

# Agenda – Climate Change, Environment, and Infrastructure Committee

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Meeting Venue:	For further information contact:
Video Conference via Zoom	Marc Wyn Jones
Meeting date: 11 November 2021	Committee Clerk
Meeting time: 14.00	0300 200 6565
	<a href="mailto:SeneddClimate@senedd.wales">SeneddClimate@senedd.wales</a>

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## Private pre-meeting (13.45–14.00)

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](http://www.senedd.tv).

## Public meeting (14.00–15.00)

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

(14.00)

### 2 Climate adaptation

(14.00–15.00)

(Pages 1 – 25)

Baroness Brown of Cambridge, Chair of the Adaptation Committee – UK  
Climate Change Committee

Attached Documents:

Research brief

Presentation from Baroness Brown, Chair of the Adaptaion Committee – UK  
Climate Change Committee



### **3 Papers to note**

(15.00)

#### **3.1 Publication of the UK Government's Net Zero strategy**

(Pages 26 – 27)

Attached Documents:

Letter from the Chair to the Rt Hon Greg Hands MP Minister of State, regarding the publication of the UK Government's Net Zero strategy

#### **3.2 The UK Environment Bill**

(Pages 28 – 30)

Attached Documents:

Letter from the Minister for Climate Change to the Minister for Rural Affairs and North Wales, and Trefnydd in relation to the UK Environment Bill

Letter from the Minister for Climate Change to the Chair in relation to the UK Environment Bill

#### **3.3 Welsh Government draft budget 2022–23**

(Pages 31 – 36)

Attached Documents:

Letter from the Chair to the Minister and Deputy Minister for Climate Change in relation to the Welsh Government draft budget 2022–23

#### **3.4 Marine environment management**

(Page 37)

Attached Documents:

Letter from the Chair to the Minister for Climate Change in relation to marine environment management

#### **3.5 Environmental governance**

(Pages 38 – 42)

Attached Documents:

Paper from Natural Resources Wales in relation to environmental governance following their evidence session with the Committee on 30 September 2021

### **3.6 Nature targets**

(Pages 43 – 55)

Attached Documents:

Paper from Natural Resources Wales in relation to nature targets following their evidence session with the Committee on 30 September 2021

### **3.7 Flooding in Rhondda Cynon Taf**

(Pages 56 – 57)

Attached Documents:

Letter from the Chair, Petitions Committee in relation to a petition calling for an inquiry into the 2020 flooding in Rhondda Cynon Taf

## **Break (15.00–15.10)**

### **Informal Session (15.10–16.00)**

Feedback from Climate Cymru at the United Nations Climate Change Conference (COP26) in Glasgow with Sam Ward, Campaign Manager – Climate Cymru

