

Nature and Biodiversity

30. Wales along with the rest of the world is facing a nature emergency with the loss of biodiversity accelerating globally at unprecedented rates. In Wales one in six species is at risk of extinction. I welcomed the ambitious Global Biodiversity Framework (GBF) agreed at COP15, implementation is key though if these targets are to achieve their purpose.
31. 30x30 is part of the GBF and through the Biodiversity Deep Dive Welsh Government published a set of recommendations focusing on the key actions we need to take to achieve this target. Our Nature Networks Programme is central to this, which aims to improve the condition and connectivity of our terrestrial, freshwater and marine protected sites network. We are also increasing the delivery capacity of the National Peatland Action Programme so that we can restore more peatland across Wales.
32. We have completed the evidence gathering engagement with key stakeholders regarding the Marine Conservation Zone (MCZ) designation process. This was to help inform further definition of MCZ sites within the five 'areas of search'. Welsh Government is committed to designations before the end of this government term.
33. The Marine Protected Area (MPA) Management Framework sets out strategic management principles and governs the MPA Management Grant Scheme in Wales. To date, projects ranging from climate change modelling, marine litter and reduced disturbance to seabirds and marine mammals have been funded as part of this scheme. Recognising the need to align with other policies, and for a wider strategic approach, I have committed to reviewing the Framework and how it supports our network management obligations.
34. The First Minister has committed to a Bill to introduce an environmental governance body and statutory nature targets. The development of targets will need to complement those that we already have in place in Wales and support delivery of the GBF. A white paper is due by January 2024.
35. Alongside the Bill we will also be revising the Nature Recovery Action Plan which will outline Wales' approach to delivering the new GBF targets, clarifies governance arrangements and establishes progress reporting requirements to ensure transparent and effective action plan delivery.
36. In addition to the above is the wider work Welsh Government does to address the pressures that continue to drive biodiversity loss such as improving water quality, reducing agricultural pollution and tackling the spread of invasive non-native species. This includes the end of life fishing gear recycling scheme in Wales which has been scaled up since the successful completion of the pilot. 10 harbours are now

participating in the scheme, collecting over five tons of waste for recycling, which otherwise may have been discarded in the sea entrapping marine life.

Decarbonisation of housing – social and private housing sectors

Social Housing

Optimised Retrofit Programme

37. In terms of funding, the Welsh Government has agreed to prioritise investment in social housing decarbonisation through funding made available to social landlords through the Optimised Retrofit Programme. The programme was launched in 2021 and was initially a competitive fund, receiving and assessing bids from social landlords.
38. In 2022/23 after three rounds of bidding on a competitive basis we moved the ORP to a formula funding approach making funding available to all social landlords. In the initial year of the formula funding approach, we allocated £60 million to social landlords (of which £54m was utilised) and confirmed £70 million of funding for this year with a further £70million indicative funding in 2024/25 providing a long-term commitment to social landlords in Wales.
39. Initially the investment in social homes was targeted to be £220 million over the term of government, with around £120 million invested to date. Our revised approach and increased funding, improves the overall ORP budget to circa £260 million.
40. Channelling Optimised Retrofit Programme investment through social landlords supports a learning approach to how to decarbonise homes effectively and efficiently. As well as evaluating the technical and tenant aspects of the work, actual costs will be monitored and used in the assumptions of future models of residential decarbonisation. By moving to a formula funding approach, we are working to ensure that the whole of the social housing sector is engaged in the programme and supporting the scaling up of decarbonisation activity across the sector.
41. In Wales, we have a strong history of working in partnership with social landlords to provide high-quality homes for our most vulnerable households and communities. We are using those trusted relationships to ensure, in a new and rapidly evolving market, we can assure ourselves of the quality and appropriateness of interventions. Working with the social housing sector first also helps support the growth of the skills base and offers opportunities to develop the secure materials and supply chains needed to decarbonise Welsh homes at scale and pace.

Wales Housing Quality Standard 2023

42. The Welsh Quality Housing Standard (WHQS) was introduced in 2002 to set the standard for the 230,000 social homes in Wales and has been

encouraging social landlords to improve energy efficiency for the last 20+ years.

43. The Welsh Government has provided £2 billion of funding since 2004 to support the original WHQS programme which has significantly improved and maintained the quality of social homes across Wales. The current SAP 65 (EPC D) target has been in place since 2008 and, as of 31 March 2022, all social housing stock achieved the standard.
44. Spanning six administrations to date, WHQS is an example of how Governments can take the long view: investing in long term policies and programmes. This has resulted in driving up the standard of social housing in Wales compared to housing in other sectors.
45. The 2020's have brought rapid change shifting how people live, feel about, and what they expect from a home. Alongside the high levels of achievement of the existing standards a new iteration of the WHQS standard felt necessary and timely to reflect this. A new standard was consulted on during 2022 and gathered a comprehensive response from the social housing sector, experts, and tenants.
46. The proposals for WHQS 2023 introduce more energy efficiency elements than the previous standard and will require landlords to update their properties to achieve net zero carbon emissions as well as making homes affordable to heat. Following analysis of the consultation responses we have updated the requirements and refined the standard which I will launch in an oral statement to the Senedd on 24 October 2023. The consultation analysis and our policy response can be found here: [Welsh Housing Quality Standard 2023 | GOV.WALES](https://gov.wales/welsh-housing-quality-standard-2023).
47. WHQS of course sits alongside the requirements established in 2021 through the publication of the new WDQR standard for new builds, which includes a requirement for EPC A with non-fossil fuel heating and hot water systems for grant funded social housing. The standard demands a 'Fabric First' approach, setting a minimum thermal performance standard, plus an assessment of overheating risk. This has ensured Wales is leading the way to the net zero carbon homes we require in the future.
48. WDQR was introduced based on evidence from the Innovative Housing Programme and this alongside the Optimised Retrofit Programme has informed the update of the Welsh Housing Quality Standard.

