

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:	For further information contact:
Video Conference via Zoom	Marc Wyn Jones
Meeting date: 20 October 2021	Committee Clerk
Meeting time: 10.00	0300 200 6565
	SeneddClimate@senedd.wales

Private pre-meeting (09.45–10.00)

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

Public meeting (10.00–12.00)

1 Introductions, apologies, substitutions, and declarations of interest
(10.00)

2 Priorities for the Climate Change, Environment, and Infrastructure Committee: Scrutiny of the Minister and Deputy Minister for Climate Change
(10.00–10.55) (Pages 1 – 36)

Julie James MS, Minister for Climate Change

Lee Waters MS, Deputy Minister for Climate Change

John Howells, Director Climate Change, Energy and Planning



Gian Marco Currado, Director Environment & Marine

Steve Vincent, Director Economic Infrastructure

Chris Wheeler, Head of Decarbonisation and Energy

Attached Documents:

Research brief

Paper – Welsh Government

Break (10.55–11.05)

3 Priorities for the Climate Change, Environment, and Infrastructure Committee: Scrutiny of the Minister and Deputy Minister for Climate Change

(11.05–12.00)

Julie James MS, Minister for Climate Change

Lee Waters MS, Deputy Minister for Climate Change

John Howells, Director Climate Change, Energy and Planning

Gian Marco Currado, Director Environment & Marine

Steve Vincent, Director Economic Infrastructure

Chris Wheeler, Head of Decarbonisation and Energy

4 Papers to note

(12.00)

4.1 Legislative Consent Memorandum (LCM) for the Environment Bill

(Pages 37 – 44)

Attached Documents:

Welsh Government response to the Committee's report on the Legislative Consent Memorandum (LCM) for the Environment Bill

4.2 Border Control Posts (BCPs) in Wales

(Pages 45 – 59)

Attached Documents:

Letter from the Minister for Economy to the Chair regarding Border Control Posts (BCPs) in Wales

4.3 Marine Protected Areas (MPAs) in Wales

(Pages 60 – 65)

Attached Documents:

Letter from the Chair of the Petitions Committee to the Chair regarding bottom trawling and Marine Protected Areas (MPAs)

Letter from Wales Environment Link (WEL) to the Minister for Climate Change and Minister for Rural Affairs and North Wales, and Trefnydd, regarding bottom trawling and Marine Protected Areas (MPAs)

4.4 Manufacturing in Wales

(Pages 66 – 67)

Attached Documents:

Correspondence from the Membership Director, Wales – Make UK, the manufacturers' organisation to the Chair regarding manufacturing in Wales

4.5 The Phytosanitary Conditions (Amendment No 2) Regulations 2021

(Pages 68 – 69)

Attached Documents:

Letter from the Minister for Climate Change to the Chair regarding the Phytosanitary Conditions (Amendment No 2) Regulations 2021

5 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting (12.00)

Private meeting (12.00–12.15)

6 Consideration of evidence heard during the Ministerial scrutiny sessions under items 2 and 3

7 Consideration of the Committee's forward work programme

(Pages 70 – 73)

Attached Documents:

Paper – Forward Work Programme

Document is Restricted

Minister for Climate Change, Evidence Paper for the Climate Change, Environment and Infrastructure Committee

The climate emergency is the biggest existential threat to our planet. To begin to tackle the crisis action is needed across government, business and communities. We need to urgently reduce emissions, explore greener technologies and each of us can make a difference.

To decarbonise and help Wales reach its legally binding target of reaching Net Zero by 2050 we will all need to do much more to reduce our carbon emissions over the next 10 years than we have in the last 30. We must follow the scientific advice, do things differently and be bold.

The Senedd was the first Parliament to declare a climate change emergency. This proved how seriously the issues of climate change are taken in Wales and how determined we are as a Government to act.

At the start of this Senedd the First Minister created a new Ministry to focus on climate change. The Minister and Deputy Minister for Climate Change have been asked to ensure that we put the environment, biodiversity loss and climate change at the heart of everything we do as a government. By bringing together responsibilities for housing, transport, planning, energy and the environment, we will tackle the dangers of climate change, enhance our natural assets to the full and build the green, sustainable future for Wales that we hope to see.

We will also need to adapt to the impacts climate change. We are already seeing the effects of our changing climate and must act now to protect the most vulnerable people and communities in Wales.

Protecting nature and decarbonising will help us all by improving our health, benefiting our economy and preserving Wales' beautiful landscapes and nature for future generations.

In June this year the Senedd declared a nature emergency and called for statutory targets to be set to halt and reverse the decline in biodiversity. This follows recent international research showing the fragility of many of our ecosystems with more than a million species at risk of extinction due to pressures including habitat loss, pollution, invasive non-native species and climate change. This declaration will put Welsh Government action on nature on a par with climate change in terms of urgency and significance.

The Welsh Government's published First Supplementary Budget for 2021-22 reflected the changes to Ministerial portfolios announced on 13 May. A Climate Change portfolio was created for the first time in Welsh Government with a total budget allocation of £2.633billion.

This paper summarises the issues and activity taking place across key areas of the climate change portfolio. It builds on the letter that was sent to the Chair of the Climate Change, Environment and Infrastructure Committee in July 2021, by including further information on priority work and commitments made in the Programme for Government.

Climate Change

Climate change concerns both the work to reduce our emissions to net zero, and work to deal with the climate risks we already face.

In March 2021, Wales committed to the stretching target of net-zero emissions by 2050. The Senedd set this target in legislation alongside a series of carbon budgets and decadal targets, underpinned by advice from the Climate Change Committee (CCC), our statutory advisors. Carbon Budget 1 was 2016-2020 and required an average reduction of 27%. Carbon Budget 2 is 2021-2025 is for an average 37% reduction. We have committed to publishing our new *Net Zero Wales* Plan on 28 October, ready for COP26 in Glasgow.

The 2030 decadal target is for 63% reduction against the baseline. This reflects the need for the 2020s to be ‘the decade of action’ and for everyone to play their part if we are to meet net zero by 2050. This is reflected in the Plan which captures both the commitments from, and the requirements of, businesses, workers and communities across Wales. The Welsh Government must use every opportunity within its strategy for recovery from the pandemic to embed and drive positive changes with regards to emissions. The forthcoming COP Cymru will be a key stepping stone in this engagement journey.

Within my portfolio, the new UK Emissions Trading Scheme, introduced in January 2021, covers all major power, industry and aviation emitters (some 46% of total Welsh emissions). The Scheme enables carbon ‘allowances’ to be bought and sold at auction and in a carbon market. It is managed by a joint four-nation Authority. It is not yet linked to the EU scheme, although the devolved nations and elements of UK Government have been advocating this approach for some time, alongside the majority of scheme participants. I expect to consult on changes to strengthen the Scheme in the coming months.

The Welsh Government recognises that the public sector must take a leading role in driving down emissions, reflected in our ambition for a net-zero public sector by 2030. We continue to drive progress in this area and have developed a monitoring framework to track progress. The Welsh Government Energy Service offers technical advice alongside loans to public sector and community organisations for renewable and retrofit projects. A wide variety of public organisations have benefitted from our decarbonisation innovation programme, which seeks to identify and nurture new and ground-breaking ideas and concepts to support work on decarbonisation, especially those which take a systems view of the challenge.

Climate Adaptation describes the actions required to adapt to the effects of climate change, such as increased rainfall in winter and warmer, drier summers. The Climate Change Act requires Welsh Ministers to report on the Welsh Government's objectives, actions and future priorities regarding the impacts of climate change and also provides Welsh Ministers with powers with regards to public bodies and their response to climate risk. I expect to make a statement in due course on the delivery of the current Adaptation plan *Prosperity for All: A Climate Conscious Wales*, including on any updates which may be required in light of the latest CCC advice.

The Welsh Government has supported a wide range of innovative projects designed to make progress with respect to decarbonisation and energy efficiency, but is dependent on funding for innovation from UKG / BEIS and Europe.

Energy

The UK energy system is facing a period of significant change and upheaval as we transfer to renewable sources of power in support of the wider net zero agenda. Energy generation in Wales is evolving in line with these wider changes. The Welsh Government set out a comprehensive statement of its approach to energy policy in *Energy Wales: A Low Carbon Transition* and we have subsequently published more detailed policies.

The devolved planning system is one of our greatest levers in driving changes across Wales over the longer period. Planning Policy Wales, our main policy statement, places fossil fuel extraction at the bottom of its fuel hierarchy, which in turn supports the aspirations to a net-zero energy system.

The Welsh Government is heavily involved in a range of initiatives designed to promote public ownership and reduce emissions from the power sector, which remains the largest emissions sector in Wales as a result of developments which mean Wales is hosting 16% of the UK's gas fired electricity generation.

To deliver on our net zero ambitions Wales will need to develop a more comprehensive policy on decarbonising heat, which is a substantial cross cutting challenge linked to fuel poverty, housing, commercial, industrial and waste policy areas.

Although the UK Government holds the principal financial and regulatory levers the Welsh Government has set targets for renewable energy:

- for renewables to generate an amount equivalent to 70% of Wales' electricity use by 2030;
- for 1 gigawatt of renewable energy capacity to be locally owned by 2030, and
- for all new energy developments to have at least an element of local ownership from 2020.

In 2019, the equivalent of 51% of Wales' electricity use came from renewables. The rate of increase has slowed due to UK Government incentives ending. We have

reached 83% of the locally owned target. Through a Ministerial led deep dive we are exploring the opportunities, barriers and effective actions we can take to scale up renewable energy generation in Wales and how we retain the wealth and ownership in Wales. The Welsh Government has made clear its commitment to reduce the use of fossil fuels. Wales has published policies hostile to petroleum extraction and to coal extraction and use in power generation.

We have worked with the four regions of Wales to develop energy strategies highlighting the scale of change needed to reach net zero, and the economic opportunities this presents. This puts Wales in a strong position to develop the more detailed and integrated plans needed to design a low carbon energy system.

Building on the work of the regional energy strategies, the Welsh Government is piloting Local Area Energy Planning (LAEP) in partnership with local authorities. This is a more detailed approach to identify the actions to decarbonise a local energy system. The process aims to inform, shape and enable key aspects of the transition to a low carbon energy system. It is capable of identifying what needs to happen, where and by when. The resulting plans will provide crucial evidence to support:

- energy efficiency retrofit;
- heat;
- transport;
- economic development; and
- inform grid network providers' plans.