Document is Restricted

11<sup>th</sup> November 2021

# Meeting with the Climate Change, Environment and Infrastructure Committee of the Welsh Parliament

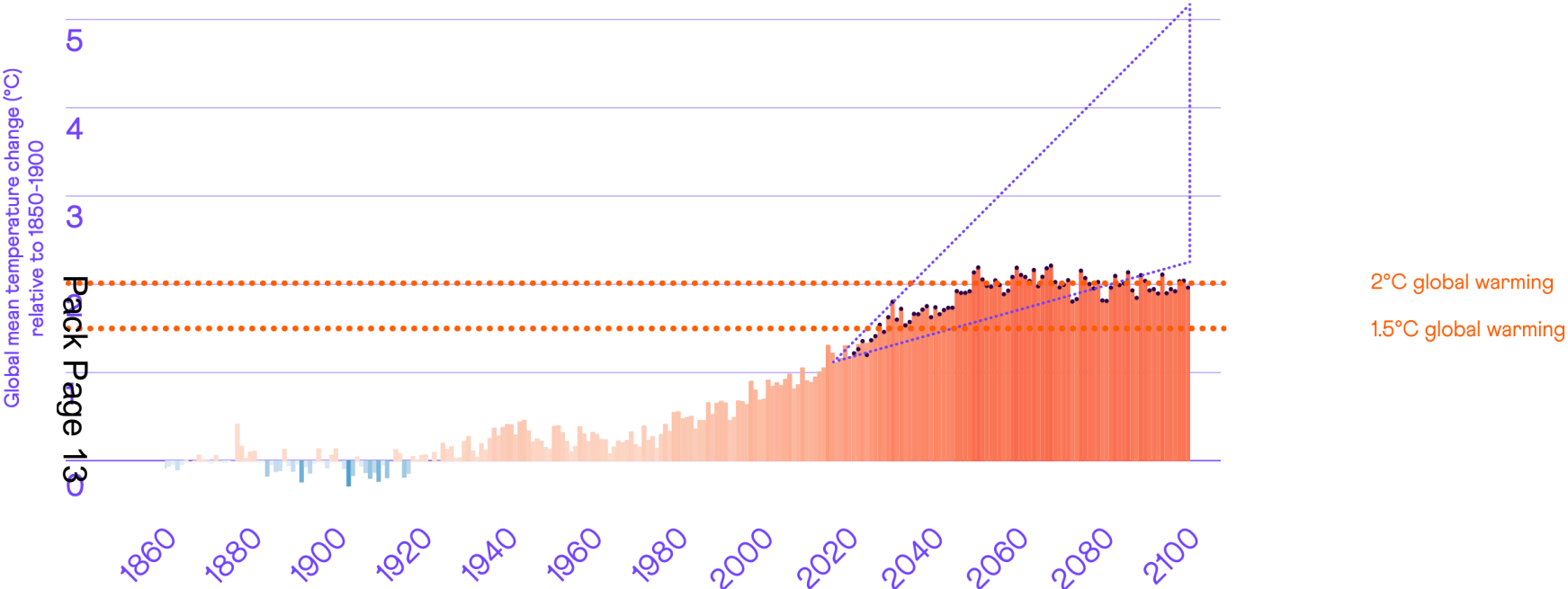
Baroness Brown

*Chair of Adaptation Committee, CCC*

Back Page 12

# Our changing climate

## Global temperature changes since 1860



Pack Page 13

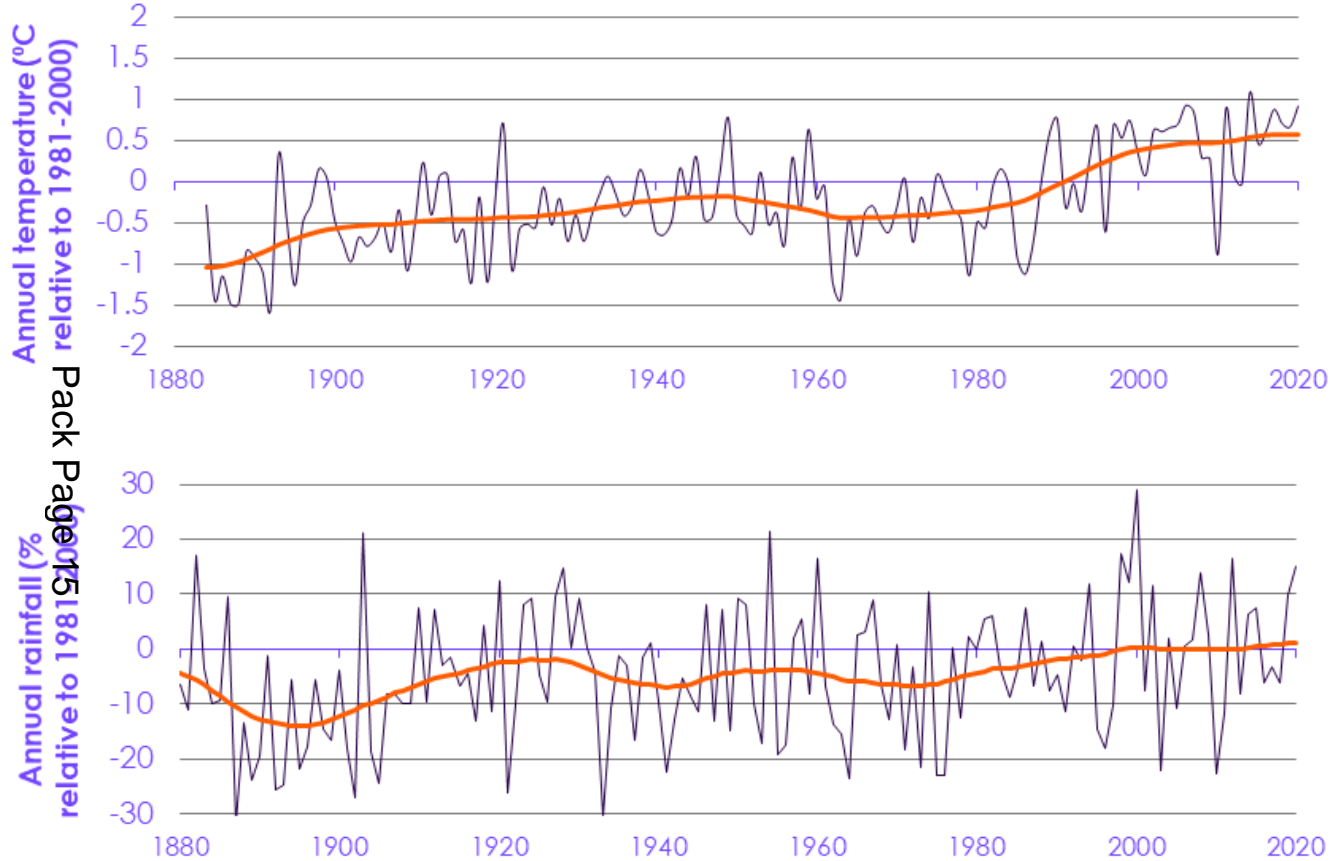
# The UK's changing climate

Further climate change is inevitable

	Observed change to date	Inevitable change by mid-century	2°C by 2100C	4°C by 2100
Average annual UK temperature	~1.2°C above pre-industrial levels	~0.6°C from present	~0.7°C from present by mid-2080s	~3.0°C from present by mid-2080s
'Hot summer' occurrence	10 – 25% chance of a '2018 summer'	50% chance each year	50% chance each year	90% chance each year
Average summer rainfall	No significant long-term trend	-11% (to -24%)	-15% (to -28%)	-29% (-53%)
Average winter rainfall	No significant long-term trend	+5 % (+16%)	+6% (+18%)	+18% (+41%)
Heavy rainfall	No significant long-term trend	10% from present	20% from present	50% to 70% from present
Sea level rise	~16cm since 1900	3 - 37 cm from present by 2060	5 - 67cm from present	27 - 112cm from present