Privately Owned Homes

49. In terms of privately owned homes, initial actions have begun to be considered by the Welsh Government. We are currently working with the Development Bank Wales on a pilot project for the owner-occupied sector looking at loans for the 'able to pay'. We are waiting on a funding decision to support the pilot.

50. We also have a project to support private landlords in decarbonising their properties, which is a tie in between the Leasing Scheme Wales and Optimised Retrofit Programme. Homes entering the Leasing Scheme Wales under this tie-in are eligible for grant funding to improve the energy efficiency of the property as part of the LSW.
51. Decarbonising and improving the energy efficiency of homes in Wales across all tenures, and how we might fund this, is however complex. There are significant challenges in terms of the infrastructure needed and funding. Welsh Government continues to work with partners to explore approaches.
52. There are also wider impacts to be taken into consideration. For example, the Minimum Energy Efficiency Standard which apply in the private rented sector are not a devolved matter. In his recent speech, the Prime Minister announced that the UK Government were scrapping policies that would require landlords to upgrade energy efficiency in their homes.
53. The UK Government had consulted in 2020 on proposals that (if they had been introduced) would have required that from 2025, new tenancies would only be possible on properties with an Energy Performance Certificate (EPC) of C or higher, and from 2028, this would apply to existing tenancies as well. Both policies have now been scrapped.
54. With over 64% of the Private Rented Housing in Wales being rated at EPC D or below, and with the majority being built prior to 1930, there is a compelling need to improve the energy efficiency of the Welsh Private Rented sector.
55. The UK Government scrapping their proposed changes for private landlords, and any potential support to the sector, is a fundamental backward step both in terms of delivering zero carbon objectives but also in terms of supporting jobs and improving living conditions. In particular, as a means of tackling energy bills for many households facing fuel poverty or living in cold and draughty homes.
56. Since the UK Government's original consultation on proposed changes 2 years has passed by with no clarity or decision for the sector, which has made the 2025 date difficult to achieve. However rather than pushing the dates back, as the Prime Minister has determined for fossil fuel vehicles, the UK Government has decided to scrap the requirement completely.
57. We now need to consider our response to this action by the UK Government.

Warm Homes Programme

58. We recognise the interconnected nature of the challenge of the decarbonisation of homes and tackling fuel poverty. We are working to ensure coherence across these policy areas. As I announced in my oral

statement on the Warm Homes programme (June 2023) we are currently procuring a replacement demand led service, to ensure continuity and assist those least able to pay to respond to the cost-of-living crisis. However, while this will initially be a demand led service it will not preclude area-based initiatives. Future phases will take lessons from the Optimised Retrofit Programme and other Welsh housing initiatives to develop an integrated approach across all tenures and income levels in an area-based approach to drive decarbonisation. The new Warm Homes Programme will contribute towards achieving a net zero Wales by 2050 and directly enable a just transition through the twin objectives of tackling fuel poverty and the climate emergency. Our long-term ambition is to improve the energy efficiency of Welsh homes, ensuring we use only the energy we need, to keep homes comfortably warm at an affordable cost.

Residential Decarbonisation Route Map

59. I asked the Decarbonisation implementation Group (DIG) to lead and co-ordinate work in pulling together a residential decarbonisation route map. As previously updated to the CCEI, the DIG has considered the development of the route map and over the course of several monthly meetings since January 2023 they have determined the areas they believe need to be considered and developed with wider stakeholders. They have also been working to identify the range of stakeholders that need to be assembled to discuss and develop these topics further.
60. The work of the residential decarbonisation route-map will need to be co-ordinated with other key strategic developments. Of particular importance is the publication and consultation on the Heat Strategy. A series of action plans will be developed as part of this work and the overlap between the action plan for the domestic element of the Heat Strategy and the work in compiling the route-map is key. This work will be aligned to ensure no duplication or lack of connection between these workstreams. Planning is being undertaken, ahead of an initial session with stakeholders (arranged for early November).

Housing Net Zero Carbon performance Hwb

61. To provide advice, support and guidance to all those involved in residential decarbonisation, there has also been investment into a new Housing Net Zero Carbon performance Hwb. The 'Hwb' brings together expert guidance on all aspects of decarbonising residential homes on a 'For Good' basis. In the first instance, the Hwb will provide social landlords with access to expert advice, research and development, materials guidance, procurement, and best practice. However, it is anticipated the services offered by the Hwb will be expanded to help private landlords and homeowners too. The Hwb will have free to access areas that will help inform how private landlords and

homeowners can decarbonise their homes using case studies and learning from the decarbonisation of social housing. This will be available at no extra cost and will develop alongside the areas developed for the social housing sector (which will be behind a membership access log-in). The expected timeline for the initial website will start to see content from January 2024, with the open access advice and guidance being available from July 2024. The Hwb will also link to and highlight other sources of information (such as the Climate Action Wales) and have links to other UK hubs.