We have initiated and funded two LAEP pilots in Conwy and Newport Local Authority areas. We are working with Local Authorities and regional decision makers to shape the roll out of this more detailed planning across Wales during 2021-22.

The public engagement we are beginning to see as a result of this work will be essential in securing the public consent to deliver the scale of change needed across heat, buildings, transport and power.

Hydrogen is a nascent but very promising technical solution to some of our decarbonisation challenges. Our consultation on a Welsh pathway for hydrogen closed in April. The opportunities for hydrogen use in Wales will also be explored through Local Area Energy Planning.

Decarbonising Housing

The built environment and housing play a significant role in carbon emissions and must therefore play a significant role in meeting our net zero ambitions.

We have made good progress in how to build new homes that are low or zero carbon in use and that generate vastly reduced emissions during the build process. As a result we are able to set a high bar for new homes, requiring all new social housing planned from 1 October to be built without the use of fossil fuels to heat the homes and provide hot water (revised WDQR2021). Our ambition is that where social housing leads, market housing will follow.

The challenge of reducing carbon in new builds is significant enough but the challenge of reducing emission from our 1.4m existing homes is far greater. There are no easy answers and one size does not fit all. Which is why we have adopted a 'test and learn' approach. Our focus is on 'fabric ready' interventions – making homes as fuel efficient as possible and getting them ready for future iterations of their decarbonisation journey. Most homes will undergo retrofit interventions in stages reflecting when it is right to do work to an individual home. This approach also recognises the ongoing development of skills, tech and products to decarbonise the wide range of homes we have.

Our Optimised Retrofit Programme is the means of delivering a clear mechanism to take meaningful, test and learn, coordinated steps to decarbonise homes, using a structured, technically robust methodology, whilst remaining as affordable and pragmatic as possible. The approach is being further strengthened as part of our £50m investment this financial year by explicitly focusing on using the retrofitting of social homes as a vehicle for enhanced social, economic and community outcomes.

Marine Energy Programme

Infrastructure investment provides an important and much needed stimulus, creating the conditions for increased and sustainable growth in the medium and longer term.

Since 2019 work has been underway to stimulate renewable tidal power generation in the seas around Wales and help support other forms of marine energy generation. This has the aim of creating jobs and investment in new industries in Wales.

The First Minister convened the Hinkley Point C Stakeholder Reference Group in July 2020 to provide an independent assessment of the implications for Wales of the new nuclear power station currently being developed at Hinkley Point, in Somerset. The Group reported on its work March 2021. This is a wide ranging report which provides us with a valuable source of evidence and advice. We have been considering their findings in detail and I will soon be issuing a Written Statement in response.

Trees and timber

We need to plant 43,000 hectares of new woodland by 2030, and 180,000 hectares by 2050 to meet the 'balanced pathway' set out of the Climate Change Committee.

Last year, just 290 hectares of woodland was planted in Wales and annual woodland creation has not exceeded 2,000 hectares since 1975. Further development of the National Forest, including through community woodlands, is a key part of this.

Delivering our targets will require an alliance of change involving many partners. The vast majority of new woodland will not be planted on Welsh Government land, but by the communities, farmers and other landowners across Wales.

To address the barriers to woodland creation the Deputy Minister for Climate Change undertook a deep dive into tree planting. This identified a series of actions, including a new funding scheme for woodland creation and an industrial strategy to coordinate the timber supply change and construction sectors.

On 30th September, the Welsh Government opened a new window of the Glastir Woodland Creation scheme, which will allow land managers to apply for £5.5m funding for woodland creation. We also opened a pilot Woodland Creation Planning scheme as a first step to develop the new funding offer. A woodland finance working group is currently considering models to attract investment in woodland creation, without disrupting existing communities and patterns of landownership.

We will open a consultation later this year on the long-term delivery of the National Forest. We will also begin work to identify areas for 30 new woodlands and 100 Tiny Forests as part of the National Forest programme.

Meeting net zero, particularly in the construction sector, will also mean using much more timber in Wales. 80% of the timber used in the UK is imported and only 4% of the 1.5 million m³ of harvested Welsh timber is processed to be used as construction graded timber. We have begun work on a timber industrial strategy to identify changes which need to take place across the timber supply chain, from the supply of timber, through its processing to end use and re-use. This includes looking at the role of NRW, who have committed to selling up to 30% of their timber through alternatives to the current model focussed on sale for highest financial value.

Nature and biodiversity

SoNaRR2020 concludes that the loss of biodiversity is accelerating globally at unprecedented rates and Wales needs to build resilient ecological networks and reduce its impact outside of Wales to tackle this.

Our Nature Recovery Action Plan (NRAP) sets out the objectives and key actions needed in Wales to achieve our ambitions for nature recovery both as part of meeting our own Resilient Wales goals and our global commitments to halting the loss of biodiversity.

It sets out Welsh Government's priorities for tackling biodiversity loss, and reflects the need for action to tackle the nature and climate emergencies, build resilient ecological networks across our whole land and seascape to safeguard species and habitats, addressing the root causes of biodiversity loss, and targeting interventions to help species recover where necessary.

We are also required to update our Natural Resources Policy to fulfil our duties under the Environment (Wales) Act 2016.

Our vision for our seas is that they are clean, healthy, safe, productive, and biologically diverse. Wales has important marine habitats, such as seagrass forests and saltmarshes. Our approach is structured around assessment, protection and

management, and restoration. Effective marine planning for, and regulation of, new development is crucial to enabling sustainable marine sector growth, particularly for the development of marine energy projects to contribute to net zero.

Our Nature Networks Fund in partnership with National Lottery Heritage Fund and NRW is focussed on improving the condition, connectivity and resilience of the protected sites network including by supporting the active involvement of communities in caring for them.

Building on the action delivered under the Fund, we are also developing a multi-year Nature Networks Programme with NRW to help create resilient ecological networks, with protected sites at their core. Our intention, subject to the UK Spending Review, is that we will have a multi-annual budget to support the implementation of the programme.

The National Peatland Action Plan aims to restore at least 600-800ha of peatlands per year over the next five years, equating to over 3,000ha of peatlands on a recovery pathway by 2025. Peatland restoration is an important nature based solution to tackling climate change, and will safeguard an estimated 834,000 tonnes of carbon stock.

Our 'Local Places for Nature' programme aims to create 'nature on your doorstep' in urban areas of deprivation, or those with little access to nature. Projects are focussed on modest measures that make an impact locally. Over this term, we will create 2,000 pollinators sites, 1,000 community-growing sites and places for nature in 50 transport hubs.

We are working with NRW to take forward work on land management agreements (LMAs) to see land, particularly privately owned land, better cared for. LMAs provide a mechanism to work directly with landowners to protect valuable habitat both on and outside protected areas. Landowners, particularly farmers, do not tend to apply to grant schemes, so LMAs provide an effective way to work with them directly to support the change needed on their land.

We will support the Action Plan on Pollinators Taskforce by providing a secretariat, establishing subgroups requested by the Taskforce, and delivering the Bee Friendly scheme. We are working with Defra and members of the Bee Health Advisory Forum to develop an implementation plan for the Healthy Bees Plan 2030 and will support the National Bee Unit, part of APHA, to deliver the Bee Health Programme in Wales.

We are working with the Joint Nature Conservation Committee (JNCC) to develop a suite of biodiversity indicators which will allow Ministers and stakeholders to assess progress towards biodiversity outcomes at a national, UK and Global level. This includes the development of indicator 44 on the status of biological diversity in Wales as required by the Well Being of Future Generations (Wales) Act 2015.

We are committed to creating a new National Park for Wales – the first in more than half a century – centred on the Clwydian range and Dee Valley AONB. The First Minister has emphasised the importance of delivering on this commitment in the current Senedd term. National Parks have a vital role to play in delivering Welsh

Government commitments, particularly on tackling the nature emergency and delivering sustainable tourism.

We will be working Park Authorities to ensure that they are as lean, as transparent and as efficient as possible in order for them to focus on the priorities that matter most. This may involve some governance reform, as well as increasing collaboration.

Circular Economy

We are prioritising the transition to a more circular economy as a key element of our decarbonisation aims, as well for the impact it can have to improve economic and social outcomes. Unsustainable consumption lies at the heart of our climate and nature crises with almost half of all our carbon emissions coming from the products we make and use every day. The pandemic and Brexit have also shown us that we cannot take resources for granted and therefore how we manage resources has never been more important.

Earlier this year, *Beyond Recycling* – a strategy to make the circular economy a reality in Wales was published. This sets out the Welsh Government’s commitment to accelerate our transition to a circular, low carbon economy that works to keep resources in use and reduce emissions. It contains key actions that will be taken forward across Government. Our transformational journey since the start of devolution, to increasing recycling and reducing waste has already established Wales as a world leader in this field and this provides us with both a solid foundation and distinct opportunity. Further increasing recycling and reducing waste remain key, but we also have the opportunity to develop our infrastructure and economy further to extract greater economic value from the materials collected.

We will work with partners to look at how our existing recycling and waste collection infrastructure, which is very different to many parts of the UK, can maximise the generation of high quality resources which can be kept in use for longer and to minimise the amount of waste businesses generate. Some of our traditional recycling facilities are turning into eco-parks where items are sent for remanufacturing, re-use and repair rather than recycling and many social enterprises are finding value in collecting items for repair and re-use such as bicycles and we will therefore work to continue to support and expand this progression through not only the use of the materials, but to also drive the move to reuse and repair.

The people of Wales have been at the heart of our recycling transformation with households the length and breadth of the country playing their part. We have also seen community action from sharing surplus food to coordinating litter picks. We have visually seen changes where we live from the growth of plastic free and zero waste shops and repair cafes and libraries of things supporting people to reduce unnecessary waste and repair and share items. The Programme for Government has set our very clear commitments to build on this by supporting 80 repair and re-use hubs and community recycling. This shows how, as well as our action to change how we use resources, we will work with citizens, communities and businesses to place.

Our businesses are innovating too like using the recycling material we collect to make products we need and we will also take steps to provide support them to get the value from the resources we keep in use. We will do this through for example including supporting sustainable purchasing in public procurement and ensuring that businesses get access to advice and support. In doing so, this will also help to retain value here in the Welsh economy whilst reducing emissions.

