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Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/467/21.

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

29 January 2021

Dear Mike

Thank you for your letter of 17 December, asking for updates on progress in implementing recommendations from your reports to the fifth Senedd.

Below I list your recommendations from each of the reports you cite in your letter, along with my responses.

Report on the Welsh Government's Refreshed TB Eradication programme

Recommendation 1

The Welsh Government should set a national target date for Wales to be officially TB free and provide clarity on the process for achieving this.

Recommendation 2

The Welsh Government should set interim targets for the eradication of the disease in each of the three TB regions – high, medium and low.

In October 2017 the TB eradication programme in Wales implemented a regionalised approach in which Low, Medium and High TB Areas were defined, allowing interventions applied to be tailored to the disease situation specific to that area. In common with many other aspects of the programme, the impact of this approach and of the interventions contributing to it are being monitored and the continued evolution of the programme will be informed by what is learnt from the results.

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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.

This regionalised approach is reflected in the TB targets adopted in December 2017. This ambitious initiative aims to see Wales become officially TB free by 2041. Interim targets, covering consecutive six-year periods, have been set for each of the TB Areas. This approach provides for defined areas to achieve and maintain TB freedom at different points in time, seeking to create an ever-expanding area of TB freedom in Wales and the momentum that would come with this.

The end of the first six-year period is at the end of 2023. Details of these targets and six-year interim milestones were published in December 2017:

<https://gov.wales/bovine-tb-eradication-targets>

Recommendation 6

The Committee supports the Welsh Government's proposal to encourage Informed Purchasing, also known as Risk Based Trading. A system of Risk Based Trading should be taken forward voluntarily in the first instance with the industry and livestock markets. This should be kept under review and, if necessary, introduced on a mandatory basis.

I provided an update in November 2020 on the Welsh Government's latest position with regards to Informed Purchasing. This explained our approach of re-opening the Grant scheme for markets again, which provided cattle markets in Wales the opportunity to upgrade their facilities to allow TB information to be displayed at point of sale on a voluntary basis. As a result of this new round of funding, disappointingly only one market applied out of 25 eligible markets. Making a total of 11 markets with upgraded facilities. We are informed there is a lack of information provided by the sellers or being requested by buyers, consequently, vital information on where farmers source cattle from and their TB history is not being shared

In the longer-term, only a mandatory system will make sure cattle sellers disclose the disease history of the herd at the point of sale. The intention in the medium term, when resource allows, will be to mandate the provision to provide TB information at point of sale. Our position remains largely the same as explained in November. To allow Informed Purchasing to be made mandatory, changes would be required to the Tuberculosis (Wales) Order 2010 which will also require consultation with the industry. However during this time, there is no indication of when legal resource will become available for this subject area, due to pressures as a result of COVID-19 and EU Exit. Unfortunately any changes to the TB Order will not be possible in this Senedd term.

However, we are still working in partnership and remain in contact with our counterparts in DEFRA to ensure this work will be at the forefront as soon as resources allow.

Recommendation 10

The Welsh Government should pay farmers a reasonable compensation sum for cattle slaughtered as part of the TB eradication programme. This sum should be kept under review, in consultation with stakeholders.

I am fully committed to ensuring Welsh farmers receive fair and proportionate TB compensation for animals slaughtered because of TB. Welsh Government officials have identified options for changing the TB compensation system. These options have been presented to, and agreed by, the TB programme Board. I welcome offers of constructive dialogue with all stakeholders regarding workable solutions to achieve our aim of eradicating bovine TB within current budgetary constraints.

Further development of these options will take place before a proposed way forward is presented to stakeholders as part of a consultation process. Any changes to the compensation system will ensure a reasonable sum of compensation will be paid for cattle slaughtered, within the constraints of current budgets. Any new TB compensation system will also aim to incentivise compliance and best practice.

Report on the Use of Snares in Wales

Recommendation 1

The Welsh Government should undertake an annual review of the Code and publish a report of that review

Officials have met with stakeholders annually to discuss what evidence can be used to establish if snare users are complying with the Code, how Welsh Government can promote its use and how non-compliance can be reported. Covid-19 restrictions mean that for this year the stakeholders have been approached by email requesting evidence on snare use, training and sales and compliance with the Code in Wales to enable officials to compile this years' report.