Waste (Including Deposit Return Scheme and Extended Producer Responsibility)

62. Our circular economy strategy, *Beyond Recycling*, aims to increase resource efficiency across the board: keeping resources and materials in use for as long as possible and avoiding waste. A circular economy is central to our efforts to reduce carbon emissions and help reverse biodiversity loss – it is crucial to our commitment to reduce our impact on natural resources globally as well as here in Wales. As well as continuing to improve recycling, we are taking forward a range of action from reducing the emissions from landfill to reducing the amount of waste which is produced in the first place – through our re-use and repair programme, a focus on food waste reduction, and our involvement in the Extended Producer Responsibility and Deposit Return Schemes.
63. The following is an update on some of the key current work programmes:

Extended Producer Responsibility for Packaging

64. These reforms are being taken forward on a joint four nation UK wide programme with the majority of the work being led by the UK Government.
65. The UK wide implementation of the Extended Producer Responsibility for packaging reforms have been deferred by 12 months. This will allow additional time to get the operational arrangements of the scheme right through further engagement with the packaging sector and local authorities.
66. We are undertaking a consultation on the regulations to test their workability, and this will close in October.
67. New regulations were introduced across the UK during the first half of 2023 which require producers of packaging to report data on the volumes and types of packaging they place on the market. Additionally, a cost data collection exercise was undertaken over the summer of 2023 with local authorities. These two data sets will be used to calculate the fees producers need to pay and the payments local authorities will receive in the first year of the scheme going live which is now scheduled for 2025/26.
68. We are expecting the first outputs of the cost and payment calculations to come through in November. We will then begin a period of engagement and assessment to fully understand the likely amounts producers will pay and what local authorities will receive.

69. Work continues on the design of the organisation which will be established to operate the scheme. There will need to be a role for Local Authorities in the governance and operation of the scheme to ensure a fair flow of money to LAs is achieved and the scheme supports the transition of the packaging sector to a low carbon circular economy.

Deposit Return Scheme for Drink Containers

70. The decision by the UK Government to set conditions on a request by the Scottish Government for an exclusion of the Scottish scheme from the workings of the UK Internal Market Act resulted in the postponement of the Scottish scheme. They now plan to introduce their scheme alongside our timeline. This was a great disappointment as the Scottish scheme going first would have allowed valuable lessons to be learnt on the implementation and operation of a DRS in the UK.
71. We are currently working through the implications of the decision by the UK Government on the design of our scheme. We are aligned on most areas with one notable exception, that being the inclusion of glass of bottles in the scheme in Wales. This difference in scope is a result of the UK Government deciding to reverse a previously agreed common scope and taking glass out of the scheme in England.
72. The consequences of this decision by the UK Government in relation to the UK Internal Market Act has resulted in additional work to address questions over interoperability between all the nations, this has meant the timetable for the DRS regulations has slipped. There is a published go live date of October 2025, however we are keeping this under review.
73. The digital DRS pilot in Brecon has taken place over the summer and continues into October. We are grateful for the excellent work and contribution of the team from Powys supporting the pilot and the engagement of the public. The learning from the pilot will be shared when the evaluation by WRAP Cymru has been completed.

Workplace recycling reforms:

74. From 6 April 2024, subject to the will of the Senedd, it will become law for all businesses, charities and public sector organisations to separate key recyclable materials in the same way householders already do across the majority of Wales.
75. We are introducing these reforms to improve the quality and quantity of the recycling we collect from workplaces across Wales, and the consistency of how we manage it.
76. The workplace recycling reforms build on Wales' successful household recycling, where our world leading high rate of recycling already saves us around 400,000 tonnes of carbon each year and provides important materials back into the economy.

77. In rolling out this approach to our workplaces, we will reduce carbon emissions, reduce waste going to landfill and incineration and generate increased employment and investment in the sector, whilst more effectively keeping high quality recycled materials in the Welsh economy to improve resource efficiency.
78. As such these reforms, supported by more than three quarters of the public in our most recent survey, represent a key step towards tackling the climate and nature emergency, and progressing towards a stronger, greener economy as we committed to within our Programme for Government.

Landfill (reduction/ no waste to landfill):

Reducing / Preventing Future Biodegradable Waste to Landfill

79. With support from the Welsh Government, most local authorities in Wales now treat non-recycled waste at Energy from Waste facilities, rather than landfill.
80. In terms of wastes produced from non-domestic premises, we plan to bring the new Workplace Recycling Regulations into force in April 2024 which should significantly further reduce the landfilling of biodegradable waste.
81. To further increase recycling (including that of food waste), in addition to existing statutory 70% recycling target for Local Authorities, we are developing EPR for packaging and new Workplace Recycling Regulations as described above. We are also considering higher statutory Local Authority recycling targets and the Be Mighty communications campaign focuses on recycling food waste.
82. We are monitoring how much biodegradable waste from outside of Wales is landfilled in Wales. If levels do not reduce significantly we will also explore introducing a ban on the landfilling of biodegradable wastes, or a pre-treatment requirement, or an increase in Landfill Disposal Tax for biodegradable waste.
83. Ensure Current Emissions are Properly Reported & Introduce New / Improved Interventions.
84. Landfill gas is a by-product of the anaerobic decomposition of organic material in landfills. It is composed primarily of methane and carbon dioxide (CO₂). Methane is a potent greenhouse gas 28 to 36 times more effective than CO₂ at trapping heat in the atmosphere over a 100-year period, per the latest scientific research.
85. Emissions from landfill sites still contribute c. 2% of the total carbon releases across all sectors in Wales.
86. We recognise therefore the importance of reducing emissions, and have funded Natural Resources Wales (NRW) to deliver the Landfill Emissions Reduction Programme (LERP) in Wales. NRW is carrying out

a series of detailed landfill gas audits with the aim of increasing rates of landfill gas capture and oxidation / utilisation at operational and recently closed landfill sites. NRW will then identify potential infrastructure projects or further policy interventions to further reduce these methane emissions.

87. We also believe that landfill gas flaring data is being significantly under-reported in Wales. The programme includes work to improve the level of understanding of landfill gas flaring at all applicable sites, with the aim of ensuring outputs of the national Landfill Gas model present a more accurate picture.