Keeping resources in use will also support us to continue to take action on key materials which are often ends up as waste and cause damage to the environment. This includes taking action to phase out unnecessary single use items and halving food waste by 2025. We will be bringing forward measures to encourage more efficient resource use - from introducing a requirement on businesses and non-domestic premises in Wales to separate items for recycling, to game-changing reforms to packaging and drinks containers.

As reflected within the Programme for Government, one of those key measures is Extended Producer Responsibility (EPR). EPR seeks to implement the polluter pays principle by ensuring those businesses which place products on to the market bear the costs for the end of life management of those products post-consumer use. This can include recovery of the full net costs for end of life waste collection and recycling. We will apply these EPR reforms to packaging first including a deposit return scheme for drink containers and we will publish the proposed final design of these reforms early in the New Year. We are working in partnership with the other governments across the UK and are also exploring how EPR reforms can potentially be applied to other items such as batteries, electrical and electronic equipment, motor vehicles, textiles and fishing gear.

In addition, we are committed to bringing forward legislation to ban more single use plastics.

Clean air

Poor air quality contributes to poor health, with a pronounced impact on the most vulnerable. Maximising delivery of air quality objectives through behaviour change, for example active travel, is key. The development of a Clean Air Act for Wales will be informed by the responses to the White Paper consultation held earlier this year.

Clean water

Maintaining and enhancing our dynamic water ecosystem is central to tackling the wider strategic challenges we face. We need to ensure our drainage and sewerage systems are sustainable, managed effectively and that they are fit for purpose in terms of meeting changing demands. To address these challenges we need to work in collaboration with a wide range of stakeholders.

The Programme for Government makes a commitment to begin designation of Wales' inland waters for recreation and strengthening water quality monitoring.

We are working with a broad range of stakeholders, including Natural Resources Wales, Water Companies and the agricultural sector to ensure where improvements are needed to support cleaner inland waters (including rivers) action is taken.

As part of this policy development we are considering a broad range of issues around the designation of inland bathing waters, including issues of access to water and water safety

We want to make sustainable drainage systems (SuDS) mandatory on almost all new building developments. This will relieve pressure on the sewer and drainage 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.

The Programme for Government includes a specific commitment to enhance the SuDS legislative framework to provide additional environmental, biodiversity, well-being and economic benefits to our communities.

We are working with NRW and water companies in Wales to develop Drainage and Wastewater Management Plans. The plans will look at ways to address existing and future pressures on the sewer system, including population growth and climate change, to build a more resilient wastewater and drainage infrastructure.

The plans will help ensure water companies invest strategically and transparently for a wastewater and treatment network that is resilient and affordable in the long and short term. DWMPs will provide the opportunity to adopt a multi-sector catchment approach where the water companies and stakeholders are able to integrate their investment and development plans

Resilient rivers are essential for enhancing Wales' biodiversity, enabling more recreational use and securing wider benefits to society and our economy. We are very concerned that the majority of Wales' SAC rivers fail to meet phosphorus targets

A cross sector approach is required to reduce phosphate levels in our waterways due to the differing patterns and different sources of pollution.

A Management Oversight Group has been established to provide strategic direction and help expedite a number of areas. The Group has representatives from all relevant sectors.

Flood protection

Reducing the risk of flooding to people, properties and infrastructure in our communities is a significant priority. Across Wales, 245,000 properties are at risk of flooding, with a further 400 at risk from coastal erosion. The risks will only be exacerbated by the changing climate. Our [National Strategy for Flood and Coastal Erosion](#) sets out how we will manage the risks over the next 10 years. It focuses not only on reducing present risk, but also preventing issues for future generations through more informed planning decisions, the better management of water and

natural flood management. The storms of February 2020 highlighted the risks we face from our industrial heritage.

Two Programme for Government commitments directly relate to the Flood and Coastal Erosion Risk Management policy and programme. Firstly to fund additional flood protection for more than 45,000 homes and secondly to deliver nature-based flood management in all major river catchments to expand wetland and woodland habitats.

This financial year we will invest over £65 million in flood risk management activities across Wales. Investment in flood and coastal risk management, helps to directly address the impacts of climate change including rising sea levels and increased storm events. To support with achieving the commitment to fund additional protection to 45,000 homes we are developing a pipeline of capital flood and coastal erosion schemes to better protect homes across Wales.

In terms of the commitment to deliver nature-based flood management, pilot projects have been ongoing over the past two financial years to better understand the benefits and barriers to delivering nature based flood risk management solutions. To further deliver on this commitment, all schemes being developed through the capital programme are required to consider nature flood management as one of their options.

Nature based solutions allow for measures to be put in place to reduce the risk of flooding which promote and encourage other environmental, biodiversity and ecological benefits, often providing habitats for species or improving water quality. This is also a low carbon option to reducing flood risk, using solutions such as tree planting, woody dams, peat restoration or the installation of attenuation areas to hold water in peak flows. Given the increasing risk from flash flooding, it will become increasingly important to find better, more sustainable ways to manage run-off, often in places which have not traditionally been at high risk, including alongside agricultural land and in more rural communities, which are increasingly being affected by such events.

Both of our Programme for Government commitments are improving the lives of people in Wales by reducing the risks they face from flooding and coastal erosion. The impacts of floods can have long term impacts on mental and physical health; therefore reducing the risk from flooding has a positive impact on mental health and reduces the associated impact on the health service.

Coal Tip Safety

The safety of our communities is paramount to the Welsh Government and we are continuing to work at pace to address coal tip safety and with a wide range of partners, to mobilise a wide ranging programme of work.

In August, the Met Office published its most up to date analysis indicating that our climate has continued to warm with significant climate impacts now being felt across

the UK. In addition, the latest independent Climate Change Risk Assessment for Wales (CCRA3) recognises the potential for climate impacts to increase the risk of future landslips, landslides and subsidence linked to historic mining activities. Increased rainfall can have a significant impact on disused coal tips. Old drainage systems, especially if they have fallen into disrepair, are unlikely to be able to handle predicted increased volumes of rainfall.

Since the landslide at Tylorstown in February 2020, we have progressed an extensive programme of work on coal tip safety. The First Minister established the Coal Tip Safety Task Force, which includes ourselves, the Coal Authority, local authorities and Natural Resources Wales and with our partners we are delivering on a wide programme of work.

We have commissioned the Coal Authority to regularly inspect all high-risk coal tips and collect data on all disused coal tips in Wales. The third round of inspections of higher-risk rated tips commences in October and will run for 3 months.

Local authorities have been asked to carry out all necessary maintenance works on coal tips, which have been identified in inspection reports.

Working with the Coal Authority and local authorities we have arranged a number of technology trials on different tips to provide live data on any ground movement on high-risk tips to provide an early warning system for communities.

Last year we commissioned the Law Commission to undertake a review of the legislative framework for coal tip safety in Wales. The Commission's consultation closed on 10 September. This made it clear that the existing legislative framework is no longer suitable and does not provide the necessary level of management and oversight required for the more than 2,000 coal tips in Wales.

The Law Commission are currently analysing the responses (74 received) and we are expecting the Commission to provide us with a report early in 2022. The Commission's review will provide vital evidence for the development of new Welsh legislation. The Welsh Governments' Programme for Government makes a commitment to introduce new legislation to provide a new regulatory framework for the management of disused coal tips.

Until new legislation is in place, we will continue to work alongside local authorities, the Coal Authority and other partners to support the monitoring and maintenance work on disused coal tips.

However, there is still more work to do and it's absolutely essential we get a reclamation program underway to address those risks.

Coal tips pre-date devolution, and Wales is disproportionately affected with nearly 40% of all disused coal tips in Wales. The reclamation costs are on a scale far in excess of anything anticipated when devolution began in 1999 and are not reflected in our current funding arrangements.

We have consistently called for the UK Government to provide Wales with the fairness, flexibility and clarity needed to support and protect its communities and businesses, and reiterated that current funding does not reflect the scale of the issues Wales faces.

The catastrophic flooding in Skewen was a wake-up call to us all. Homes were flooded at a rapid speed, and the impact of this has shocked the community.

Public safety remains our top priority. The main outdoor clean-up work is complete and Neath Port Talbot and the Coal Authority are now leading the recovery work. The Coal Authority is supporting further clean-up and cleaning of private drains. Work to stabilise the blow-out, damaged mine shaft and construction of the new mine water management scheme is progressing. The Coal Authority has confirmed they expect these works will be completed by the end of December which will allow the road to be reopened.

The Coal Authority will manage the new system in perpetuity with regular maintenance.

It is only right that our communities who gave so much, live safely and are not financially hit by the negative legacy of coal mining.

We welcome the increased payments from the Coal Authority to residents. However, as a reserved matter we continue to urge the Coal Authority and the UK Government to come to a fair and just conclusion that befits the upsetting situation the residents of Skewen have been placed.

Transport

Around the globe, the transport sector has come under increasing scrutiny as its carbon emissions remain stubbornly high. In Wales transport contributes 17% of greenhouse gas emissions. Welsh Government is determined to put transport emissions on a downward trajectory.

The Wales Transport Strategy, Llwybr Newydd, published earlier this year, sets out that new pathway with a commitment to achieve a challenging target of 45% of journeys by public transport, walking and cycling by 2040. The present mode share of these sustainable modes of transport is just 32%, so this target requires a substantial uplift. Even so, Welsh Government recognises that this target may need to be raised further if the science of climate change demands it, and has committed to keep it under review.

To achieve this mode shift target, walking and cycling must become the normal way of making shorter journeys. Welsh Government has led Britain by establishing an Active Travel Act which requires local authorities to plan fully connected networks of safe and attractive walking and cycling routes. Active travel funding from Welsh Government has been ramped up to support walking and cycling and is set to increase further as active travel infrastructure construction accelerates to put in place the local authority network plans.

These active travel plans are backed by Welsh Government's trail-blazing proposal for 20mph to become the default speed limit throughout residential areas in Wales. The first phase of pilot schemes has laid the way for the forthcoming roll out to local authorities right across Wales. As a result, walking and cycling to school, work, recreation and amenities is set to become safer and more attractive where millions of people live.

In more rural areas, where major roads between settlements can be major obstacles for walking and cycling, Welsh Government will work towards 'Safe Cycling from Village to Town' giving villages safe cycling access to the nearest town and creating hub-and-spoke active travel corridors connecting market towns and other significant local centres to surrounding villages and outlying developments.