Recommendation 2

If the annual review of the Code shows that it is not working then the Welsh Government should tighten the law on the use of snares in Wales, including the introduction of sanctions for non-compliance with the code

There is currently no legislative vehicle that would enable regulation of snares or snaring. The Welsh Government White Paper published in December 2020 includes proposals to include order making powers related to the sale and use of snares through the introduction of an Agriculture (Wales) Bill during the sixth Senedd term. Exactly how Welsh Government decide to use this power will be determined in discussion with stakeholders, but the intention to drive up animal welfare standards is clear.

Recommendation 3

If evidence shows the voluntary approach has not succeeded, we recommend that the Welsh Government should prepare draft legislation. In preparing that legislation, the following options should be considered:

- ***the introduction of similar requirements to those in Scotland, for training and identification and exploring a licensing system to be funded by users;***
- ***whether the liability for prosecution should be placed on the landowner where snares are found; this could reduce the problems of determining ownerships of snares and the difficulty of gaining successful prosecutions.***

The Agriculture Bill will provide the powers necessary to regulate or ban the sale and use of snares in Wales. Exactly how Welsh Government decide to use this power will be determined in discussion with stakeholders, but the intention to drive up animal welfare standards is clear.

Recommendation 6

The Welsh Government should report by the end of September 2018 and thereafter on an annual basis, on the extent of the use of snares in Wales. As part of that reporting process, the Welsh Government should work with stakeholders to devise a mechanism to determine the number and species of animals caught in snare

Officials have met with stakeholders annually to discuss what evidence can be used to establish if snare users are complying with the Code, how Welsh Government can promote its use and how non-compliance can be reported. The first annual report for 2018 was published in 3 April 2019. Covid-19 restrictions mean that for this year the stakeholders have been approached by email requesting evidence on snare use, training and sales and compliance with the Code in Wales to enable officials to compile this years' report which will cover both 2019 and 2020.

Branching out: a New Ambition for Woodland Policies

Recommendation 2

The Welsh Government must address the barriers to increasing planting, in particular by:

- ***Aligning the regulatory and funding processes, and providing additional guidance and support to applicants.***
- ***Examining the potential for adopting a presumption of approval for applications in areas identified by the Woodland Opportunities Map as having a high suitability for woodland.***
- ***Making the Woodland Opportunities Map more user-friendly to a range of different user groups, and linking it in with the land use planning system.***

As we set out in the Agriculture White Paper, tackling the climate change emergency will require woodland creation on a greater scale than at any point in the past 50 years. We want to have an approval system for woodland plans which is simple, predictable and proportionate.

We are working to improve the process for funding and approving new woodland plans, including extending the period of time allowable to undertake the work. We are also exploring how we can provide up front support for woodland plans to be verified before applications for funding are made. We will seek to carry these changes into the design of the new Sustainable Farming Scheme.

Work has also started to update and improve our Woodland Opportunities Map, to ensure we provide clear guidance to the public on which areas are low sensitivity for woodland planting. The map will remain indicative of where to plant, and applications will still require woodland plan to ensure they meet the required standards. The updated map will be published later this year.

To provide more transparency and clarity over the approval of new woodland plans, we have recently provided guidance to Natural Resources Wales (NRW) on how they should apply their Sustainable Management of Natural Resources objective to forestry. We will also seek to move to a system of earned recognition which recognises past performance of woodland planners

- ***Recommendation 5. Woodlands can be an effective tool for regeneration and engaging local communities. The Welsh Government must harness this and, as a starting point, should:***
- ***Increase support to community woodland groups.***
- ***Assess the potential of developing a National Forest Company to help regenerate the south Wales valleys.***
- ***Ensure that woodland education is incorporated into education policies.***

We have begun work to establish a National Forest across Wales. The National Forest will create areas of new woodland and help to restore and maintain some of Wales' irreplaceable ancient woodlands. In time it will form a connected network running throughout Wales, which will bring social, economic and environmental benefits. Last year I was pleased to announce the very first sites that will form part of our National Forest. This year we will continue work to designate further areas of National Forest and develop a long-term approach to delivering the Forest.

As part of the National Forest programme, in June 2020 we launched a £2.1m Community Woodlands Grant, in collaboration with the National Lottery Heritage Fund, which will help people across Wales create places for nature in their own communities. The scheme has now awarded funding to the first projects, such as Craig Gwladys Woods in Neath Port Talbot.