Forestry

Latest Position

88. As part of our actions to tackle climate change, we need to support the creation of 43,000 hectares of woodland by 2030.
89. Planting trees can also have a range of other benefits, enhancing biodiversity, providing shelter for livestock in hot weather, helping prevent flooding or providing a source of timber for local markets.
90. In September, Forest Research published woodland creation statistics for 2022-2023, which showed in Wales tree planting had increased significantly to 1,190 hectares from 620 hectares in 2021/22 and 290 hectares in 2020/21.

Actions from the Forestry Deep Dive

91. In July 2021, the Deputy Minister for Climate Change led a deep-dive exercise into how we can remove the barriers to planting trees in Wales, and how we can use more Welsh timber in construction. This identified 39 actions, including a new funding scheme for woodland creation, offering everyone in Wales a free tree, an industrial strategy to coordinate the timber supply change and construction sectors and publishing a series of recommendations on the role of private finance in woodland creation.
92. To date, 19 of the actions have been completed and 20 are longer term actions that will be monitored to ensure that they are implemented.
93. Some recent successes include the development of the Ystadau Cymru carbon assessment tool housed on Data Map Wales and the My Tree Our Forest campaign in partnership with Woodland Trust and Llais Y Goedwig that planted 300,000 trees.

Woodland creation grants

94. In response to the deep dive we launched a new woodland creation offer August 2022 comprised two new woodland creation schemes:
 - The Small Grants – Woodland Creation scheme is aimed at farmers and other land managers to encourage planting of small areas of trees on land which is agriculturally improved or low environmental value in Wales under 2Ha.
 - The Woodland Creation Grant will fund larger and/ or more complex tree planting projects.
95. Land managers who want to receive Woodland Creation Grant funding must first enter the Woodland Creation Planning Scheme, which provides funding to plan a new woodland. This was a Deep Dive

recommendation and the scheme offers grants of between £1,000 and £5,000 to develop the plans. NRW also now engage with landowners earlier to encourage woodland creation through pre-application support.

96. More recently in May this year we listened to industry feedback and revised the rate of payment for tree planting grants to reflect inflationary increases in costs, which proved to be a substantial uplift on the previous rates.

Lean review

97. An action from the deep dive was to undertake an end-to-end review of the woodland creation processes in Wales. Building on this work, Rural Payments Wales, working with Welsh Government, NRW and stakeholders are currently leading an exercise to identify further improvements which can be made to the woodland creation grant processes to make it easier for landowners to navigate.

Timber Industrial Strategy

98. The trees and timber deep dive identified a number of priority actions for the timber industrial strategy. The timber industry in Wales is an established and valued part of our rural economy. There has been a long-held ambition to develop the sector and I am pleased to take that forward through the Programme for Government commitment to create a timber based industrial strategy. The strategy, will focus on how we can move towards higher value timber products produced in Wales from Welsh wood – those products that will make the greatest contribution to helping us to meet the 2050 net zero target and to growing the value of the sector in Wales. We will consider, amongst other issues, how to ensure we have a sound understanding of the sector, markets and volume requirements and that we have the right skills and skills training for the future.
99. Funding has been committed to the Home Grown Homes 2 project and all work packages are underway. The project is implementing the recommendations of Home Grown Homes 1, to support the delivery of low carbon housing in Wales through the use of Welsh grown timber.

National Forest for Wales Programme

100. We are working on the delivery of a National Forest for Wales Network and Trail which will create areas of new woodland and help to restore and maintain some of Wales' irreplaceable ancient woodlands. Funding is available this year and next through the Woodland Investment Grant (TWIG). It has proved popular with landowners and groups as it helps to fund both woodland enhancement, creation and management this will help to encourage a variety of uses social,

economic and environmental and engage with the community to use the woodland.

101. We have already funded 18 projects across Wales since 2021 ranging from creating woodlands in schools to restoring temperate rainforests. The grant is over-subscribed and we are looking at creating further funding windows so we can maximise delivery. Six Woodland Liaison Officers are in place and the status scheme for (non-Welsh Government) woodlands was launched in July 23. We already have 15 applications with a pipeline of over 70 to come in over the next year. In addition to the 14 designated sites we are working with Natural Resources Wales to bring the Welsh Government Estate into the National Forest by 2025 with 12 more sites coming in this autumn.

My Tree Our Forest

102. The trees and deep dive recommendation to offer every household in Wales a free tree. 300,000 trees were planted across Wales through the different options available (over 34,000 were distributed by hubs; over 33,000 by post; over 17,500 were allocated to Plant a Tree for Me; and 225,000 planted by community, public and private landowners).

Coedtiroedd Bach / Tiny Forest

103. In April 23 we launched the Coedtiroedd Bach / Tiny Forest scheme to deliver small areas of woodland to communities with little or no access to greenspace. 5 have been delivered to date through the pilot scheme and for this round there is a lot of interest from communities with a good number of applications expected in the Autumn.

Commemorative woodlands

104. The three sites are progressing well, led by National Trust, NRW and Caerphilly Council.

Sustainable Farming Scheme

105. We want farmers to be at the heart of woodland creation and, through it, help us create a Wales that is resilient to climate change, rich in plant and wildlife, alongside supporting food production. We have proposed that each farm should have at least 10% tree cover as part of the Universal Actions. Farmers will play a significant role in helping to achieve the 43k hectare woodland target and we will support them to do this. By asking all farmers to manage existing woodland and for some to create new woodland through the Scheme we will spread the load across Wales. This should help avoid large scale changes to land ownership and use, helping to keep farmers, particularly family farms, on the land.