For longer journeys, car journeys must be replaced by public transport. This means we need a transformation in our public transport system. Welsh Government is committed to extend the reach of Wales bus services to provide options where people cannot presently travel by bus. We will invest to create a network of bus services that is fully integrated with other modes of public transport and is reliable, affordable, and easy to use. To do this Welsh Government will legislate to ensure bus services are purposely planned and delivered for the best public interest.

We will publish our bus delivery plan and white paper late in 2021. This will set out our plans to transform Wales' bus network, making it more reliable, accessible and affordable.

The bus fleet itself must switch to ultra-low emissions. To propel this transition, Welsh Government has set a stretching deadline of 2028. To decarbonise the railway in Wales, Welsh Government will work with Network Rail and UK Government to roll out rail electrification across Wales.

Three Metro systems are being planned across Wales to create integrated public transport systems, with construction underway for the South Wales Metro. These systems will make public transport an attractive and practicable travel option for many places and many people that presently lack feasible public transport choices.

We are establishing a Global Centre of Rail Excellence - the delivery company has been established and the other elements of the funding and ownership structure are in development. This centre will create jobs and train up a high-skilled workforce.

As well as cutting transport emissions by shifting journeys to sustainable modes of transport, Welsh Government will seek to encourage remote working that cuts out the commute completely. Welsh Government has set a target of 30% of the workforce working remotely on a regular basis. Our Remote Working Strategy will be published in the Autumn. This will set out how we will move towards greater levels of remote working and develop a network of remote working hubs in communities across Wales.

For those journeys that continue to be made by car, acceleration of the transition to electric vehicles is essential in order to meet climate targets. Welsh Government will

shortly launch its EV Charging Plan. This will lay out a plan to put in place charging infrastructure across Wales, including sufficiently strong grid connections, and a set of measures to increase investment and innovation.

However, even with the most rapid feasible transition to electric vehicles, it will be necessary for vehicle use to fall in order to meet climate targets. Welsh Government recognises that this means that it is necessary to do things differently, and in particular to put a stop to projects that increase transport emissions.

Such considerations were part of the reason for cancelling the proposed additional M4 route across the Gwent Levels. The South East Wales Transport Commission was set up to establish a package of public transport and active travel alternatives to the M4. Its recommendations are now being readied for implementation by a delivery unit chaired by Simon Burns. The package of recommendations is equally applicable to some other parts of Wales and Welsh Government will look to promote similar packages of improvements in those areas.

Welsh Government has established an independent panel to carry out a review of other planned road projects, to assess their potential carbon impacts and make recommendations on whether these should continue or should be reconsidered, altered or halted in the context of the Climate Emergency.

Digital Infrastructure

Responsibility for connectivity lies with the UK Government but we continue to step in to provide connectivity. 7,508 premises have now been given access to full fibre in north Wales under our £56 million full fibre roll-out. We continue to provide connectivity solutions through our Local Broadband Fund and ABC scheme.

As a result, 94% of premises across Wales can access a superfast broadband service and 19% of homes in Wales have access to full-fibre connections. The UK Government target is for 85% of premises in the UK to have access to gigabit capable broadband by 2025. 90% of Wales has access to good 4G geographic coverage from at least one of the mobile operators and 60% has coverage from all

four operators. The Shared Rural Network project aims to increase this to 95% good 4G coverage from at least one operator and 80 per cent by all four operators in Wales by 2026.

Since 2006 the Welsh Government has overseen a pan-public sector contract to deliver public sector connectivity to 120 organisations covering around 5,000 locations such as schools, colleges, universities, fire services, police, hospitals, GP surgeries, local authority buildings.

The Welsh Government is the lead consortium partner in a '5G Tech Valleys' mobile technology innovation project focussed on rural connectivity. The project is delivering 5G infrastructure and innovation in parts of Blaenau Gwent and Monmouthshire running until March 2022. The programme is considered to be a 'pathfinder' to inform potential future mobile network deployment models and a potential opportunity to scale such services.

Digital and Data

The Welsh Government published a Digital Strategy for Wales in March 2021. It sets out our ambition for people in Wales to experience modern, efficient and streamlined public services and at the same time stimulate innovation in our economy and support outcomes today and for future generations. A separate Delivery Plan was developed to support the Strategy. The Strategy's vision is: Digital in Wales: improving the lives of everyone through collaboration, innovation and better public services.

The Centre for Digital Public Services was established as an arms-length body in June 2020 to improve capability in digital public services and support the public sector in taking forward projects. The Centre is delivering a programme of digital awareness training to over senior leaders and elected members across the public sector. It is also developing common service standards and sharing best practice to drive cross-sector collaborative working which meets with the needs and expectations of users.

Through supporting remote working, designing public services effectively, using data smartly and modernising the technology we use we can support our ambition to reduce carbon usage and achieve our net zero targets by 2050, although we will need to continue to consider the net effect of driving up data usage. Digital transformation can help us respond to the climate emergency by reducing the need to travel and ensuring our homes are energy efficient. The emergence of the internet of things also raises huge potential for smart use of data to drive forward improvements in public services, economic innovation and decarbonisation.

Agenda Item 4.1

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



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref

28 September 2021

Dear Llyr,

Thank you for your report of 23 September on the Legislative Consent Memorandum for the UK Environment Bill.

I have provided a response to your recommendations at Annex A.

Yours sincerely



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

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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.

Annex A

Recommendation	Response
<p>Recommendation 1. The Minister should engage with the UK Government and the other devolved administrations to seek agreement to amend the UK Bill to replace the ‘concurrent-plus’ powers with powers for the UK administrations to make joint regulations when implementing UK-wide policies. These regulations should be subject to scrutiny by each of the UK legislatures.</p>	<p>Reject</p> <p>I have provided a detailed explanation to the Committee as to the appropriateness of taking concurrent plus powers within this Bill. We are taking these powers only in areas where a UK wide approach may be required.</p> <p>The inclusion of the carve out of Schedule 7B of the Government of Wales Act 2006 will ensure the Senedd can remove the Secretary of State’s functions relating to Welsh devolved matters without the need for the Secretary of State’s consent.</p> <p>I have committed to making regulations in the Senedd whenever possible and demonstrated that commitment by planning to bring forward Welsh legislation in respect of the Extended Producer Responsibility scheme for packaging and a Deposit Return Scheme for drink containers.</p> <p>Financial Implications – There are no financial implications as a result of responding to this recommendation</p>
<p>Recommendation 2. If the Minister cannot secure amendments to the UK Bill, she should:</p> <ul style="list-style-type: none"> • give a commitment that the ‘concurrent plus’ powers will be removed at the earliest opportunity; and • set out her position on establishing a formal procedure to govern Senedd involvement in consent decisions in respect of ‘concurrent plus’ powers in the UK Bill. 	<p>Accept</p> <p>Principle 7 of the guidance for Welsh Ministers on the taking of concurrent powers, stipulates that concurrent functions should be removed at the first opportunity.</p> <p>In line with this guidance, I will keep the requirement for these concurrent plus functions under review.</p> <p>I do not consider establishment of a formal procedure to govern Senedd involvement in consent decisions in respect of concurrent plus powers in UK Bills is required. We have established a commitment to write to the relevant policy committees to inform them of an intention to consent, and, where time allows, provide an opportunity for the Senedd to express a view before Ministers give consent.</p> <p>Financial Implications – Review, and any subsequent removal of the concurrent plus functions, will require policy and legal resources to make the necessary legislative changes.</p>

<p>Recommendation 3. The Welsh Government must commit to make time available for the Senedd environmental governance Bill in the second year of its legislative programme.</p>	<p>Accept in Principle</p> <p>Tackling the climate and nature emergencies are a priority for this Government.</p> <p>The Counsel General set out our ambitious first year legislative programme on 6 July and an announcement on future years will be made by the First Minister in due course. The Welsh Government has an in principle commitment to an Environmental Governance Bill but the timing of that Bill will be for the Government to determine.</p> <p>Financial Implications – There are no additional financial implications as a result of responding to this recommendation.</p>
<p>Recommendation 4. The Minister must report back to the Committee within six months of the publication of this report on progress made towards the development of the Senedd environmental governance Bill.</p>	<p>Accept</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 5. The Welsh Government must commit to introduce statutory biodiversity targets at the first available opportunity.</p>	<p>Accept in principle</p> <p>A decision will be informed by the conclusion of COP 15, currently scheduled for May 2022.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation in principle.</p>
<p>Recommendation 6. The Minister should clarify:</p> <ul style="list-style-type: none"> • whether the Senedd environmental governance Bill is the only suitable vehicle within the Welsh Government’s legislative programme for the Sixth Senedd to make provision for statutory biodiversity targets; and • if so, whether and how this will impact on the timing of the introduction of the Bill. 	<p>Reject</p> <p>A decision will be informed by the conclusion of COP 15, currently scheduled for May 2022.</p> <p>An announcement on future years of the programme will be made by the First Minister in due course.</p> <p>Financial Implications – There are no additional financial implications as a result of responding to this recommendation.</p>
<p>Recommendation 7. The Minister must set out what steps she intends to take to ensure there is</p>	<p>Accept in Principle</p>

<p>sufficient resource and capacity within her department, and the Welsh Government's legal department, to deliver on current legislative commitments.</p>	<p>There are robust processes in place through which the resourcing and progress of legislative commitments are regularly reviewed in order to identify and mitigate risks to delivery.</p> <p>Financial Implications – There are no financial implications as a result of responding to this recommendation.</p>
<p>Recommendation 8. The Minister must report back to the Committee on any discussions she has had, or intends to have, with the UK Government on using UK Bills in the 2021-22 Parliamentary session to legislate for Wales on matters that fall within her portfolio.</p>	<p>Accept in Principle</p> <p>We would normally engage committees once white papers and consultations on UK legislation are published.</p> <p>Financial Implications – There are no financial implications as a result of responding to this recommendation.</p>
<p>Recommendation 9. The Minister should report back to the Committee on the outcome of the March 2021 consultations on EPR for packaging and a DRS, and the July 2020 consultation on reducing single use plastics, as soon as practicable.</p>	<p>Accept</p> <p>I will be publishing the Summary of Responses, including the next steps, from the July 2020 consultation on reducing single use plastics in October. I can advise the Committee the responses were overwhelmingly in favour of introducing a ban on these items.</p> <p>On EPR for packaging and DRS for drink containers, we are currently working with Defra and the other devolved nations in finalising our response to the consultations. We will be publishing joint responses in due course and will advise the committee when they are available.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 10. The Welsh Government must commit to introducing an 'all-in DRS' in Wales, regardless of whether the UK Government and Northern Ireland Executive decide to introduce a scheme narrower in scope.</p>	<p>Accept in principle</p> <p>The Welsh Government's preference is for an 'all in' Deposit Return Scheme (DRS) covering containers up to 3lt in size: glass and PET plastic bottles, steel and aluminium cans.</p> <p>The UK Government and the Northern Ireland executive have yet to decide on the preferred scope for a DRS in their nations.</p> <p>We remain committed to working in partnership with the UK Government and the Department of Agriculture, Environment and Rural Affairs in Northern Ireland so that the scheme is as consistent as possible across Wales, England and Northern</p>