Community engagement and education will be important elements of the National Forest. This year we have also provided funding to Keep Wales Tidy to plant trees in schools across Wales which otherwise have limited access to green space, although engagement with pupils will be less than envisaged due to Covid-19 restrictions.

Recommendation 8

The Welsh Government must address the constraints on the commercial forestry sector, in particular by:

- ***Facilitating coniferous woodland creation and commercial operations on both public and private land.***
- ***Promoting to the farming community the commercial and other benefits of planting trees on agricultural land, and enabling farmers to do this through additional, simple and flexible grant payments.***
- ***Providing and promoting training in forestry, woodland management and woodland planning.***

The Welsh Government recognises the importance of woodlands planted for timber, which is important as a sustainable resource for helping address climate change and as a source of employment in the rural economy.

Last year we allocated £17m to our Glastir Woodland Creation scheme – the largest allocation since devolution. The scheme will provide payments to landowners to plant trees in Wales over the next two years and is a significant step towards our target. Contracts for over 1,900 hectares of new planting across 2021/22 and 2022/23 were offered in window 9 of the scheme. Window 10 has a larger budget than window 9, and will support more planting across these two years. The window closed on 15th January and expressions of interest are currently being selected.

We are also planning new tree planting on the Welsh Government Estate. This year, NRW plan to create 60 hectares of new woodland. This marks the first step in NRW's compensatory planting programme, with a further 290 hectares planned by 2023.

Our new Sustainable Farming Scheme will provide payments to farmers who choose to deliver positive benefits from planting and managing woodland on their farms, and better integrate woodland creation with wider support for farmers. We are also clear support must also continue to be provided for woodlands not on farms.

Natural Resources Wales plays an important role in promoting training in forestry, woodland management and woodland planning. This includes hosting 4 paid placement opportunities in the Forest Operations and Land Management Team in Mid Wales. This provides the opportunity to work alongside their professional teams responsible for managing the Welsh Government Woodland Estate and National Nature Reserves. NRW have also held training workshops for Woodland Planners to explore ways of improving the quality of applications, exchange information and expertise and enhance communications.

Recommendation 9

The potential for growth in the commercial forestry sector should be actively supported by Welsh Government. In particular it should:

- ***Agree with the forestry sector ambitious targets for Wales to become increasingly self-sufficient in timber production and less reliant on imports.***
- ***Consider changing the building regulations to promote the use of timber in construction***

As set out above, we have taken steps to lay the foundations for increased woodland creation over the coming years. Alongside this, we are funding re-stocking of existing woodland. In 2019/20 the Welsh Government funded the re-stocking of 1,500 hectares of woodland.

Through the Glastir Woodland Restoration scheme we fund tree planting on areas which had to be felled due to Phytophthora ramorum. Last year we allocated £2m to the scheme to support tree planting on affected sites. A further £1m window will open in May 2021.

Through the Welsh Forest Industry Partnership, the Welsh Government is working with the sector to agree how to grow the forest sector, including increasing the use of timber in construction.

A key element of this is encouraging greater use of timber in construction. Over the past three years, the Welsh Government has funded the Home Grown Homes project which seeks to identify solutions to some of the blockages in the timber supply chain. We have also developed our Modern Methods of Construction (MMC) strategy, which seeks to increase the proportion of homes developed across all tenures manufactured off-site. In Wales the MMC industry is made up of mainly of timber frame manufacturing companies.

Feedback on the Welsh Government's Draft Welsh National Marine Plan

General views on progress to date

The Welsh National Marine Plan (WNMP) was published in November 2019. A report was made available alongside the published Plan detailing changes made following public consultation. The report is available at: <https://gov.wales/welsh-national-marine-plan-summary-changes-following-consultation-draft-plan>.