106. We have recently clarified existing woodland and individual trees in fields and in hedgerows count towards the 10% requirement. We also understand tree planting is not feasible in all parts of Wales, so the 10% would be calculated on the area of your farm remaining after deductions for unplanted areas. These changes will ensure more farmers are able to meet the 10% from the start of the scheme in 2025. We will work with farmers who might need or want to plant any additional trees in a way that they become an asset to the farm. For example, by planting more shelter belts and trees in field corners to provide shelter from extreme weather, and biosecurity barriers on farm boundaries.

Challenges

107. Uncertainty around SFS requirements and payment rates is causing some hesitancy by farmers to create woodland at this time. Around 90% of the land in Wales is farmland, so the SFS scheme will have an important part to play in helping us to achieve our 43,000 hectare target. We will work with farmers who might need or want to plant any additional trees in a way that they become an asset to the farm. Tree planting should not be an inherently difficult thing to achieve and well within the capability of the skilful Welsh farmer. A big advantage for the sector is that we will be funding the delivery of the industry's carbon reduction target. Having declared a climate emergency, the industry needs to take its share of the action and tree planting sits at the easy end of the spectrum of options.
108. As part of the development of the timber industrial strategy and a sector skills plan, work continues to explore actions to address concerns about skills and labour supply, identify priority markets for Welsh timber in all areas of construction, and to look at the role of NRW and private woodlands in timber supply, and the role of housing associations, local authorities, schools and private developers in providing stable demand for Welsh timber.

Flooding

Flood and Coastal Erosion Risk Management (FCERM) - General

109. Flood and coastal risk management is focused on reducing risk to life. It does so by reducing the risk of incidents of flooding and/or coastal erosion which would otherwise cause damage, primarily to homes. We have improved the way we prioritise our investment to help target funding towards projects where the risk is highest to demonstrate the most effective preventative spend.
110. Our National Strategy for Flood and Coastal Erosion Risk Management sets out how we will reduce risk and meet our Programme for Government commitments over the coming decade.

Recent flooding impacts

111. Climate change is causing our weather to become more extreme. In the future, we must be prepared to face longer, heavier bouts of rain on a regular basis. However, despite the unsettled weather patterns throughout this year and more severe localised rainfall, flooding to properties in Wales has been minimal.

FCERM Programme 2023-24

Revenue

112. This year we will provide over £41m in revenue funding, an overall increase of nearly £5m from the previous year. Risk Management Authorities will use these funds to maintain our substantial network of flood defences and to continue their work on awareness raising, flood investigations, warning and informing, and the resourcing to support this work.
113. This year we are providing Natural Resources Wales (NRW) with £24.5m revenue funding, an increase of £2m from last year. This money will be used to maintain NRW's network of assets throughout Wales. Local Authorities also benefit from funding for their revenue based flood risk management activities (approximately £5.25m for this financial year).
114. Our investment is not just about physical assets, but also needed for better forecasting, risk mapping, evidence, support and raising awareness which is supported by this revenue budget.
115. The increased budget will help to support our Programme for Government commitments to fund additional flood protection for more than 45,000 homes and to deliver nature-based flood management in all major river catchments.

116. The increased budget is also in line with the cooperation agreement with Plaid Cymru to invest more in flood management and mitigation and plan to respond to the increased risk of flooding.
117. However, despite these significant increases, widespread inflationary pressures and shortages in skills and capacity across FCERM, has put additional strain on budgets and impacted delivery.
118. Last year we more than doubled revenue funding for local authorities to £225k each. We are pleased to be able to offer the same level of investment again this year.
119. The additional revenue also provided the opportunity to extend the Coastal Risk Management Programme (CRMP) by one further and final year to commence construction by March 2024. This year therefore, the Coastal Risk Management Programme will draw to a close. The programme will invest over £200m in key coastal infrastructure, reducing risk to over 15,000 properties.

Capital

120. Last year we agreed a three year capital budget, totalling £102 million. This allows us to better plan our investment from 2022-23 to 2024-25, and to support at risk communities.
121. Our capital funding is not just about investment in new assets but also in maintaining existing assets through capital maintenance work as well as funding vital smaller works such as the installation of telemetry and hydrometric stations to support in better forecasting and warning of flood events.
122. It is for the Risk Management Authorities (Local Authorities and NRW) to put forward schemes they want to deliver utilising this capital budget.

2023-24 Capital programme

123. For a second year, we are providing £34m in capital funding to our Risk Management Authorities (RMAs), as part of our commitment to ongoing, sustained investment in flood and coastal risk management.
124. We have increased our funding to RMAs to support wider resourcing and are working to assess the options we have for utilising the additional funding to address the recruitment challenges to which appear to be becoming more prominent.

National Strategy for Flood & Coastal Erosion Risk Management in Wales

125. Our National Strategy for Flood and Coastal Erosion Risk Management, sets out how we will manage risk over the next decade. It underlines

the importance we place on flood risk and the growing risks associated with climate change.

126. The Strategy outlines how we are doing far more than the building of defences. Our risk management approach encourages wider resilience, prevention and awareness of risk so that better decisions can be made.
127. The National Strategy complements new flood guidance and advice, including:
 - a. New Flood Risk Maps for Wales (Flood Risk Assessment Wales and Flood Map for Planners).
 - b. New National Asset Database on FCERM assets owned or designated by Risk Management Authorities.
 - c. Improvements to Wales Flood Map products, understanding flood warnings and advice on building resilience and responding to flooding.
 - d. Fully fund Natural Flood Management (NFM) scheme, published new guidance to further encourage take-up and exploring further schemes options
 - e. Welsh government published the review and the way forward to securing greater nature, environmental and community benefits through Sustainable Drainage Systems (SuDS)
 - f. The Flood & Coastal Erosion committee published the Resources for Flood and Coastal Erosion Risk Management in Wales and The case for change in legislation and associated policy to support and learn from better approaches and methods to enhance delivery of FCERM in Wales. .