# Our changing climate

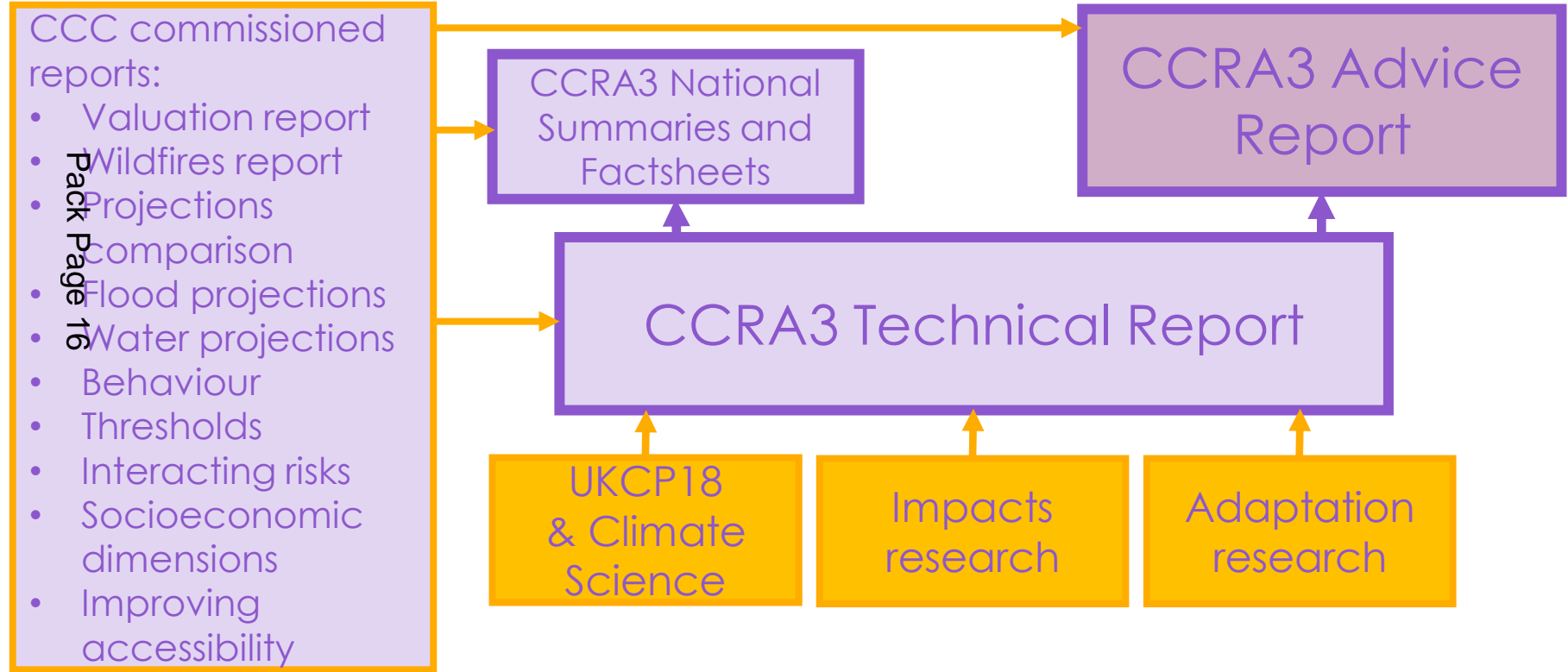
## Observed changes in temperature and rainfall in Wales