Following publication, Welsh Government's focus has been to work with stakeholders to raise awareness of the WNMP and to put in place measures to support Plan implementation, alongside progressing arrangements for monitoring and reporting on Plan effectiveness. Since Plan publication, we have:

- Worked with our Marine Planning Stakeholder Reference Group to develop our approach to Plan implementation and established and worked collaboratively through a Marine Planning Decision Makers Group to support public authorities who are using the Plan in decision making.
- Published and kept under review WNMP Implementation Guidance to support the practical application of Plan policy. The Implementation Guidance was developed in partnership with key stakeholders and the Marine Planning Decision Makers Group.
- Published two WNMP summary and overview documents, regular marine planning newsletters and engaged proactively with Plan users to support them to use the Plan. We have also produced a series of online webinars to explain marine planning and the WNMP to support Plan users and enable them to engage with marine planning despite lockdown restrictions.
- Published an update to Wales' Marine Evidence Report and put in place a spatial approach to WNMP implementation to develop spatial evidence, understanding and mapping of opportunities and constraints to be taken into account when planning future uses of the Welsh Marine Plan Area. This includes a project mapping ecological considerations in relation to marine planning. Building on this, we have commissioned a suite of Sector Locational Guidance for the tidal stream, wave energy and aquaculture sectors to help map sector-specific development opportunities and constraints. The mapping developed as part of this work is being made freely available via the Wales Marine Planning Portal.
- Established and engaged through sector expert panels to develop our approach to mapping Strategic Resource Areas. Our collaborative approach to progressing this work has been welcomed by stakeholders.
- Engaged with cross border planning activity, including the developing *Future Wales: the national plan 2040*, engagement with the MMO on the development of English marine plans for neighbouring marine areas and, also, as part of a six administrations marine planning group covering the Irish Sea.

In order to ensure the effectiveness of the ongoing planning process, the Marine and Coastal Access Act 2009 sets a requirement to monitor and report (at least every three years) on the implementation of marine plans. In support of WNMP monitoring and reporting, we have:

- Published a Monitoring and Reporting Framework for the WNMP and developed Plan indicators.
- Initiated the first stage of evidence gathering to measure progress and issued a user survey to gather information about awareness of the WMMP and its use in the 12 months since its publication.

Rethinking Food in Wales: Public Procurement of Food

General views on progress to date

- The national food frameworks, previously managed by the Welsh Government's National Procurement Service (NPS), are now being managed by Caerphilly Council.
- The NPS worked closely with Caerphilly Council to manage the transition ensuring sharing of lessons learnt.
- This is a part of a wider regional programme of procurement activity under development in response to the written statement of September 2018 – the repositioning of NPS and Value Wales

Low Carbon Housing: the Challenge

Recommendation 1

The Welsh Government must prepare and publish a ten year low carbon housing strategy. The strategy must include milestones and targets and must deliver, within its lifetime:

- ***The retrofit of all houses in fuel poverty in Wales to zero carbon in operation standards;***
- ***All new build houses in Wales to be built to zero carbon in operation standards;***
- ***A complimentary planning and building system with low carbon and energy efficiency at their centres, and supported by rigorous, independent inspection regimes;***
- ***Financial incentives to encourage buyers and owners to buy low carbon housing and invest in retrofit measures;***
- ***Funding interventions that maximise the impact of Welsh Government investment in low carbon housing; and***
- ***A fully trained workforce, ready to construct and improve homes using the latest technologies.***

There is considerable activity taking place on low carbon housing to meet the key issues identified by the Committee.

The public consultation of the draft plan to tackle fuel poverty concluded on 31 December. The draft plan proposed our objective to ensure that people in Wales, as far as reasonably practicable, are not living in fuel poverty will have been achieved if by 2035:

- No households are estimated to be living in severe or persistent¹ fuel poverty
- No more than 5% of households are estimated to be living in fuel poverty at any one time

¹ Persistent Fuel poverty being in Fuel poverty in two of the preceding three years

- The number of households “at risk” of falling into fuel poverty will be more than halved based on the 2018 estimate²

Representations made as part of the consultation are being assessed. Publication of the final plan is expected no later than the end of February 2021.

The £120m Innovative Housing Programme has been testing how homes of the future can be produced, and in recent years has focused on energy efficiency and those built sustainably. This has allowed Welsh Government to develop a roadmap setting out the time line and milestones in transitioning from traditional build methods to building net zero carbon affordable homes. This roadmap is being considered with stakeholders and will be shared ahead of the new social housing grant programme in April 2021. The future social housing grant programme will condition WG investment to ensure it supports an accelerated path to building net zero carbon homes.

National Planning Policy has made decarbonisation a central theme and the imminent publication of Future Wales: The National Development Framework will continue this requirement.