Natural Flood Management Programme

128. Welsh Government promotes natural flood risk management wherever it can provide real benefits to a community. As part of our Programme for Government, we have committed to deliver nature-based flood management in all major river catchments to expand wetland and woodland habitats.
129. We have recently concluded our Natural Flood Management Pilot Programme. We made more than £3 million available over the course of this programme to reduce flood risk to over 1100 properties. It will also provide wider benefits such habitat creation, improving water quality, and aiding land management.
130. We have provided funding for 15 projects which are being delivered by ten different Risk Management Authorities (RMAs) across Wales.
131. This programme is 100% funded and is providing excellent learning which will enhance the future delivery of Natural Flood Management in Wales.

132. Officials are in the process of collating and reviewing final reports, and will begin our evaluation of the programme shortly.

Independent review of the local government section 19 and Natural Resources Wales reports into extreme flooding in winter 2020-21

133. As part of our Programme for Government, we committed to commission an independent review of the local government section 19 and Natural Resources Wales reports into extreme flooding in winter 2020-2021. This work was undertaken by Professor Elwen Evans KC and was published in August 2023.
134. The review was undertaken as part of the co-operation agreement with Plaid Cymru.
135. The publication of Professor Elwen Evans KC's independent review of the flood investigation process is an important step in improving how flood risk management, including the response to flooding instances and their aftermath is delivered across Wales.
136. The review is one important piece in a jigsaw of the wider flood risk management reporting framework. It should be considered alongside:
- a. other work and findings that have already taken place;
 - b. work which is currently under way; and
 - c. work which is still to begin, such as work being carried out by National Infrastructure Commission Wales.

Default 20mph speed limit on restricted roads

Background

137. On 15 July 2020, a Task Force Group commissioned by the Welsh Government published a **report** making recommendations about changing the default speed limit on restricted roads to 20mph in Wales. The report was **debated** in the Senedd and 45 Members voted in support of the Welsh Government's intention to commence the process.
138. On 12 July 2022, the Senedd **approved** the Statutory Instrument to reduce the default speed limit on restricted roads to 20mph by 39 votes to 15.
139. On 11 July 2023, the Welsh Government laid **The Traffic Signs (Amendment) (Wales) Regulations and General Directions 2023** to facilitate signage changes.
140. On 13 September 2023, a Senedd **motion** to repeal the Statutory Instrument introducing the new speed limit was defeated by 38 votes to 15.
141. On 17 September 2023, the 20mph default speed limit on restricted roads in Wales provided for in the **Restricted Roads (20 mph Speed Limit) (Wales) Order 2022**, which was approved by the Senedd in July 2022, came into force.
142. The Welsh Government introduced this new speed limit to reduce collisions, save lives and reduce injuries, as well as to make streets safer for playing, walking and cycling; encourage more people to walk, wheel or cycle; make communities safer; improve health and wellbeing; and reduce noise pollution.
143. The new 20mph limit is designed to support the Welsh Government's vision for modal shift as part of Llwybr Newydd, the **Wales Transport Strategy**. We want walking and cycling to be the natural mode of choice for short everyday journeys, improving health and well-being now and for future generations. Traffic speed is one of the greatest detriments to people feeling able to walk or cycle in their communities. In a Beaufort Wales Omnibus survey of a thousand adults in November 2020, one in three said that 20mph speed limits would increase their likelihood of walking more often, while over one in five said that they would be more likely to cycle more.
144. In preparation for the coming into force of the new speed limit, the Welsh Government worked with a range of partners to:
 - support highway authorities to prepare, including issuing **guidance** about exercising their powers to except some roads from the 20mph limit where appropriate. We awarded funding of £1,019,436.00 in

financial year 2021/22, £10,350,424.00 in 2022/23 and £23,123,633 in 2023-24;

- enhance engagement and enforcement, with additional funding of £600K to the GoSafe partnership to deliver roadside presentations;
- communicate the change, including through a multimedia campaign which saw a leaflet delivered to every household in Wales as well as a range of advertising designed using behavioural science expertise, and information about the change in **frequently asked questions** and on the **DataMap Wales website**.

The evidence base

145. The Wales 20mph Task Force Group was formed in May 2019. **The Task Force Group report** identified the outcomes which would be expected from changing the default speed limit for restricted roads in Wales to 20mph; and the practical actions needed to implement this change in the law. It found overwhelming evidence that lower speeds result in fewer collisions and a reduced severity of injuries; and consistent evidence that casualties are reduced when 20mph limits are introduced. The report notes benefits are achieved even when average speeds do not drop to 20mph (any speed reduction leads to a positive outcome) and speed reductions are expected to increase over time as people become accustomed to the lower limits and slower driving is normalised.
146. Included in the Taskforce Report is reference to a **review of evidence** on reduced casualties as an outcome of 20mph, carried out by Dr Adrian Davis on behalf of the Welsh Government in 2018.
147. The **Explanatory Memorandum** accompanying the 20mph legislation provides further information about the evidence underpinning the change.
148. Key pieces of evidence include:
 - a **public health study** which estimated that the 20mph default speed limit could result, every year, in 40% fewer collisions, 6 to 10 lives saved, and 1200 to 2000 people avoiding injury;
 - a follow-up **technical paper** by the Transport Research Institute, at Edinburgh Napier University, estimated casualty prevention savings, including the reduced impact on NHS and emergency services, of up to £92m every year, not including the wider health benefits of people walking and cycling more;
 - a **paper from Imperial College London** which found that 20mph limited areas were “pollution neutral”;
 - the **first monitoring report** from eight trial areas which showed overall reductions in speeds (**research** shows that each 1mph slower people

drive in urban areas reduces the number of collisions by an average 6%) and **more children walking, cycling, and scooting to school (with schools in 20mph areas seeing a greater increase in active travel journeys (49% to 74%), compared to schools predominantly in 30mph areas (49% to 67%);**