**Source**  
CCC analysis; HadUK-Grid dataset,  
Kendon, M. et al. (2020)

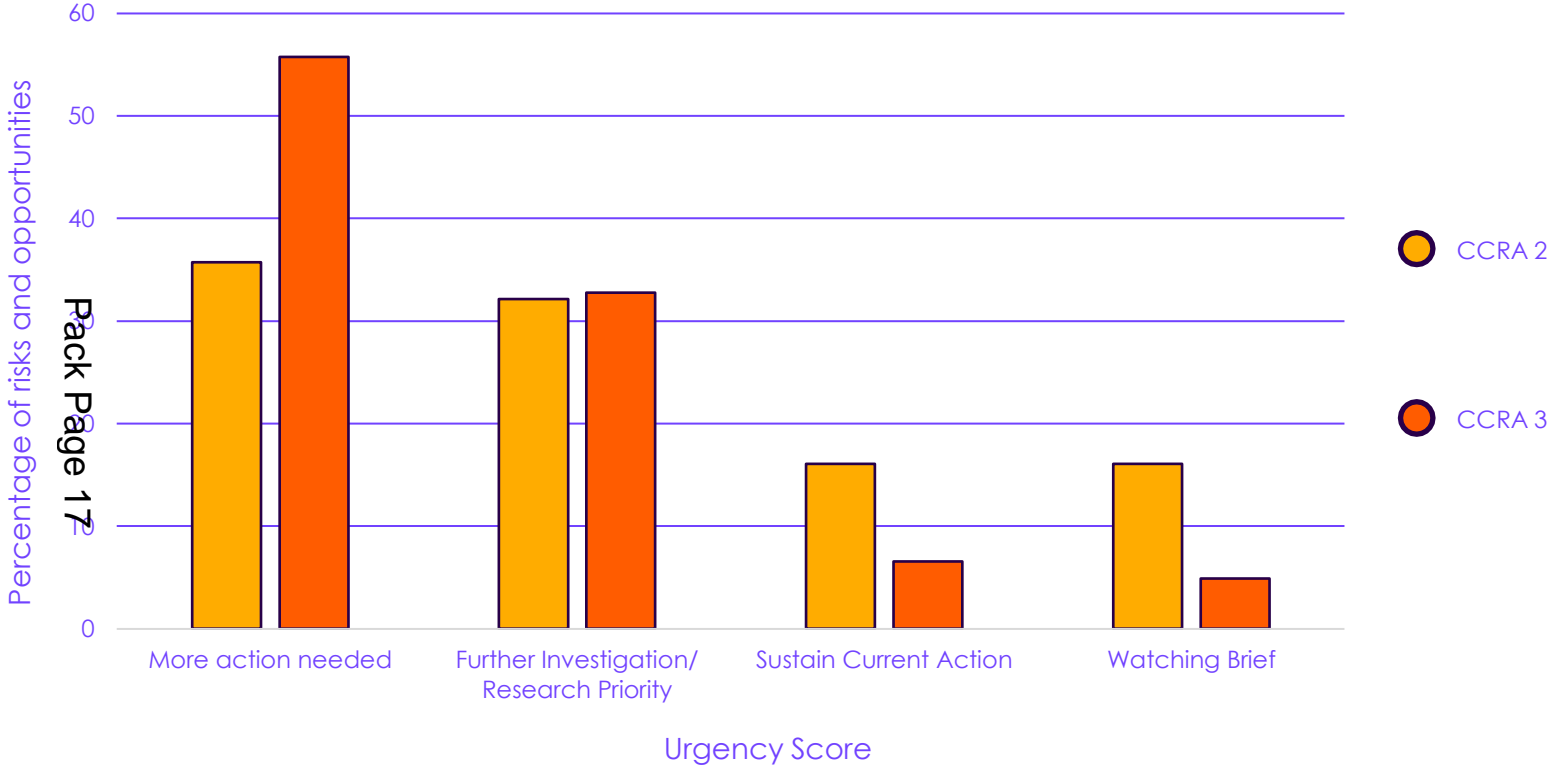
# Navigating CCRA3

## Components of the CCRA3 Independent Assessment of UK Climate Risk



# Independent Assessment of UK Climate Risk

The level of urgency of adaptation has increased since 2017



Source  
CCC Analysis

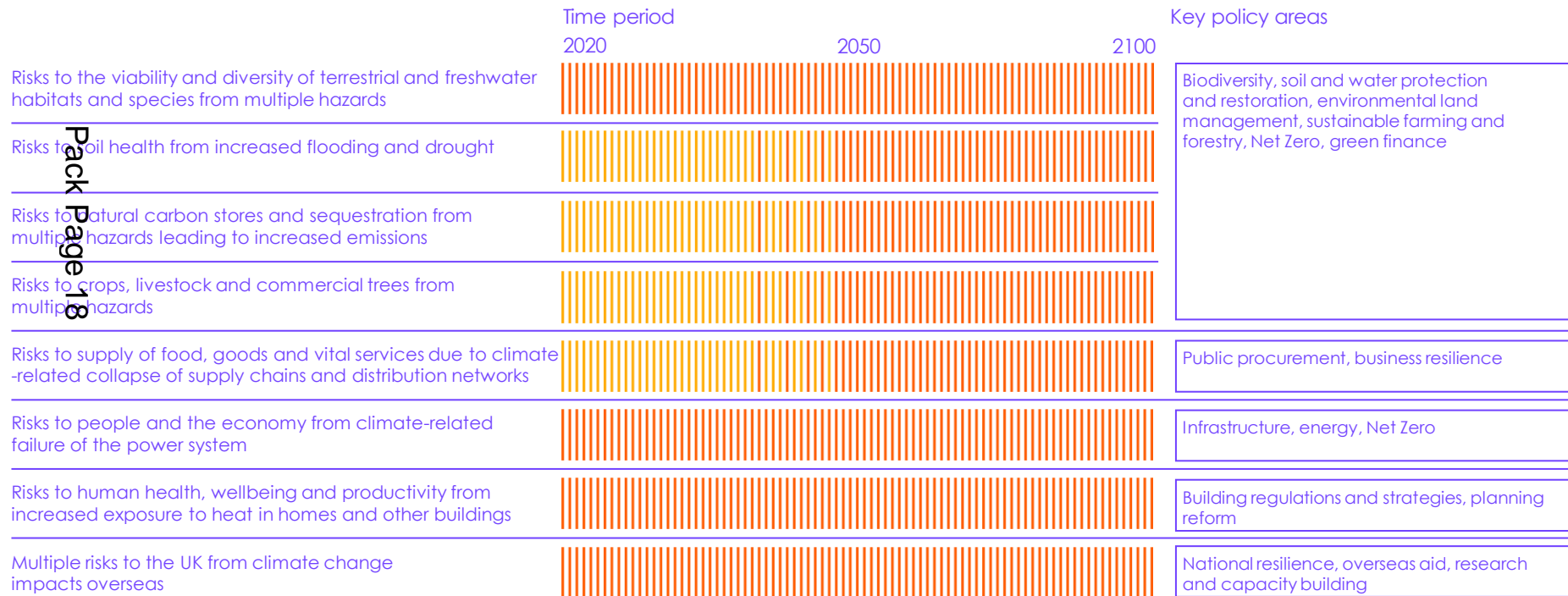
# Independent Assessment of UK Climate Risk

## Highest priorities for further adaptation in the next two years

Magnitude of risk

 High

 Medium



Pack Page 18

# Independent Assessment of UK Climate Risk

Many of the priorities have particular relevance to Wales

Risks to the viability and diversity of terrestrial and freshwater habitats and species from multiple hazards

Risks to soil health from increased flooding and drought

Risks to natural carbon stores and sequestration from multiple hazards leading to increased emissions

Risks to crops, livestock and commercial trees from multiple hazards

Risks to supply of food, goods and vital services due to climate-related collapse of supply chains and distribution networks

Risks to people and the economy from climate-related failure of the power system

Risks to human health, wellbeing and productivity from increased exposure to heat in homes and other buildings

Multiple risks to the UK from climate change impacts overseas

- ◀ Risks from intense rainfall are higher on soils made of unconsolidated materials from contaminated land and spoil tips in former mining areas
- ◀ Wales needs to have ~4 – 7 Mt of nature-based removals in 2050 as part of achieving its Net Zero pathway
- ◀ Without adaptation, 57% of the best and most versatile agricultural land could be at risk of river flooding by the 2050s
- ◀ Heat-related death rates in Wales could more than double by the middle of the century without further adaptation

# Independent Assessment of UK Climate Risk

## Examples of key risks to Wales

### 1. Risks to communities, business and infrastructure from coastal erosion

- Risk to the viability of coastal communities rises to high in Wales by the end of the century, above the levels seen in other parts of the UK

### 2. Risks to infrastructure and buildings from ground subsidence

- There are over 2,000 coal tips in Wales, predominately in the South Wales Valleys, of which 294 have been identified as a high risk to transport and other infrastructure.
- In early 2021, there was severe flooding in the village of Skewen, following Storm Christoph, from a mine shaft which filled up with water and burst