	<p>Ireland. We are also looking carefully at how the scheme will need to interact and operate with the Scottish DRS. This is in recognition of:</p> <ul style="list-style-type: none"> • The challenges to business that will be obligated under the deposit return scheme with integrated cross border supply chains. • The practical challenges of implementation. • The need to minimise confusion for consumers living near the boundaries of Wales/England and England/Scotland. <p>If England and Northern Ireland decide on a different scope for the DRS in their nations, we will need to assess the implications of this in terms of implementation and overall scheme design.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation in principle. The financial implications of DRS schemes will be considered as part of scheme development. Implementation costs will be borne by those businesses obligated under the reforms.</p>
<p>Recommendation 11. The Minister should provide the Committee with an update on the work that is being undertaken to assess the evidence base for a tax or a charge on single-use plastics. She should also clarify when the Welsh Government is likely to be in a position to make a definitive decision on its preferred option.</p>	<p>Accept</p> <p>This work is currently on hold due to resource constraints. At this time, I am not able to clarify timescales for this work. My current focus is on delivering our Programme for Government commitment to ban the most commonly littered single use plastics found in the marine environment.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 12. The Minister should explain why she believes it is appropriate to take the powers to charge for single-use plastics in the UK Bill when it is unclear whether those powers will be needed.</p>	<p>Accept</p> <p>In our Circular Economy Strategy, Beyond Recycling, we have committed to exploring the use of the new charging powers for single use plastic disposable cups and food containers. Taking powers in the UK Bill allows us to keep this option open as a tool to meet our commitment to reducing the environmental impact of single use plastics</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 13. The Welsh Government should press the other UK administrations to agree</p>	<p>Accept</p>

<p>a way forward which would enable it to introduce a ban on single use plastics that delivers its full policy ambition.</p>	<p>Intergovernmental discussions are continuing in relation to the bans as part of the post-Brexit Common Framework Agreements. All options are being explored. We are committed to delivering our policy ambition on plastic in full.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation</p>
<p>Recommendation 14. The Minister should provide an update to the Committee, within two months of the publication of this report, on progress made in taking forward proposals for a ban on single use plastics.</p>	<p>Accept</p> <p>We intend to publish our summary of responses in October. This will set out in detail the next steps on this matter. The committee will be aware of the complexities in delivering this policy because of the UK Internal Market Act.</p> <p>I am committed to delivering our policy ambition to abolish the use of the mostly commonly littered single use plastics.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 15. The Minister should report back to the Committee on the outcome of the Welsh Government’s consultation on the White Paper on the Clean Air (Wales) Bill as soon as practicable. The report should include an indicative timetable for the remaining phases of the Bill’s development.</p>	<p>Accept in principle</p> <p>Officials are completing the analysis of the consultation responses in relation to the White Paper proposals for a Clean Air Bill for Wales. There has been positive support for the proposals and we aim to publish the summary of responses by the end of October 2021.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation in principle.</p>
<p>Recommendation 16. The Welsh Government should commit to introducing the Clean Air (Wales) Bill in the second year of its legislative programme.</p>	<p>Accept in Principle</p> <p>Tackling the climate and nature emergencies are a priority for this Government.</p> <p>The Counsel General set out our ambitious first year legislative programme on 6 July and an announcement on future years will be made by the First Minister in due course. The Welsh Government has an in principle commitment to legislate in this area but the timing of that Bill will be for the Government to determine.</p>

	<p>Financial Implications – There are no financial implications as a result of responding to this recommendation.</p>
<p>Recommendation 17. The Minister should commit to consulting stakeholders before making regulations using powers under Part 5.</p>	<p>Accept</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 18. The Minister should explain why the powers of direction in Part 5 are necessary, and set out the criteria the Welsh Government will use to determine whether these powers should be exercised.</p>	<p>Accept</p> <p>The powers of Direction in Part 5 enable the Welsh Ministers to issue a direction to sewerage undertakers to specify the planning period to be covered by the plans. They further direct a new plan to be prepared if the annual review of the plans indicates a material change of circumstances.</p> <p>They also give the Ministers powers to require the plans to address any specific issues not listed in the primary legislation, and the form a plan must take. Before issuing any directions we would consult with the water and sewage undertakers NRW, and other key stakeholders.</p> <p>Part 5 also gives Minister powers to direct two or more water undertakers to prepare and publish a joint proposal for the purpose of improving the management and development of water resources. There are no current plans to issue such a Direction, and would only do so after consulting the affected water undertakers, NRW and Ofwat.</p> <p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
<p>Recommendation 19. The Minister should further explain why she believes it is appropriate for a non-binding informal agreement to be used to resolve the dispute with the UK Government over legislative competence in respect of the provisions in relation to the use of forestry commodities</p>	<p>Accept</p> <p>We put our case for competence strongly to Defra but they rejected our argument and maintain consent is not required. It follows that they do not recognise we have a formal role in developing the subordinate legislation. However, despite this we have negotiated policy involvement on the development of the subordinate legislation and received written confirmation that this commitment will be maintained.</p> <p>In light of this, Welsh Government officials have been meeting with the Defra policy team on a regular basis and Defra discussing the development of a UK-wide public consultation in the second half of this year on the regulations. Next steps will be to</p>

	<p>work with Defra as the consultation develops and advise on appropriate consultees within Wales.</p>
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	<p>Financial Implications – There are no financial implications as a result of accepting this recommendation.</p>
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Agenda Item 4.2

Vaughan Gething AS/MS
Gweinidog yr Economi
Minister for Economy



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref VG/0596/21

Paul Davies MS
Chair, Economy, Trade, & Rural Affairs Committee

Llyr Gruffydd MS
Chair, Climate Change, Environment, and Infrastructure

Delyth Jewell MS
Chair, Culture, Communications, Welsh Language, Sport, and International Relations

4 October 2021

Dear Chair,

As a direct result of leaving the EU, the UK Government's Border Operating Model requires all Sanitary and Phytosanitary goods entering the UK to be subject to checks at designated Border Control Posts (BCPs). Without these checks, food, plants, products of animal origin and live animals will not be able to enter from the Republic of Ireland to the UK via Welsh ports.

The UK Government introduced the policy for government to provide BCPs where ports do not have the capacity to accommodate the new infrastructure within their curtilage. This applies to a number of ports throughout the UK, including Dover and the Channel Tunnel in England; Holyhead, Pembroke Dock and Fishguard in Wales; and Cairnryan in Scotland. Welsh Government inherited the delivery in Wales late in 2020.

Delivering BCPs for Welsh ports is one of the largest and most complex infrastructure delivery programmes Welsh Government is engaged in. It forms a significant financial and delivery commitment which is over and above the existing settlement from UK Government. It therefore features in the Welsh Government's Spending Review bid to HM Treasury for the necessary funding to deliver this vital infrastructure for the long term prosperity and connectivity of the Welsh and wider UK economy.

Accompanying this letter are three documents with the aim of providing you with an overview of BCP requirements and delivery progress in North and South West Wales. The briefing pack includes:

- A background briefing note setting out why BCPs are required and their function.
- A technical briefing on progress and high level cost estimates.
- A copy of the recent written statement from Lord Frost on unilateral changes to border control dates relating to Sanitary and Phytosanitary goods.

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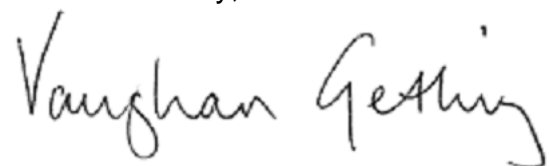
Gohebiaeth.Vaughan.Gething@llyw.cymru
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

I hope this is helpful and I would be pleased to discuss it with you.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive, flowing style.

Vaughan Gething AS/MS

Gweinidog yr Economi

Minister for Economy

Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

United Kingdom's Border Operating Model:

The Border Operating Model (BOM), published in June 2020 and revised in July 2021, outlines the UK Government's border arrangements for imports and exports following the UK's exit from the European Union and the end of the transition period.

Part of the BOM consists of 'additional requirements' for certain goods. These relate to a number of devolved responsibilities, such as Sanitary and Phytosanitary (SPS) controls. In this case, various checks are being introduced to protect bio-security: to protect animal and public health, and animal welfare and to control disease, such as animal diseases and invasive plants.

The additional requirements for imports are to be implemented according to a phased approach, to allow time to establish necessary infrastructure at points of entry (POEs) to Great Britain (GB). The measures will be introduced for a variety of goods in three distinct stages separated by about 3 months each.

The border is a confluence of devolved and reserved functions, multiple agencies, new infrastructure and systems, and new capabilities. The Border Operating Model does not apply to Northern Ireland where separate arrangements are in place.

Key Stages for the Introduction of Border Checks:

- The requirement for pre-notification of agri-food imports will be introduced on 1 January 2022 as opposed to 1 October 2021.
- The new requirements for Export Health Certificates, which were due to be introduced on 1 October 2021, will now be introduced on 1 July 2022.
- Phytosanitary Certificates and physical checks on SPS goods at Border Control Posts, due to be introduced on 1 January 2022, will now be introduced on 1 July 2022.

What is a Border Control Post?

A Border Control Post (BCP) is an inspection post designated and approved in line with retained EU legislation for carrying out checks on animals, animal products, plants and plant products arriving from third countries at the GB border. These checks are carried out to protect animal and public health, and animal welfare and control disease.

Live animals, animal products, plants, plant products and wood from the EU will need to enter Great Britain (England, Wales and Scotland) via a border control post (BCP) from March 2022.

This rule already applies to those animals and goods coming from a country outside the EU, sometimes referred to as Rest of World (ROO) trade.