The Part L (and F) consultation proposals for new housing proposed measures to improve compliance and performance in new build homes. Proposed improvements are based around enhancing the evidence required when producing as-built energy calculations, guidance on typical performance gap issues and providing information to householders. The Government response to the consultation will be issued in the spring and will include more details on our preferred approach and implementation timetable, however, the estimated coming into force date for new housing is currently end of 2021. Compliance with Building regulations is also being considered in a broader review of reforms on building safety, design, construction and occupation.

Welsh Government will work with partners to explore different funding mechanisms which will seek to maximise the impact of Welsh Government investment in low carbon housing. Working with stakeholders, we will be carrying out a gap analysis of our current qualifications offer to identify where there are gaps and how they can be best filled. Work has already commenced with Qualifications Wales reviewing and adapting existing qualifications. Our intention is to maximise uptake through re-focusing programmes to best meet the needs of the sector. For example, through offering short-cycle qualifications or longer term knowledge and competence based training via Apprenticeships, Personal Learning Accounts as well as mainstream FE provision. In addition, we will be working with providers to understand and support capacity building to deliver retrofit, in particular the training needs of further education colleges.

The Impact of Brexit on Fisheries in Wales

Recommendation 1

The Welsh Government should publish a focussed and ambitious strategy to grow Welsh fisheries. The strategy must ensure that the highest environmental standards are maintained.

With our exit from the European Union, developing a Future Fisheries Policy for Wales is a key priority. We will build on the views provided through Brexit and Our Seas and continue to work, in collaboration, to deliver our Future Fisheries Policy.

² An estimated 144,504 households at risk of being in Fuel poverty in Wales, spending between 8% and 10% of their household income on fuel costs. This is equivalent to 11% of households in Wales.

Recommendation 3.

The Welsh Government must ensure that it engages on an ongoing basis with representatives from across the entire fisheries sector. It should report back to this Committee within the next 12 weeks on actions it will take to broaden engagement

The Welsh Government has continued to engage closely with marine and fisheries stakeholders and the two main stakeholder groups, the Wales Marine and Fisheries Advisory Group and Wales Marine Action and Advisory Group have met regularly. We have also convened sub groups to consider specific areas such as Brexit implications, the Welsh Fisheries Grant and Blue Recovery. Stakeholder engagement is also ongoing on the Welsh National Marine Plan, Marine Conservation Zones and the Joint Fisheries Statement.

Recommendation 6

The allocation of quota to Wales under the 2012 UK Fisheries Concordat is not a fair allocation and is constraining the development of Welsh fisheries. The Welsh Government should seek to renegotiate the UK Fisheries Concordat, with the aim of ensuring an increase in quota allocation.

Now the Transition from the EU has ended and the UK and EU have signed the Trade and Cooperation Agreement, the relative shares of stocks between the two Coastal States are known and the Total Allowable Catches for common stocks, to which those shares will be applied, will be the subject of bilateral negotiation.

While the TCA has delivered far less in terms of additional quota, as continually stated by the UK Government, the Welsh Government is committed to delivering a fairer share for Welsh fishers.

Recommendation 7

An ecosystem-based approach must be embedded and enforceable in future Welsh fisheries policy

The Welsh Government remains committed to managing the marine environment through an ecosystem based approach. The Fisheries Act 2020 introduced eight Fisheries Objectives, which includes an “ecosystem objective”. The objective is that fish and aquaculture activities are managed using an ecosystem-based approach so as to ensure that their negative impacts on marine ecosystems are minimised and, where possible, reversed; and that incidental catches of sensitive species are minimised and, where possible, eliminated. The Joint Fisheries Statement, which is due to be published in November 2022, will set out our policies for achieving, or contributing to the achievement of, the Fisheries Objectives, as well as setting out the use we intend to make of fisheries management plans.

Rethinking Food in Wales: Food Branding and Processing

General views on progress to date

- The Covid-19 pandemic tested the food and drink supply chains in unprecedented ways, and they proved resilient. Producers, wholesalers and retailers were able to adapt quickly to changing demand, taking action to source alternatives when necessary. In addition the transition period in respect of the United Kingdom’s exit from the European Union has now ended, resulting in new trading arrangements with our European neighbours.