# Acting on adaptation

## What can be done?

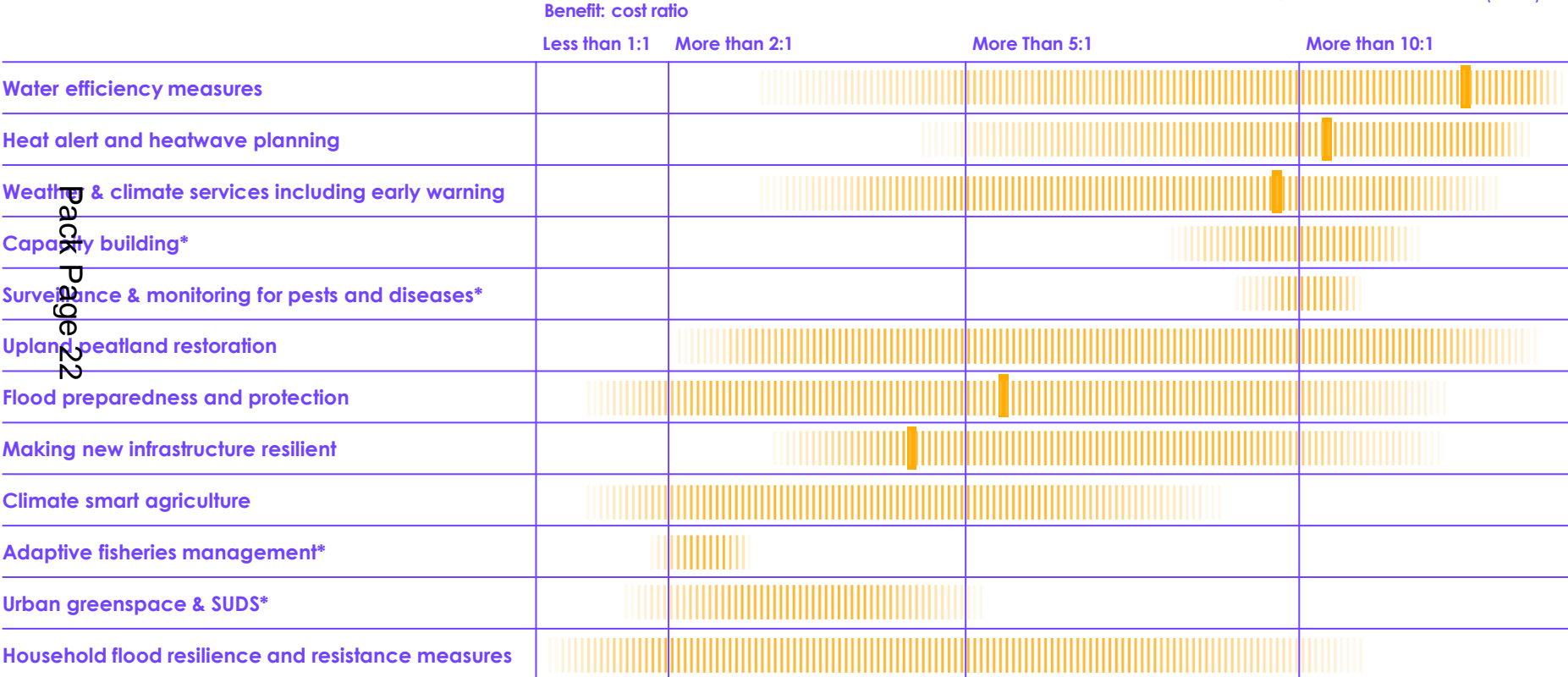
Independent Assessment of UK Climate Risk (CCRA3)	Examples
Engineered solutions	Building design and retrofit, road resurfacing, flood defence investment, drainage
Nature-based solutions	Increasing plant diversity, habitat creation, soil conservation, increased blue carbon (coastal and marine vegetation), green sustainable urban drainage, urban greening, and peatland restoration
New technologies	Precision farming, using new crop and livestock varieties, remote sensing, new designs for infrastructure assets, use of sensing, digitisation and big data for monitoring, evaluation and management
Behavioural	Changing timing of agricultural practices, information sharing, public engagement, skills development in adaptation actions
Institutional	Adaptation standards, supply chain diversification, regulation, advisory services
Financial	Insurance, risk disclosure, adaptation finance
Data, R&D	Monitoring and surveillance, inspections, forecasting, research, decision support tools

# Acting on adaptation

## What can be done?

\*Based on single, limited or indicative studies

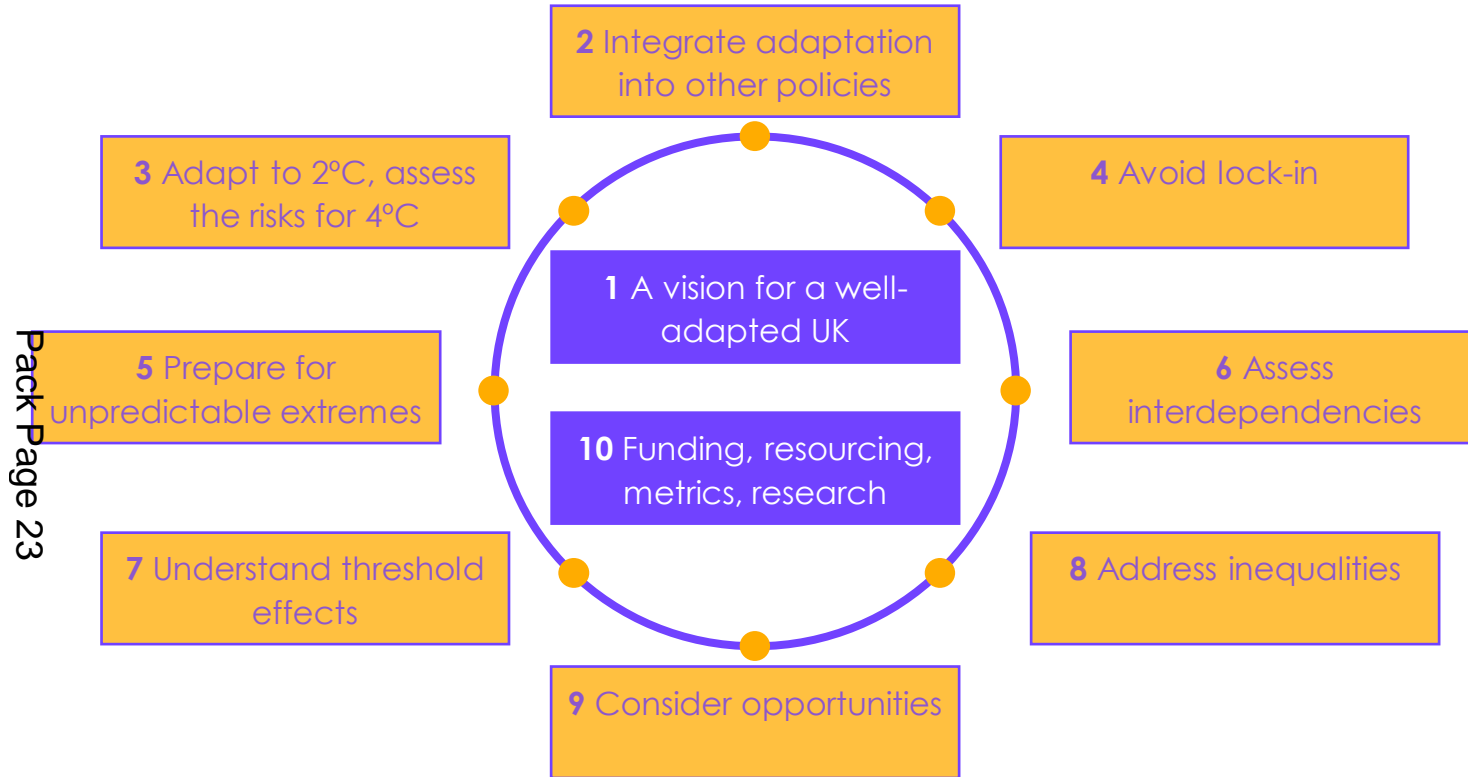
Source: CCC, based on Watkiss. P (2021)