To be designated by the competent authority, BCPs must comply with specific requirements on facilities, equipment and staff. For example, a BCP must have:

Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

- sufficient number of suitably qualified staff
- premises and facilities appropriate to the nature of volume of consignments,
- equipment to enable the performance of checks, including IT equipment
- access to the service of official laboratories
- arrangements in place to prevent risk of cross contamination and comply with biosecurity standards

These requirements are set out in [Article 64\(3\) of Regulation \(EU\) 2017/625 on official controls \(OCR\)](#).

To comply with biosecurity standards, a BCP must also meet specific requirements for:

- unloading areas
- inspection rooms/areas
- storage facilities
- changing rooms

These requirements are set out in [Commission Regulation 2019/1014](#).

Why is Welsh Government Developing Border Control Posts?

Without appropriate BCP facilities, the relevant type of goods cannot be imported at that port. Not all ports import the full range of SPS goods (for example few ports enable the import of live animals other than pets).

The investment in BCP facilities would normally be a commercial investment decision for ports with the Government's responsibility (UK Government in England and Welsh Ministers in Wales) limited to designating the facilities (ensuring their compliance with the OCR).

The Border Operating Model (BOM) sets out the UK Government's approach to introducing a checking regime for EU SPS goods, including the commitment that, where facilities could not be accommodated within the boundary of the port, inland facilities would be provided by the Government.

This commitment applied to Eurotunnel, the port of Dover, Holyhead, Pembroke Dock, Fishguard and the Scottish port of Cairnryan.

Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Where are the EU Facing Ports in Wales?

The ports of Holyhead, Fishguard and Pembroke Dock all accept a range of SPS goods. To be able to facilitate the import of such goods into the United Kingdom from the Republic of Ireland or indirectly from the rest of the EU, BCPs will be required.

As well as the import of SPS goods into Wales, Welsh ports act as gateways connecting the Republic of Ireland to the rest of GB and Europe.

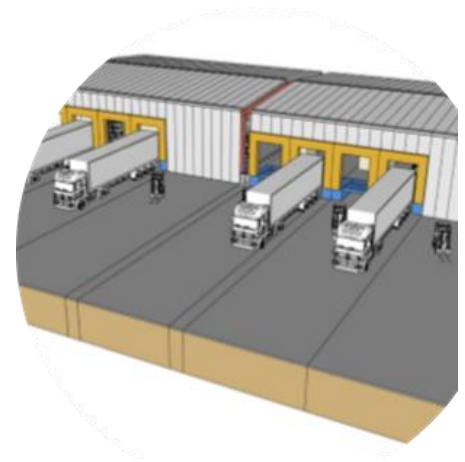
For accompanied Ro-Ro (roll on, roll off) freight Holyhead is second only to Dover, and the 5th busiest in the UK handling 6% of the total UK Ro-Ro freight each year. Holyhead is ranked 1st for accompanied and 4th for unaccompanied Ro-Ro freight traffic when considering just the Irish Sea ports. Pembroke Dock and Fishguard are far smaller, with two ferries each every 24 hours each.



What Does a Border Control Posts Look Like?

A typical BCP will be formed from large modular steel sheds with hydraulic dock levelers for unloading vehicles. It will incorporate internal inspection spaces with temperature-controlled storage and product separation. In addition, it will provide office accommodation and welfare areas for staff.

The Holyhead BCP is expected to handle no more than 25 checks per day, whilst 10 checks per day are expected to be completed for the South West Wales ports. In comparison, the BCP serving Kent ports might check in the region of 400 consignments per day.



Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

What is Checked at a BCP?

Checks will be conducted on a proportion of the SPS goods entering Great Britain (England, Wales and Scotland) from the EU. SPS goods include live animals, animal products, plants, plant products and wood.

Products of Animal Origin is either:

- **For human consumption:** such as meat, dairy, eggs, fish, honey, composite products such as pizzas, pies etc. Packaged / tinned food. Ambient, fresh (chilled) or frozen food.
- **Animal by-products:** such as feathers, hides, bone, hatching eggs, hay, straw, fertiliser, blood products.

Documentary Checks: these will be a combination of physical and remote checks including elements such as importers details, consignment information, purpose of movement, port information, supporting information (e.g. Export Health Certification), whether or not import is permitted, and any known markers to suggest ID / physical inspection is necessary.

Identity Checks: these include verifying the contents of vehicle match paperwork, customs seal check or more in depth check requirements, and checking the stamps, official marks, official labelling, and / or health / ID marks on the product or its packaging.

Physical Checks: these include checking whether the cold chain has been maintained during transport, wrapping / packing is intact, transport conditions suitable, and, labelling is correct. Organoleptic inspection (smell, colour). Simple physical or chemical tests (e.g) cutting, thawing, cooking). Laboratory tests – microbiology etc. Offsite.

Although documentary checks can generally be carried out remotely, some physical checks will be required, and these will take place at a BCP. These physical checks are expected to cover only a small sample of SPS goods (and vehicles carrying other types of goods will not be subject to checks at a BCP).

The percentages of checks required are derived from the following sources: POAO checks from the OCR; Physical checks and live animals are based on DEFRA's analysis of various commodity types; and, Plants and Plant Products and High Risk Foods are based on Welsh Governments analysis of the commodity types. Checks will be completed largely on commercial traffic, either as single or mixed consignments; however, checks will also take place for pets, breeding stock, showing & event stock.

Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Standards are agreed and set at a UK level in collaboration with the various Government administrations and agencies, such as the 4 Chief Veterinary Officers.

Inspection Staff Include:

- Animal and Plant Health Agency (a UK body) check live animals and plants and enforcement within the BCP.
- Local Authority check fish, Products of Animal Origin and High Risk Food and Feed Not of Animal Origin
- Local Authority also undertake ancillary work outside of the BCP (e.g. taking enforcement action)
- Forestry Commission check wood and forestry products
- Centre for Environment, Fisheries and Aquaculture Science (CEFAS) checks ornamental fish.

HM Revenue & Customs – Inland Border Facilities:

HM Revenue & Customs (HMRC) is a UK Government agency with responsibility for customs checks. HMRC already have a presence at the South West Wales ports and is in the process of developing a dedicated Inland Border Facility (IBF) for Holyhead port. The IBF will also accommodate UK Border Force (UKBF) checks.

The IBF is a separate facility to the Holyhead BCP; however, there will be some joint working where multiple checks are required and consignments need resealing by customs officials.

Border Control Posts in Wales

Background Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Context for Welsh Ports:

The Ports in Wales are strategically important both internationally and regionally for commercial and passenger movements. They play a vital role in the movement of communications, people and goods between Republic of Ireland and Wales, England and mainland Europe.

The Ports act as a gateway to the UK National Rail Network and the main highway network, connecting the Republic of Ireland to the rest of the UK and Europe. This is a strategically important means of access between the Republic of Ireland and European Union in high value or time sensitive goods utilising short sea crossings between Dublin – Holyhead and Rosslare – south Wales.

In 2019, there were some 600,000 inbound freight movements from Ireland passing through Welsh ports. Of these, a sixth, some 92,000 movements would be of BCP interest, and thus potentially subject to the new SPS checking regime.

For accompanied Roll on – Roll off freight, Holyhead is second only to Dover, and the 5th busiest in the UK handling 6% of the total UK Roll on – Roll off freight each year. Holyhead is ranked 1st for accompanied and 4th for unaccompanied Roll on – Roll off freight traffic when considering just the Irish Sea ports.

The port of Milford Haven in SWW is the UK's fifth biggest port and the largest port in Wales, accounting for two-thirds of Welsh port traffic. The EU and US are the Port's largest trading partners, with additional imports coming from Qatar and Algeria. Pembrokeshire is a critical link in the UK's energy supply chain, with a cluster of key energy companies including one of the UK's largest refineries. The key businesses in the region include Valero, Shell, Petronas, Puma Energy, Qatar Petroleum, and RWE.

The BCPs will provide capacity for live animals and will be the only capacity for live animals on direct Ireland-UK routes. Welsh, Irish and UK businesses will be reliant on commodities flowing through the ports with wider supply chain impacts if the routes were to be affected.

Without intervention, the ports would not be able to handle SPS goods leading to a shortfall of SPS capacity across the Irish Sea routes, re-routing of volumes on to other routes and a significant reduction or cessation of certain SPS trade between Ireland and GB.

Border Control Posts in Wales

Technical Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Introduction

This document supplements the background briefing note on Border Control Posts (BCP). It provides the current position on BCP design, delivery and funding in Wales as at 10 September 2021.

Holyhead Port

Site:

The Holyhead BCP will be located on Welsh Government owned land at Parc Cybi, Holyhead, some 1.7 miles from the port. The site has already been partially developed as a HGV stacking area as part of the contingency planning for the end of the EU transition period. At 15 acres it provides space for swim lanes, fencing, inspection buildings, offices, parking, sustainable drainage, screening and other environmental mitigations.

Planning:

Planning permission is being sought via Special Development Order (SDO) under section 59 of the Town and Country Planning Act 1990. Planning permission and any conditions are made through a Statutory Instrument (SI). The planning application was submitted to Welsh Ministers on 06 August 2021. A decision is expected later in the year.

Consent is being sought for a Consenting Envelope. The Consenting Envelope sets out the maximum assessed parameters of the development, within which all development will be limited to. The SDO limitations will be designed to mitigate the potential impacts of the development. The Consenting Envelope will ensure that the final design of the BCP does not trigger significant environmental effects, whilst also allowing an appropriate degree of flexibility to accommodate design developments.

The community consultation ran for a period of 21 days from 24 March 2021 until 13 April 2021, whereas technical stakeholders received an extended period. The consultation departed from the Welsh Government policy of allowing a 12-week period. This departure allowed for early engagement with stakeholders and take account of the requirements for checks as set out under the UK Border Operating Model. There is no statutory requirement to consult before making a Special Development Order (SDO).

Welsh Government is currently in the process of developing its response to the community consultation before writing to respondents.

Border Control Posts in Wales

Technical Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Designs:

The BCP is a bespoke facility designed to accommodate checks on the full range of SPS on live animals, animal products, plants, plant products and wood from the EU and the possible acceptance of rest of world (ROW) SPS trade.

At 15 acres the site will provide space for swim lanes, fencing, inspection buildings, temperature controlled storage, offices, parking, sustainable drainage, screening and other environmental mitigations.

Concept designs are near complete and Welsh Government is undertaking a BREEAM assessment of the development's environmental, social and economic sustainability performance with a target rate of BREEAM Excellent.

Detailed designs will be developed in conjunctions with the appointed construction Contractor.