- The food and drink sector has faced unprecedented challenges and has responded in a number of ways to ensure their products continue to reach customers. All retailers, local and national, have played a key role in ensuring people had access to food, and were quick to adapt by introducing online delivery services and producers introducing direct sales over the internet. A variety of retailers and shopping channels is a strength and offers consumers' choice. What matters is produce is good quality, affordable, and comes from a supply chain improving sustainability and well-being, and it adds value to the supply chain. No one retail model is automatically superior.
- On 30 July, in collaboration with the Food and Drink Industry Wales Board, I launched a series of actions to help the Welsh food and drink industry recover from the impacts of COVID-19. These published actions will be form a short-term focus, and will target support for the sector over the coming months until next summer. They will be a bridge between the current strategy, Towards Sustainable Growth, which completes in 2020, and the new strategy, which is currently in development.
- The actions the Welsh Government has taken to support the sector to recover from the effects of the pandemic, in combination with our strategic vision and mission will support the sector should disruption to the food supply chain occur at the end of the transition period. The Recovery Plan has eleven points of focus to support the industry through the next year without losing sight of our longer term strategic ambitions.
- The Welsh Government has increased its intelligence gathering capability to support policy development and delivery of support to businesses. There is widespread engagement with the Food & Drink Industry Wales Board, cluster networks and contact with individual companies through business development managers.
- In promotional and branding terms, over the summer months we launched the #CaruCymruCaruBlas / #LoveFoodLoveTaste campaign. This campaign urged shoppers to show their 'love' for the products of the Welsh food and drink industry through a digital marketing campaign. This campaign was the result of a cross industry and multi cluster collaboration, including Cywain, NFU Cymru, HCC, Tyfu Cymru and the Food & Drink Wales Industry Board. The campaign operated over three separate days over the course of the summer months. Over 110 producers took part, and estimated consumer reach of 1,500,000 was achieved.
- The focus rightly still remains on short-term recovery, however we will not lose sight of our long-term ambitions. As the Committee will be aware, in 2019 the Welsh Government consulted on a new strategy for Wales' food and drink sector, and the proposed vision and mission were very well-received. I am committed to these long term ambitions. When the timing is right, the government will finalise the proposals and publish them.
- The short- and intermediate-term actions described in the COVID-19 Recovery Plan are first steps on the path of the vision and mission described within the consultation.

Report on Policies and Proposals Relating to Plastic Pollution and Packaging Waste

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.

Welsh Government are supporting the UK led Microplastics in Sediment Expert Group (MPEG) through OSPAR. This group is developing a new indicator for microplastics in marine sediment, which will allow for both a spatial and temporal assessment and will form part of the UK Marine Strategy suite of marine litter indicators.

Additional data recording of microplastics in marine biota is undertaken and at this stage provides quantifiable data, focusing mainly on demersal and some pelagic fish. Officials are also engaging with Welsh universities who are undertaking research focusing on microplastics content in shellfish.

Welsh Government has commissioned an evidence review, by the UK Centre for Ecology and Hydrology (UKCEH), into the spread of antimicrobial resistance in the rural water environment in Wales, and this will consider microplastics.

The UK Water Industry Research (UKWIR) programme has carried out a literature review, with aims to further investigate zero harm from plastics in the water industry. This will complement existing research by UKCEH, which reviewed the risks of microplastics in drinking water, wastewater and sludge from wastewater treatment.

Dŵr Cymru Welsh Water (DCWW) is also involved in research into microplastics through the UKWIR. A current study aims to better understand the fate of plastics in the sewerage system.

The risk to drinking water is very small. However, Welsh water companies and regulators are constantly reviewing the data to assess any impact and help reduce their presence.

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.

During 2020 we undertook an extensive public engagement exercise to support the development of our Beyond Recycling Strategy. The final strategy is scheduled for publication in early 2021 and sets out our ambitions and actions to help Wales move to a circular economy. Where plastic pollution together with all other forms of waste is avoided and resources are kept in use as long as possible. This is a key part of the action needed on climate change and also brings considerable economic opportunities as part of the transition to a low carbon economy.

As a Government, we agree that the challenge of plastic pollution is a crucial part of our efforts and a comprehensive and ambitious approach will be needed. However, the issues associated with plastic pollution also apply to other materials, as fundamentally using an item only once or not disposing of materials correctly cause environmental pollution and waste valuable resources. A strategic approach therefore needs to not only address this issue for plastic, but also for other materials, recognising that the single-use nature of our consumption is a core part of the problem.