Back Page 22

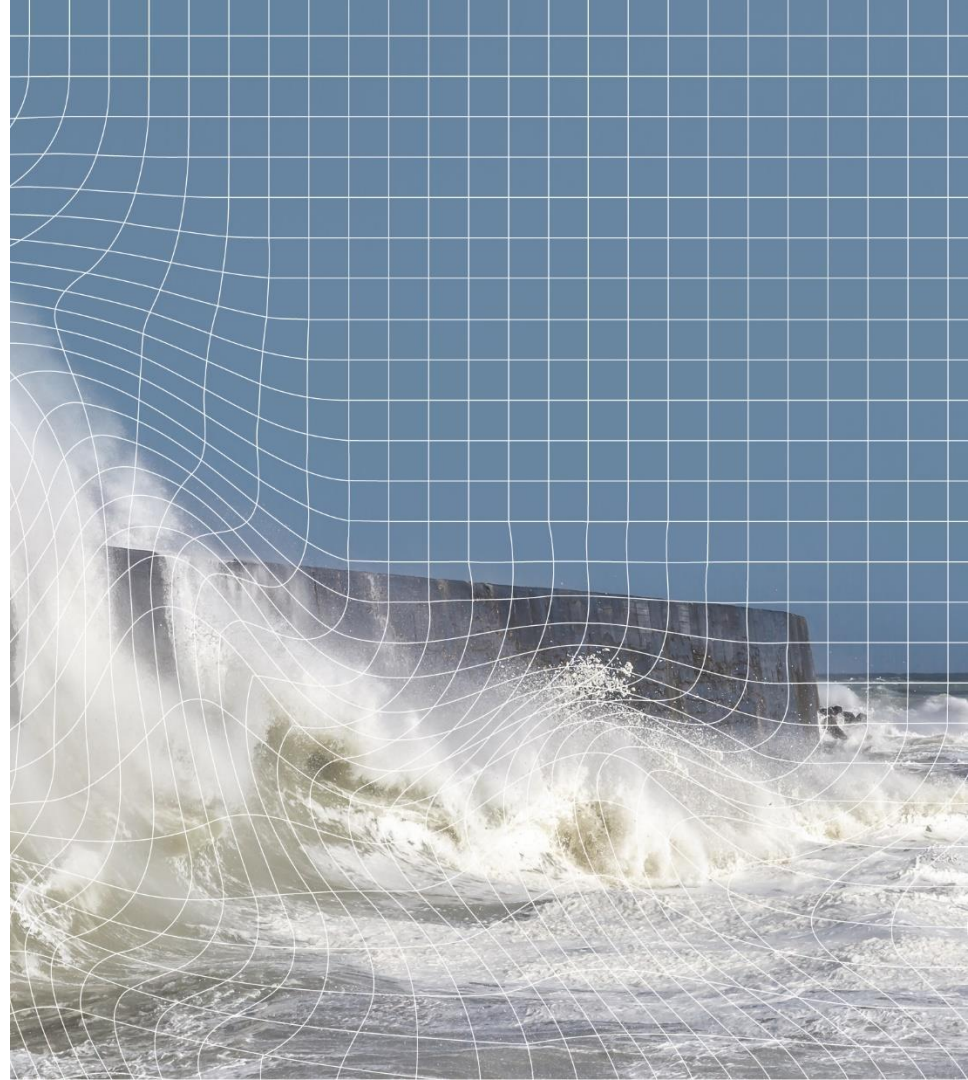
# Ten principles for effective adaptation

Still largely missing from UK adaptation policy



## Call to action on adaptation

- Climate change has arrived
- The gap between risk and adaptation action has widened
- Without adaptation action key government and societal goals, such as Net Zero, will not be met
- Bold leadership is needed
  - to prepare for future climate change
  - to protect the most vulnerable from its impacts



Contact us

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Pack Page 25

# Agenda Item 3.1

**Pwyllgor Newid Hinsawdd,  
yr Amgylchedd a Seilwaith**

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## **Climate Change, Environment, and Infrastructure Committee**

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The Rt Hon Greg Hands MP  
Minister of State  
1 Victoria Street  
London  
SW1H 0ET

21 October 2021

Dear Minister of State

On 20 October, the Welsh Parliament's Climate Change, Environment, and Infrastructure Committee held a scrutiny session with the Welsh Government's Minister for Climate Change, Julie James MS.

During that session, Members questioned the Minister about the publication of the UK Government's Net Zero strategy, published on 19 October.

In response to a question about the extent to which Welsh Ministers were aware of, or had been consulted on, the UK Government's strategy, the Minister told the Committee that:

- She had been notified in a 15-minute meeting with you on Monday 18 October that publication of the Net Zero strategy was imminent;
- She had been assured that an advance copy of the strategy would be provided to the Welsh Government. A copy was provided at 12.01 am on the day of publication.

The Committee agreed that I should write to you to express our deep concern at this apparent lack of cooperation.

You will appreciate that the next ten years will prove to be vital in meeting net-zero targets. This challenge will not be met unless the UK Government works with the other governments of the United Kingdom. This is particularly the case because of the intersection of devolved and reserved policy areas and the question of how interventions that will move us towards net-zero commitments are funded. As a Committee, we hope that the commitments to engage with devolved governments as set out in the strategy will prove to be fact and not fiction.