Construction:

Welsh Government issued the construction invitation to tender (ITT) on 09 August and it will close on 17 September. The ITT was issued via the North Wales Construction Partnership framework, administered by Denbighshire County Council.

A 2 stage design and build procurement strategy has been selected. The 2 stage approach is structured as follow:

Stage 1 – Contractors design team works alongside Client design team to improve deliverability, programme works, establish supply chain and refine project cost.

Stage 2 – On agreement of project cost established at end of Stage 1, the contract for the construction works will be confirmed and the Contractor will commence site works.

Construction completion is expected in early 2023 with an operational date of approximately mid-2023.

Border Control Posts in Wales

Technical Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Fishguard & Pembroke Dock – South West Wales Ports

Site:

Due to the range of facilities required, but relatively low volumes, Welsh Government is exploring the provision of a single facility for South West Wales that would serve both (rival) ferry ports, located some 26 miles apart. Welsh Government do not own suitable sites in South west Wales to accommodate a BCP facility. This means Welsh Government have negotiate the acquisition of land.

A site search process has appraised over 60 sites to date. Both local port and ferry operators, along with the Council and technical stakeholders, have been involved in the site search. A site south of Johnston is currently undergoing more detailed site investigations and we are negotiating the potential purchase with the landowner. The location is equally accessible for both ports and the site has ranked highly in terms of deliverability. However, the final decision on whether to proceed with this site will be subject to continued and rigorous assessment with technical stakeholders and the local community.

Planning:

Planning consent will be secured via a Statutory Development Order (SDO) following the same process as North Wales.

Design:

Based on this throughput, the BCP would consist of approximately 5,500sqm of specialist modern, bespoke buildings and supporting facilities to manage the required checks. This building size would support the continued flexibility of the ports to bring through the different goods, as inspection areas must be segregated – for example, refrigerated space, animal inspection facilities etc. The hard elements of the BCP i.e. the building, parking and access, would approximately equate to 20,000 sqm, or 6 acres in total. It will include managed drainage, parking for staff and inspectors.

The site subject to negotiation for purchase is much larger than what is required to accommodate the proposal providing flexibility to introduce suitable environmental mitigations and landscape buffers between the development and the local community. Concept designs will only start once a site is identified and secured.

Construction:

The procurement strategy for South West Wales has yet to be determined. It is anticipated that a one stage approach could be adopted for South-West Wales predicated on lesson learned from the two stage approach in North Wales, which will accelerate delivery. Construction is expected to complete in Spring 2023 with an operational date of approximately Autumn 2023.

Border Control Posts in Wales

Technical Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Funding

Currently:

The Chief Secretary to the Treasury (CST) has agreed in principle the UK Government will fund additional costs associated with the inland sites in 2021-22 via a formal reserve claim. This commitment is for incurred costs that are considered absolutely necessary to the build and includes such as costs which may fall into 2022/23 financial year. Welsh Government will be proceeding with costs at risk within its existing budgets until the settlement is reached with HM Treasury.

The request to UK Government for the BCP construction and operational costs is being made in the 2021 Spending Review. The delivery of BCPs at Welsh ports will be at risk without a commitment from UK Government to fund the full capital and operational cost of developing BCPs. The Spending Review outcome is expected later this year.

The original estimate provided by UK Government in 2020 was £10m to construct a single BCP with operational costs of £3-5m per annum.

Longer Term:

Many ports in England have constructed their own BCP facilities at the port, part funded through Government grants (the Port Infrastructure Fund, PIF). UK Government has constructed some BCPs, including at Sevington in Kent. Longer term, UK Government is examining the appropriate operational and funding model for these facilities, which may have implications for Welsh BCPs. However, nothing has been decided yet and Welsh Government is seeking to influence the outcomes to ensure they are appropriate for the circumstances of our ports.

Summary:

A summary of the latest Infrastructure and Operational cost estimates for North & SW Wales BCP facilities as at 01 September 2021.

	North Wales	South West Wales
Capital	£75m	£63m
Revenue	£16m p.a.	£12m p.a.

*Note figures include contingency for potential interim arrangements.

Context:

Designs for Holyhead remain in the concept phase and South West Wales concept designs are yet to be produced. This mean costs will evolve as detailed designs mature, construction bids are received, and the operational requirements develop.

Border Control Posts in Wales

Technical Briefing Note

September 2021



Llywodraeth Cymru
Welsh Government

Interim Measures

Since Welsh BCPs will not be able to accommodate the UK Government's timetable, a number of contingency options have been considered (there are also a number of English and Scottish BCPs which will not be completed by the original due date). The UK Government's legal assessment has emphasised the need for a coherent GB-wide regime.

UKG is considering the approach and timing. Further announcements will be made in due course by UKG but Welsh Ministers are determined to ensure these are suitable for the needs of our Welsh ports.



Rt Hon Lord Frost CMG
Minister of State
Cabinet Office 70 Whitehall London
SW1A 2AS

Mr Vaughan Gething MS
Minister for the Economy
Welsh Government

14 September 2021

Dear colleague,

BORDER CONTROLS

1. I write to let you know that I am announcing today by Written Ministerial Statement a delay to the introduction of customs and SPS controls on the importation of goods from the EU.
2. Now that we are an independent trading country outside the Single Market and Customs Union, our intention remains to introduce the same controls on incoming goods from the EU as on goods from the rest of the world. The Government announced a timetable for the introduction of the final stages of those controls on 11 March. The Government's own preparations, in terms of systems, infrastructure and resourcing, remain on track to meet that timetable.
3. However, the pandemic has had longer lasting impacts on businesses, both in the UK and in the European Union, than many observers expected in March. There are also pressures on global supply chains, caused by a wide range of factors including the pandemic and the increased costs of global freight transport. These pressures are being especially felt in the agrifood sector.
4. In these circumstances, the Government has decided to delay further some elements of the new controls, especially those relating to Sanitary and Phytosanitary goods. Accordingly:
 - The requirement for pre-notification of agri-food imports will be introduced on 1 January 2022 as opposed to 1 October 2021.
 - The new requirements for Export Health Certificates, which were due to be introduced on 1 October 2021, will now be introduced on 1 July 2022.
 - Phytosanitary Certificates and physical checks on SPS goods at Border Control Posts, due to be introduced on 1 January 2022, will now be introduced on 1 July 2022.
 - The requirement for Safety and Security declarations on imports will be introduced as of 1 July 2022 as opposed to 1 January 2022.
5. The timetable for the removal of the current easements in relation to full customs controls and the

introduction of customs checks remains unchanged from the planned 1 January 2022.

6. The Government will work closely with the Devolved Administrations on the implementation of this new timetable, given their devolved responsibilities for agri-food controls.
7. We will, of course, keep your Committees updated on our progress and preparations throughout the year.

With best wishes,

A handwritten signature in black ink, appearing to read 'J Frost', written in a cursive style.

Rt Hon Lord Frost CMG

Agenda Item 4.3

Senedd Cymru
Y Pwyllgor Deisebau

—
Welsh Parliament
Petitions Committee

Llyr Gruffydd MS
Chair
Climate Change, Environment and Infrastructure Committee
Tŷ Hywel
Cardiff Bay
CF99 1SN

8 October 2021

Dear Llyr

Petition P-06-1181 Sea bottom trawling is killing our marine wildlife...Stop bulldozing our seas!

The Petitions Committee is currently considering the following [petition](#) from Robert Curtis, which we considered recently at our meeting on 20 September:

Text of Petition:

It is shocking that more than 97% of our marine protected areas (MPA), created to safeguard ocean habitats, are being destroyed by being dredged and bottom trawled. Analysis of fishing vessel data found that bottom trawling, the most destructive type of fishing on sea-floor habitats, is happening in 71 out of 73 offshore MPA's around the UK.

We call on the Welsh Government to ban all forms of bottom trawling by both foreign and UK vessels in Welsh waters. We are in an ecological emergency and need action now.

At the meeting members agreed to write to you to ask whether Marine Protected Areas (MPA's) might be an area of consideration for your Committee during this Senedd.

Further information about the petition, including related correspondence, is available on our website at:

<https://business.senedd.wales/ielIssueDetails.aspx?Ild=37889&Opt=3>.

I would be grateful if you could send your response by e-mail to the clerking team at petitions@senedd.wales.

If you have any queries, please contact the Committee clerking team at the e-mail address below, or on 0300 200 6454.



Senedd Cymru
Bae Caerdydd, Caerdydd, CF99 1SN

 Deisebau@senedd.cymru

 0300 200 6565

—
Pack Page 60

Welsh Parliament
Cardiff Bay, Cardiff, CF99 1SN

 Petitions@senedd.wales
Cardiff, Caerdydd, Caerdydd, CF99 1SN

 0300 200 6565

Yours sincerely

A handwritten signature in black ink that reads "JACK SARGEANT." The signature is written in a cursive style. A horizontal line is drawn underneath the signature, starting from the left and ending with an arrowhead pointing to the right.

Jack Sargeant MS

Chair



Senedd Cymru

Bae Caerdydd, Caerdydd, CF99 1SN



Deisebau@senedd.cymru



0300 200 6565

Welsh Parliament

Cardiff Bay, Cardiff, CF99 1SN



Petitions@senedd.wales



0300 200 6565

Julie James MS & Lesley Griffiths MS
Minister for Climate Change and Minister for Rural Affairs
Tŷ Hywel
Cardiff Bay
CF99 1NA

12 October | 2021

Dear Julie & Lesley,

CC: Chairs of the Petitions Committee, CCEI Committee and ETRA Committee

We are writing to you with regards to the cross-departmental issue of bottom trawling and wider fisheries management in Marine Protected Areas (MPAs). Given the relevance of this to a current Senedd [petition](#), we have also shared this correspondence with Committee Chairs.

We are gravely concerned at the lack of progress the Welsh Government has made to protect MPAs from damaging fishing gears, despite the legal duties upon it to do so. We are writing to you to highlight the absence of commitments and timescales that have been provided by the Welsh Government to address this, with specific reference to current processes:

- The Assessing Welsh Fisheries Activities Project
- Benthic habitat measures proposed within the UK Marine Strategy consultation.

Assessing Welsh Fisheries Activities Project

Please note our letter does not relate to the assessment aspect of this project, which is undertaken by Natural Resources Wales (NRW).

The Welsh Government has yet to consult on management of towed gear (including bottom trawling) within MPAs. In contrast, other UK administrations have progressed to the introduction of management measures for all fisheries gears in MPAs and to consider highly protected areas (see Annex 1).