Our aim is therefore to not only address the issue of plastic pollution but also look at other waste streams. In doing so, we agree that there must be clear linkages with policy areas across government, including procurement.

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 on within 6 months of the publication of this report.

Amongst other materials both EPR and DRS for drinks containers target a large proportion of plastic. Within both schemes the intention is to set statutory recycling targets for those obliged under the schemes to meet. Although the intention is for the schemes to operate across the UK, reporting on material capture and recycling rates will be reported on an individual nation basis – therefore it will be possible to track the success of both schemes on an all Wales basis.

With regard to a deposit scheme for drinks containers our current preferred option is to set a series of targets increasing over time as the scheme beds in and becomes widely accepted. In addition, the variable or modulated fee payment packaging will incentivise producers to design easier to recycle and less wasteful packaging. Further details on how statutory targets will work will be covered in the second consultation on both schemes, scheduled for publication early in 2021.

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.

During 2020 Welsh Government has worked with the other nations of the UK to design and introduce an Extended Producer Responsibility Scheme for Packaging Waste. A consultation setting out the details of this proposed scheme is on track to be published early in 2021.

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

Work has continued during 2020 in developing proposals for a joint Deposit Return Scheme for drink containers covering Wales, England and Northern Ireland. The details of this scheme are scheduled to be published in early 2021. The DRS needs to work within the existing infrastructure and approach in Wales to waste collection and recycling that has contributed to the high recycling rates we have all achieved. As well recognising the integrated supply chains between England and Wales. In terms of scope this will be covered in the up-coming consultation and we note the Committees preference.

Environmental Principles and Governance Post-Brexit

Recommendation 4

The Welsh Government should endeavour to secure a commitment from the UK Government that non-devolved bodies operating in Wales will adhere to the future environmental principles.

The Welsh Government has already committed to continue to apply the four EU environmental principles in policy making until we include these in legislation.

The UK Environment Bill, which has taken as its starting point the current gaps in England, does not provide a suitable model for addressing the gaps in Wales. It does not sit within an overarching context of sustainable development and would not contribute to the delivery of our long-term objectives such as the well-being goals.

You will be aware I secured amendments to the Bill regarding the application of environmental principles in August 2019 to reflect the devolved nature of the environment. As such Ministers of the Crown making policies in relation to Wales - and non-devolved bodies in Wales - will be required to adhere to the approach to principles which we will introduce in future Welsh legislation, not those set out in the UK Bill. The First Minister reiterated his commitment to bring forward legislation for environmental governance in July 2020, but unfortunately due to pressures from Covid-19 and the end of the transition period it was not possible to introduce it this term. We cannot comment on future legislative programmes until the outcome of the 2021 Senedd elections is known and the new Government makes its statement on its legislative programme.

I recognise the importance, post EU membership, for the four UK administrations to work more collaboratively, and so we continue to discuss with the UK Government and the other Devolved Administrations a cooperative approach to environmental principles. These will be the four EU principles of prevention, precaution, polluter pays and rectification at source.

Recommendation 25

The Welsh Government should set out a timeline for the development and implementation of its preferred transitional arrangements. In addition, it should report back to the Committee, within three weeks of the publication of this report, on the work of the stakeholder group tasked with considering proposals for transitional arrangements.

I also wish to refer the committee to my previous response to this question on 8 December 2020.

Following the end of the transition period on 31 December 2020 I introduced interim measures for environmental governance in Wales which includes a web page accessible at: <https://gov.wales/raising-concern-about-functioning-environmental-law>.

Additionally, I am happy to confirm I am in the process of appointing an interim assessor. I hope to make a public announcement soon.

The Interim measures have been designed to provide a stop gap between the end of transition and the introduction of statutory measures. The future Legislative Programme will be a matter for the next Senedd, but I remain committed to a permanent body being in place as detailed in by my acceptance of the stakeholder task group's recommendations on 19 November 2020.