Finally. I would like to offer an invitation to you to attend remotely a meeting of the Committee in future to discuss UK Government policies in this area and how they impact Wales.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Llyr', is centered on a light yellow rectangular background.

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

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

# Agenda Item 3.2

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



Llywodraeth Cymru  
Welsh Government

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

25 October 2021

Dear Trefnydd,

On 28 September, the Senedd debated and passed the Legislative Consent Motion in relation to the UK Environment Bill. The motion included consideration of clause 56 and schedule 9 to provide the Welsh Ministers with powers to charge for single use plastic items.

I have requested, and the Secretary of State for Environment, Food and Rural Affairs has agreed, to introduce an amendment, within the current legislative process, to clause 56 and schedule 9 of the Environment Bill in respect of powers to charge for single use plastic items. The amendment will ensure Welsh Ministers will have the same powers as the Secretary of State, to charge for all single use items, regardless of their material.

This amendment would make provision in relation to Wales for a purpose within the legislative competence of the Senedd. I would ordinarily lay a Supplementary Memorandum but unfortunately as the Bill is now in the consideration of amendments stage and the Committees and Senedd are in recess this week, there is not enough time to facilitate a Senedd debate ahead of the Bill receiving Royal Assent. I am therefore writing to inform you of the change in this area.

I am copying this letter to the Chair of the Legislation, Justice and Constitution Committee and the Climate Change, Economy and Infrastructure Committee.

Yours sincerely



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

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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[Correspondence.Julie.James@gov.Wales](mailto: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.

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



Llywodraeth Cymru  
Welsh Government

Chairs of the Climate Change, Environment and Infrastructure  
and Legislation, Justice and Constitutional Committees.

28 October 2021

Dear Chairs,

On 21 October the UK Government tabled an amendment to clause 56 and schedule 9 - Charges for single use plastic items, of the UK Environment Bill. The amendment expanded the scope of the charging powers to include all items, regardless of what material they were made from. Due to the lateness of the amendment, the power was to apply only to England, meaning Wales's power would have remained constrained to cover plastic single use items only. We were not given prior notice of the amendment.

This would have curtailed Welsh Minister's ability to act in such an important area relative to England. Whilst I understand the UK Government had originally considered extending this power to other materials during the early drafting stages, a position supported by the Welsh Government, it was not included in the Bill as introduced due to the tight timescale required to develop the Bill and lack of wider evidence. This position was maintained throughout the Parliamentary scrutiny process and similar amendments were rejected. Indeed, we were informed as recently as August, following an amendment tabled in the House of Lords to extend the charge, this position would remain unchanged.

Despite the inadequate notice for the amendment, we have continued to work collaboratively with the UK Government on the Environment Bill. Once I was aware of this of this change in position, I wrote to the Rt Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, seeking an urgent amendment to ensure this important change was extended to Wales. I am pleased to advise the request was agreed.

Reducing the use and availability of unnecessary single-use items and the negative impacts they have on our environment is a top priority for the Welsh Government and Welsh Ministers require powers that allow us to take action on this important matter. A broader charging power will provide a strong disincentive to producing single use products. It also allows us to meet our commitment in Beyond Recycling, our Circular Economy Strategy, to phase out unnecessary single-use items in Wales.

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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.

On 25 October I issued a Written Statement informing Members of the Senedd of the Secretary of State's agreement to table an amendment. I also explained that, due to the lateness of the amendment, there was insufficient time to facilitate a usual Senedd debate.

I can now confirm that in this unusual situation our intention is to bring forward a debate on 2 November. We have laid a supplementary Legislative Consent Memorandum and motion to give effect to that intention, subject to the Business Committee agreeing not to refer the sLCM for scrutiny and the Senedd agreeing to suspend the relevant Standing Orders to allow the legislative consent motion to be debated without due notice. I appreciate that this solution is far from ideal, but I wanted to demonstrate the Welsh Ministers' commitment to the Sewel Convention by providing the Senedd an opportunity to consider, scrutinise and vote on the new provisions.

I am sure you agree this is a positive step towards tackling commonly littered single use items.

Yours sincerely



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

## **Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith**

### **Climate Change, Environment, and Infrastructure Committee**

### **Welsh Parliament**

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Julie James MS, Minister for Climate Change

Lee Waters MS, Deputy Minister for Climate Change

01 November 2021

#### **Draft Budget scrutiny 2022-23**

Dear Julie and Lee,

The Climate Change, Environment and Infrastructure Committee has started its preparations for scrutiny of the Welsh Government's draft Budget for 2022-23.

We understand the draft budget will be published on 20 December 2021, so we anticipate holding a scrutiny session with you early in 2022. The Clerking team will be in touch with your office in due course to arrange a suitable date for the session.

To assist the Committee in its preparations, I would be grateful if you would provide information in relation to the matters set out in this letter. Of course, you should not feel limited by our request and are welcome to address any other issues you believe will assist the Committee in its work.

I would be grateful if you could provide information to address the issues set out in Annex 1 in advance of the scrutiny session. I have asked the Clerking team to liaise with your officials about an exact deadline.

Yours sincerely,



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

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English.

## Preventative Spend

- Details of the proportion of portfolio budget allocated to preventative spending measures and how this has increased compared to last year's budget.
- Details of which specific policies or programmes in the portfolio are intended to be preventative.

## Evidence-based policy making

- An explanation of how you have used evidence in prioritising your draft budget allocations and how you will monitor and evaluate programmes to ensure they provide value for money and inform future budget setting processes.
- Details of how the development of the draft budget has been informed and influenced as a result of consultation with stakeholders.

## Well-being of Future Generations Act

- Examples of how the Act has informed decisions on specific budget allocations.
- Details of how the impact assessment process has influenced the development of the draft budget, including examples of where a decision has been assessed against the Welsh Government's well-being objectives.

## Equality, Welsh language and children's rights assessment

- Details of how you have considered the impact of the draft budget on groups with protected characteristics and the Welsh language, including details of any relevant impact assessments.
- Details of how children's rights have been considered in the budget decisions for the portfolio.