The Welsh Government has legal duties (for example, under the Habitats Regulations, the Marine Strategy Regulations and UK Fisheries Act) to address this. Further delay on this is also at odds to the commitment to reversing the impacts of the nature crisis. This work must be recognised as a priority to ensure the future sustainable management of the marine environment in Wales.

Towed gear assessments (“high-risk activities”) were provided to the Welsh Government by NRW in 2017 as part of the Assessing Welsh Fisheries Activities Project (AWFA). Since then, the absence of a consultation on resulting measures has been the subject of recommendations by former Senedd Committees, urging progress. WEL members have also previously written to the Minister (then

Cabinet Secretary for Energy, Planning and Rural Affairs) regarding this. We have attached a response to one such letter, which we received in 2018 and which stated that additional resources had been acquired to accelerate this work. Stakeholders were also informed during the Welsh Marine Fisheries Advisory Group (WMFAG) that a consultation on a towed gear order had been drafted in 2018. Yet, a consultation is still outstanding.

There is a long history of the Senedd seeking progress from the Welsh Government on this matter. For example, the Welsh Government were [urged by Members](#) for a timetable in 2017 and [again](#) in 2020. In November 2019, the CCERA Committee recommended that a consultation should be brought forward on management options for high-risk activities by January 2021 at the latest. The response was that the assessment would be completed “*as quickly as practically possible*” but said a consultation as expected in early 2020. Since then, Members of the Senedd have sought updates on the proposed timetable for a consultation. As this [written answer from March 2021 explains](#), we still don’t know when this will take place.

This delay and uncertainty is not only contrary to the legal duties upon the Welsh Government, it is holding up management of other gears. Management of additional gears is also essential to address requirements under protected site legislation, the Marine Strategy Regulations and the UK Fisheries Act (2020) (for example, to minimise and, where possible, eliminate incidental catches of sensitive species, such as seabirds and cetaceans). Management of nets and lines across all fisheries in Welsh waters will be essential to achieve the latter.

We would welcome a Ministerial statement of renewed ambition on fisheries management within protected areas. We are calling for specific time-bound commitments to ensure the sustainable management of all fisheries (Welsh, UK and non-UK registered vessels) and all gears (not just towed gear) within protected sites and beyond.

It should be noted that whilst our response focuses on the delays to towed-gear measures in MPAs, this is a consequence of the gear-specific approach the Welsh Government has chosen to taken within the AWFA project. A holistic approach, considering all gear in MPAs, is needed. NRW have provided additional gear assessments to the Welsh Government already. These should also be addressed at the earliest opportunity. As part of this programme of work, any displacement of fishing activities or any resulting increase in use of alternative gear use should be managed to ensure sustainability.

Proposed benthic habitat measures under the UK Marine Strategy

There is a legal duty within the Marine Strategy Regulations for the Welsh Government, UK Government and other devolved administrations to achieve Good Environmental Status by 2020. This deadline was missed. Of particular relevance, governmental assessments identified a failure to achieve Good Environment Status for [benthic habitats](#) in the Celtic Seas. This was in part due to the

failure to achieve [the target](#) for physical damage to benthic habitats, which is currently focused on fisheries.

The Welsh Government and other administrations are currently consulting on new measures to address the failure to achieve Good Environmental Status for benthic habitats and other descriptors. We have included a summary of fisheries management measures being proposed across the UK under this descriptor, which are in addition to work to develop policy frameworks (such as the upcoming Joint Fisheries Statement) under Annex 1. Wales is the only country not to include specific, time-bound commitments to fisheries management measures within the current consultation on the benthic habitats descriptor¹.

Given the Welsh Government has not cited any proposed new fisheries management measures for the benthic habitat descriptor within the current consultation, we would welcome an explanation as to why an exception is being sought under this descriptor and how the Welsh Government will contribute to Good Environmental Status of benthic habitats by 2024.

Yours sincerely,

Emily Williams

Co-Chair of WEL's Marine Working Group

RSPB Cymru

Clare Trotman

Co-Chair of WEL's Marine Working Group

Marine Conservation Society

¹ The only measure proposed by Wales for benthic habitats is the outstanding update to the Section 7 list under the Environment (Wales) Act 2016.

Annex 1

Here's a summary of specific fisheries management measures being proposed for introduction across the UK with timescales provided (emphasis added), under the benthic descriptor for the UK Marine Strategy.

England

- “Draft management measures for the first four sites include proposals to ban bottom-towed fishing...The aim is for the byelaws for these sites to be in place by September 2021. The full **byelaw programme** for all offshore MPAs is expected to be complete **by the end of 2024.**”
- “...Recently the government also published Benyon Review, which the government will use to **identify HPMA**s with ecological value, including areas in English waters with potential to recover, and blue carbon habitats.”

Northern Ireland

- “DAERA has conducted a **public consultation fisheries management measures for 52 of 124 the remaining MPAs** in the Northern Ireland inshore region with an aim of having the fisheries management measures in place for all MPAs **by 2022.**”

Scotland

- “...Fisheries management measures are being developed for the **remaining 18 inshore MPAs** where they are not already in place, with the aim of having **all measures in place by March 2024 at the latest.**”
- “In addition to protection for benthic features inside of MPAs, and in line with the General Policy 9 of Scotland's Marine Plan on natural heritage, the Scottish Government is also **developing fisheries management measures outside of MPAs** for the 11 benthic priority marine features most impacted by seabed abrasion...are also due to be implemented by March 2024.”
- “The Scottish Government has committed to **designating 10% of Scottish seas as HPMA**s by **2026** for inshore waters and, subject to the legislative framework being put in place, the same date for offshore waters.”

Swyddfa Caerdydd

Tramshed Tech

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Page 65

Agenda Item 4.4



12 October 2021

Janis Richards
Membership Director- Wales
Make UK

Llyr Gruffydd AM
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

t: 07920 117765
e: jrichards@makeuk.org

makeuk.org

SeneddClimate@senedd.wales

Dear Mr Gruffydd

I am reaching out to congratulate you in your election as the Climate Change, Environment and Infrastructure Committee Chair as well as offering you Make UK's support. We recognise the significant role you have through the business committee and the importance of analysing policies of the Government whilst looking at the wider impact across the Welsh economy.

Make UK, the manufacturers' organisation - Make UK is the voice of manufacturing in the UK, representing all aspects of the manufacturing sector, some 20,000 members employing over one million workers.

Manufacturing in Wales - I'm delighted to tell you that in Wales, manufacturing accounts for £10.8bn of output, providing 153,000 jobs, and these are some of the best quality jobs in the country, paying an wages which are an average of 25% higher than the rest of the economy in the region.

We take great pride in our role as the primary source of information and research for those, seeking to better understand the manufacturing sector. Recent research conducted by Make UK highlighted what manufacturers across Wales see as the next 3 priorities for the Welsh Parliament

1. **Investing in skills** that will support the economic and social aims of the nation. Identifying the priorities for the economy of 'tomorrow', creating the national ambition to deliver on the skills and the business environment where manufacturers can grow and thrive to support communities, create good jobs, and allow the nation to take full advantage of projects
2. **Invest in green technologies** like the country's growing renewables sector, to support clean growth for the future and the transition towards a more sustainable



economy. We will work with the Welsh Government and new Parliament as it renews its “Prosperity for All: A Low Carbon Wales” agenda to ensure that manufacturing continues to support the decarbonisation agenda, and the wider opportunities to create a vibrant sector in the economy.

3. Continue to work with the Welsh Government and new Parliament to **help deliver the commitments set out in the Manufacturing Future for Wales – A Framework for Action**. The framework supports manufacturers in Wales to deliver the jobs of the future, both recruiting and retaining the very best talent to boost productivity and deliver shared economic growth across the country

Across Wales manufacturers are leading the way on key societal challenges which we face – from healthcare to climate change, clean transport and green energy. However, in order to do this we need a business environment which allows manufacturers not just to survive but thrive, and a strong relationship with the Senedd and the Welsh Government is critical to this.

Meet our members

We would like to invite you to attend a roundtable with Make UK members from across the various sub-sectors of manufacturing in Wales. This would provide you with an excellent chance to hear the very latest from the sector including the current challenges manufacturers face along with their priorities for the future.

If you would like to find out more about manufacturing in Wales, please don't hesitate to get in touch with me and I would be very happy to set up a meeting at your convenience.

Yours sincerely

Janis Richards
Membership Director- Wales

Cc- llyr.gruffydd@senedd.wales

Agenda Item 4.5

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



Llywodraeth Cymru
Welsh Government

Llyr Gruffydd MS
Chair
Climate Change, Environment, and Infrastructure Committee

Llyr.Gruffydd@senedd.wales

15 October 2021

Dear Llyr

The Phytosanitary Conditions (Amendment No 2) Regulations 2021

The Secretary of State proposes to make the above named Statutory Instrument (SI) under powers conferred by Articles 5(3), 30(1), 37(5), 40(3), 41(3), 42(3), 72(3) and 105(6) of Regulation (EU) 2016/2031 of the European Parliament and the Council on protective measures against pests of plants. The SI is to apply to England, Scotland and Wales and its purpose is to protect biosecurity and support trade between Great Britain (“GB”) and relevant third countries by introducing further protective measures for at-risk plant goods.

The SI amends Regulation (EU) 2019/2072 establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 to:

- Introduce GB-wide measures against the import of host plants and other relevant regulated goods for certain pests. These measures apply to specific third countries that pose an unacceptable level of risk to GB.
- Deregulate pests which have been assessed as being of no biosecurity risk to GB, as their continued regulation is no longer technically unjustified.

I am writing to let you know I gave my consent to the Secretary of State to the application of this SI to Wales. I understand the SI will be laid before the Houses of Parliament on 21 October and will be subject to the negative procedure.

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.

In circumstances when we are required to consider and amend legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that, if appropriate, we permit the UK Government to legislate on our behalf. Should consent be withheld, these corrections will need to be made through legislation made by the Welsh Government. There is insufficient time and resources to be able to draft and lay such regulations at the same time as the UK Government and delay would present a risk to our biosecurity.

I am copying this letter to the Counsel General and Minister for the Constitution, the Minister for Rural Affairs and North Wales, and Trefnydd, and the Chairs of the Legislation, Justice and Constitution Committee and the Economy, Trade, and Rural Affairs 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

Agenda Item 7

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

Document is Restricted