- experience from elsewhere in the UK, for example in London, where early indications from **Transport for London data** show considerable improvements in road safety since the introduction of 20mph speed limits with reductions of 1.7-5mph across most sites surveyed, and in the **Scottish Borders** where a trial in 97 villages and towns since October 2020 found that 85% of drivers dropped their speed by 3mph, and the largest speed reductions, of an average 5.4mph, observed in locations where higher speeds had been seen in the past;
- findings from across the world, including in **Spain**, where there has been a reduction in fatalities on urban roads since their speed limit was changed in 2021, and the **Stockholm Declaration** through which 80 politicians and 1,700 experts from 140 countries resolved, among other things, to focus on "speed management, including the strengthening of law enforcement to prevent speeding and mandate a maximum road travel speed of 30 km/h in areas where vulnerable road users and vehicles mix in a frequent and
- planned manner, except where strong evidence exists that higher speeds are safe, noting that efforts to reduce speed in general will have a beneficial impact on air quality and climate change as well as being vital to reduce road traffic deaths and injuries".

The first weeks with the new speed limit and next steps

149. We acknowledge that a significant number of people have expressed, through the Senedd petitions process and elsewhere, their opposition to the new speed limit since it came into force. This is not unexpected given the mixed opinions being expressed ahead of the coming into force, and given the scale of change this represents. We have been clear that we are listening to the feedback and that, although we will not reverse the change, we are willing to be flexible on how it is implemented in local communities.
150. It is too early to quantify the effect of the change, but early indications, such as a **report by Agilysis** covering a sample of roads, are encouraging.
151. We are working closely with partners, including local authorities and bus operators, to understand the impacts of the change in more detail, as well as carefully considering feedback from Members of the Senedd, stakeholders and the public. We are reviewing the consistency of application of the exceptions guidance in different parts of Wales, with a view to offering clarification if necessary. Highways authorities have powers to vary speed limits on the road networks they manage,

including making further exceptions or changing exceptions to 20mph in the light of experience, although in practice this will take time owing to the statutory processes involved and the need to gather evidence.

Further monitoring

152. Transport for Wales have published the **monitoring framework** for 20mph. This sets out the Key Performance Indicators and how the data will be collected.
153. In January 2024 the first full set of post-implementation speed data will be published. This will be followed, by Summer 2024, by publication of the first detailed results for the first six months of the limit being in force. Then there will be further formal monitoring on an annual basis for the next 5 years.

Agenda Item 4

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

Document is Restricted

Vaughan Gething MS
Minister for Economy

Lesley Griffiths
Minister for Rural Affairs and North Wales, and
Trefnydd

19 September 2023

Retained EU Law (Revocation and Reform) Act 2023

Dear Vaughan and Lesley,

At its meeting on 13 September, the Committee received an update on the Retained EU Law (Revocation and Reform) Act 2023 and agreed to write to you to seek the following information;

- Whether any plans are being developed to use the new powers provided to the Welsh Ministers by the Act;
- Whether you are aware of any UK Government plans to use the new powers to devolved areas, or in reserved areas that will impact Wales; and
- Can you please share a copy of Welsh Government's latest analysis of the REUL listed in Schedule 1 within the remit of this Committee.

I look forward to your response.

Kind regards,



Paul Davies MS

Chair: Economy, Trade and Rural Affairs Committee

We welcome correspondence in Welsh or English



Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Lesley Griffiths AS/MS
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Llywodraeth Cymru
Welsh Government

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee
Senedd Cymru
SeneddEconomy@Senedd.Wales

13 October 2023

Dear Paul,

Thank you for your letter of 19th September 2023 seeking responses to questions in relation to the Retained EU Law (Revocation and Reform) Act.

In answer to questions 1 and 2, we recognise that the Senedd did not give its consent to the REUL Act, however as relevant executive functions now sit with Welsh Ministers, we will exercise those functions responsibly.

Welsh Government are considering the consequences of the new powers provided to Welsh Ministers by the Act and will develop plans accordingly. We are working with our UK Government counterparts to understand their intent and any implications that their plans might have which will impact on Wales. We do not currently have any plans to use these powers to bring about substantive policy changes.

In responding to the UK Government's REUL Act, it is a priority for Welsh Government to focus on issues of devolved competence in Wales arising from the implementation of the REUL Act. We have not established a universal mechanism to address instruments covering matters of reserved competence in Wales. We will keep any such instruments under review and address any implications for matters that are the responsibility of the Welsh Government accordingly.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

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.

In answer to question 3, no instruments were identified as giving rise to specific concerns requiring Welsh Ministers to exercise their power to preserve them insofar as they applied in devolved areas.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a prominent initial 'V'.

Vaughan Gething AS/MS

Gweinidog yr Economi
Minister for Economy

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a prominent initial 'L'.

Lesley Griffiths AS/MS

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd
Minister for Rural Affairs and North Wales, and Trefnydd

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Ein cyf/Our ref: JJ/PO/343/2023

Paul Davies MS
Chair
Economy, Trade and Rural Affairs Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

16 October 2023

Dear Paul,

Thank you for your letter of 4 September regarding the Deposit Return Scheme.