Report on the Welsh Government's progress on Marine Protected Area management

Recommendation 1

The Welsh Government should bring forward as a matter of urgency an ambitious strategy for MPAs. It should do so by summer 2020. The strategy should focus on the need to take both local and network-scale approaches and to deliver the conservation objectives of individual MPAs, where applicable. The framework and action plan should sit under the strategy. The strategy should be accompanied by an explanation of how the Welsh Government plans to fund MPA Management on an ongoing basis. The strategy should be subject to full consultation and should be refreshed periodically.

In September 2018, the MPA Management Steering Group published the Marine Protected Area Network Management Framework for Wales. This document provides an overarching vision, objectives and management principles to guide MPA management until 2023, supported by annual Action Plans that include local and network-level actions. 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, not writing a strategy.

The MPA Network Management Framework continues to actively guide management action at a network level. The current latest Action Plan and Annual report has been published and good progress is being made with delivering this year's actions:

<https://gov.wales/marine-protected-area-network-management-action-plan-2020-2021> / <https://llyw.cymru/cynllun-gweithredu-ar-gyfer-rheolir-rhwydwaith-ardaloedd-morol-gwarchoddedig-2020-i-2021>
<https://gov.wales/marine-protected-area-network-management-annual-report-2019-2020> / <https://llyw.cymru/adroddiad-blynyddol-ar-reolir-rhwydwaith-ardaloedd-morol-gwarchoddedig-2019-i-2020>

The Steering Group is keen to enable wider engagement with marine stakeholders to collaboratively develop the MPA Network Management Action Plan 2021-2022. The Call for Actions opened on the 09th December and will close on 12th March 2021.

The call for actions was distributed through WMAAG and the WMAAG resilience sub-group and the Relevant Authority Groups (RAGs).

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 MPA management authorities. This could include broadening the group out to include additional members or the creation of relevant sub-groups. The Welsh Government should report back to this Committee on the outcome of those discussions.

I established the MPA Management Steering Group in June 2014 and consider it to have appropriate membership and representation from organisations with a statutory responsibility towards MPA management across Wales. However, I recognise that more can be done to increase broader input into the Steering Group and that is why my officials recently established the WMAAG Marine Resilience Sub-group to work together on aspects of marine biodiversity policy. The first meeting took place on 13 November 2019 and that included MPA management, specifically the development of the next annual MPA Network Action Plan.

The Steering Group has supported the establishment of a new stakeholder group under the Welsh Marine Advice and Action Group (WMAAG). The Resilience Sub-group provides a forum to facilitate more in-depth discussion and engagement around MPA management and the development of future Action Plans, as well as engagement on other work areas relating to the resilience of marine ecosystems. The MPA Management Steering group has already held two meetings with this group to discuss this year's Action Plan and planning has taken place to hold another meeting with the group in February or March 2021. The group have been asked to propose actions for the next action plan 2021/22 through the call for actions (Dec-March 2021).

Recommendation 5

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

Several members of the MPA Management Steering Group are members of a number of the RAGs, in addition to the European Marine Site Officer (EMSO) advisor on the Steering Group. The EMSOs have produced another report to the group in 2020:

<https://gov.wales/marine-protected-areas-welsh-relevant-authority-groups-2019-2020-update>

The work being carried out at the site level by RAGs was highlighted in this year's action plan. The WMAAG Marine Resilience Sub-group is the key forum for wider engagement in MPA management and RAG Chairs and EMOs are able to join these meetings. On further consideration, it wasn't felt that writing the chairs was necessary to achieve this output.

Recommendation 11

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

The Welsh Marine Evidence Strategy continues to guide Action Planning by Welsh Government and NRW, and has informed the commissioning of evidence gathering to improve our understanding of the presence, distribution and sensitivity of protected features across Wales' MPA network.

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.

The Project Team were ready to proceed with further engagement and collaboration with the MCZ Task and Finish Group (TFG) in spring 2020. However, the impacts of Covid-19 on Welsh Government resources and the availability of TFG members due to furlough meant that the TFG was not reconvened until August. The input and expertise provided by the TFG members is crucial to the process and virtual meetings have proved very effective in enabling the process to continue since August 2020.

Good progress has been made in gathering stakeholder views and reaching consensus. There a number of significant statutory steps to come in the process to identify potential MCZs, including the need to effectively communicate this sensitive issue with sectors, stakeholder groups and coastal communities. This work area remains a Ministerial high priority for Welsh Government, Natural Resources Wales and JNCC

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