As set out within our circular economy strategy, Beyond Recycling, our aim is to become a zero waste and net zero carbon nation. The Deposit Return Scheme, as part of the wider Extended Producer Responsibility reforms, is an important action in response to the climate and nature emergency which will support the sector to move to more sustainable business practices.

An economic impact assessment was published alongside our joint consultation on the proposed Deposit Return Scheme. The assessment not only demonstrated a net positive impact for the scheme, but also a higher Net Present Value and Benefit Cost Ratio of an 'all-in' scheme including glass compared to not including glass. This analysis highlights that removing glass from the scheme has an economic impact – reducing economic benefits from material revenue, increased recycling and reduced litter – whilst significantly reducing the environmental outcomes.

My officials are meeting regularly with Welsh producers and trade representatives to discuss the development of the scheme as part of the transition to a more circular economy. We recognise smaller producers in Wales may face specific challenges in adapting to the obligations of a DRS and are looking at a range of interventions to support. These include exclusions for producers of low volume or limited item product lines, reduced fees for smaller businesses and importantly an exclusion for drinks producers who use reuse and refill to incentivise its adoption.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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 would be happy to keep the committee updated with the implementation of the Deposit Return Scheme, including the impact assessment which will be updated and published alongside the regulations when they are introduced to the Senedd.

I am copying this to Llŷr Gruffydd MS, Chair, Climate Change, Environment and Infrastructure Committee

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Ein cyf/Our ref MA/JJ/2378/23

Llŷr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

17 October 2023

Dear Llŷr,

I am writing to inform you that The Environment (Wales) Act 2016 (Commencement No. 4) Order 2023 which falls under the scope of the Resources and Waste Common Framework, was made on 16 October 2023.

Yours sincerely,



Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Julie.James@llyw.cymru
Correspondence.Julie.James@gov.Wales

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.



Rt Hon Rishi Sunak, MP
Prime Minister
10 Downing Street
London
SW1A 2AA

pmpost.int@no10.gov.uk

12 October 2023

Dear Rishi,

I am writing in response to the latest market update from the Crown Estate in relation to off shore wind developments in the Celtic sea.

The Welsh Government remains as committed as ever to our statutory net zero targets. We recognise the climate emergency, and we see no case for any weakening of our commitments to take action for the benefit of current and future generations. I have welcomed, and indeed share, the UK Government stated ambitions for marine renewables and the ambition for the UK to become a world leader in the floating offshore wind sector. Here, I am pleased that the UK Government has not signalled a move away from the existing commitment for 50GW of floating offshore wind by 2030.

There is a once in a generation opportunity for the essential transition to renewable energy to lead a new industrial revolution, one that will support a just transition especially for many of our coastal communities which have themselves suffered from industrial decline.

However, there is a genuine risk that this major opportunity, and the optimism within the sector, is dissipating due to the lack of progress and action to unlock investment.

In my discussions with renewable energy developers, both based in Wales and those looking to invest in the UK, the key enabling factor to unlock investment is certainty. While it is good that some progress has clearly been made on the recent spatial issues associated with the Celtic Seas, last week's technical update from the Crown Estate will do little to show investors that there is a credible long-term investment pipeline so much needed to unlock major investment decisions. The risk to the UK is that developers, uncertain as to the future development potential in the UK, will seek to utilise the existing supply chain in

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Mark.Drakeford@llyw.cymru
Correspondence.Mark.Drakeford@gov.wales

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.

countries that have shown the ambitions for the sector and where investment is already underway in ports and the associated supply chain.

Wales is uniquely placed to support the deployment of significant scale floating offshore wind in the Celtic Seas. Our deep water ports at Port Talbot and in West Wales have the potential to be the manufacturing, integration and maintenance ports the renewable industry is urgently seeking for the Celtic Seas. Our joint work on freeports is another major opportunity to attract new investment, transforming the regional economies, providing new markets for the steel industry and high value added manufacturing. This is a major opportunity for Wales and for the United Kingdom and greater certainty in of future development is the way to ensure that it is grasped.

The other critical infrastructure component is grid. It is recognised that the existing grid infrastructure across the Celtic Sea region is not fit for purpose and requires innovative solutions, both on and offshore, to ensure delivery of a robust and resilient system. Your support will be crucial to ensure that a long-term view is taken on anticipatory investment, not only to meet the initial 4.5GW requirement but future-proofing the system for additional seabed leasing rounds.

The action need from the UK Government is therefore clear. We need urgent clarity on the potential development pipeline for the Celtic Seas which will provide confidence to the floating offshore wind sector that the Celtic Seas will provide large scale opportunities that the sector needs to make Wales and the rest of the UK the base for investment.

If we are to make the most of that opportunity, we also need the support of the UK Government to raise the ambitions for the UK supply chain. We are in an international market where our international competitors are strengthening the local supply chain content for their renewable energy projects. We need firmer action to support the development of the supply chain and require developers to commit to UK suppliers.

Finally, it was deeply disappointing that no floating offshore wind developers bid into the latest round of Contracts for Difference. Changed market conditions mean that the structure and scope of the CfD package has to be reviewed. We cannot risk another failed auction round for floating offshore wind because that really would be disastrous for confidence in the sector.

Provided the sector can see a clear pipeline of opportunity for the Celtic Seas, with collective action to support the supply chain and a contract for difference auction which supports the new industry in its earliest stages, the outlook for Wales and the United Kingdom can be very bright indeed, as global leaders in this vital area.

Again, the Welsh Government is willing to work closely with the UK Government to share our experience with the marine energy sector, and achieve our objectives in the Celtic Sea.

Yours sincerely,

A handwritten signature in black ink that reads "Mark Drakeford". The signature is written in a cursive, slightly slanted style.

MARK DRAKEFORD