## Covid-19 Reconstruction: Challenges and Priorities

An explanation of how the budget allocations within your portfolio align with the key priorities for reconstruction in light of the Covid-19 pandemic.

## Legislation

Budget allocations for the implementation of existing and planned primary legislation; and the implementation of planned and existing subordinate legislation, including that emanating from the UK Environment Bill.

## Programme for Government

- An explanation of how the budget allocations within your portfolio align to Programme for Government commitments and priorities.

## Responding to the climate and nature emergencies

- An explanation of how the Welsh Government's declaration of 'climate' and 'nature' emergencies has influenced this year's budget setting process.
- An explanation of how you have working with your Cabinet colleagues to ensure that the environment, biodiversity loss and climate change have been "at the heart of" the budget setting process.

## Decarbonisation

- An explanation of how the budget allocations support the delivery of the policies and proposals in the Second Low Carbon Delivery Plan, which are relevant to the remit of this Committee.
- An explanation of how the higher interim emissions reduction targets for 2030 and 2040, and a net zero target for 2050 have influenced allocations.
- An explanation of work undertaken to estimate the carbon impact of spending decisions and how this has influenced the approach to allocations.
- An update on work to align the fiscal and carbon budgets.

## Budget structure

- A breakdown of the 2022-23 draft budget, and any future indicative budgets, by Spending Programme Area (SPA), Action and Budget Expenditure Line (BEL), both revenue and capital, along with 2021-22 Budget allocations as a comparison.
- A narrative description of the policy areas funded through each BEL.
- A summary of any changes made in the structure and presentation of the budget compared to previous years, including details of how any new or reorganised SPAs, Actions of BELs relate to those used in 2021-22 and ensuring 2022-23 allocations can be compared to previous years.

## Transport

How the draft budget supports the Welsh Government's transport priorities, particularly delivery of the new Wales Transport Strategy and the associated delivery plans and strategies, including how you have prioritised funding, the affordability of your priorities and any areas of concern.

How the draft budget provides for:

- The impact of, and recovery from, the Coronavirus pandemic, including support for transport providers.
- Specific allocations made in relation to Brexit to mitigate impact on transport services / sectors.
- Delivery of the rail franchise.
- Delivery of the North East Wales, South West Wales and South East Wales Metros.
- Delivery of the Welsh Government’s rail infrastructure priorities.
- The development of Transport for Wales – including a breakdown of TFW’s budget allocation, itemising its corporate budget alongside allocations for delivery of specific programmes.
- The recommendations of the South East Wales Transport Commission.
- Investment in the trunk road and motorway network.
- Delivery of active travel policy – including a table detailing total and per capita allocations for active travel for 2022-23, compared with each of the preceding three years. Revenue and capital allocations should be clear and broken down by individual funding stream (active travel fund, local transport fund, safe routes in communities etc).
- Support for bus and community transport services, including a table detailing total and per capita allocations for 2022-23 compared with each of the preceding three years. Revenue and capital allocations should be clear and the table should be broken down by individual funding stream (BSSG, BES2, Concessionary Fares etc).
- Support for local transport priorities.

## Planning

How the draft budget provides for:

- Funding of Planning and Environment Decisions Wales and how this differs from how Planning Inspectorate Wales was funded.
- Sufficient resourcing for local planning authorities to carry out their functions adequately.

## Environment

How the draft budget provides for:

- Delivery of the Nature Recovery Action Plan, including management and monitoring of the National Sites Network.
- Replacement for EU LIFE funding following the UK's departure from the EU.
- Development of the new National Park.
- Delivery of the Clean Air Plan.
- Implementation of the Woodlands for Wales Strategy, including the National Forest Strategy.
- Implementation of the National Strategy for Flood and Coastal Erosion Risk Management, including the take up of the Coastal Risk Management Programme.
- Initiatives to reduce plastic pollution, including the development of a Deposit Return Scheme and Extended Producer Responsibility (EPR) for plastic packaging.
- Development of permanent environmental governance arrangements, and the work of the Interim Environmental Protection Assessor.
- Delivery of the Marine Protected Area Network Management Plan.

## Natural Resources Wales (NRW)

Details of budget allocations for NRW, including explanations of any changes.

## Additional areas of Committee interest

How allocations in the draft budget provides for:

- Implementation of recommendations made by the Green Recovery Task Force.
- Delivery of the Welsh Government's Warm Homes Programme, including priority actions for 2021-2023 set out in its Tackling Fuel Poverty Plan, 2020–2035.
- Delivery of renewable energy and public sector energy efficiency programmes, including funding for the Welsh Energy Service.

- The National Infrastructure Commission for Wales.
- Implementation of the Digital Strategy for Wales and delivery plan, and allocation for the Centre for Digital Public Services.
- Details of the total Welsh Government contribution to the Superfast Cymru successor scheme, including relevant contract targets for BT/Openreach and performance towards these targets.
- Details of the budgets allocated to other Welsh Government connectivity schemes (including Access Broadband Cymru, the Local Broadband Fund and the Welsh Government top-up to the UK Government’s Gigabit Broadband Voucher scheme) and connectivity targets these schemes have.
- Details of any budget allocated to improving mobile connectivity.



Julie James MS, Minister for Climate Change

02 November 2021

Dear Julie,

## Marine environment management

The Climate Change, Environment and Infrastructure Committee has agreed to undertake a short piece of work on marine environment management.

To help inform our work, we would like you to provide an update on progress towards implementing recommendations made by the Fifth Senedd's Climate Change, Environment and Rural Affairs Committee in its report, **The Welsh Government's progress on Marine Protected Area management** (November 2019).

We would also appreciate details of developments within the area of marine spatial planning, and on the emerging role of Blue Carbon in Wales.

I should be grateful if you would provide a response as soon as possible, and by **Monday 29 November 2021** at the latest.

Yours sincerely,



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

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English.

# Agenda Item 3.5



**Cyfoeth  
Naturiol  
Cymru  
Natural  
Resources  
Wales**

## CCEI Committee session on Environmental Governance 30th September 2021

### Summary

1. The Climate Change, Environment and Infrastructure Committee is undertaking an evidence gathering session on a range of issues that includes environmental governance. There is a 'governance gap' post EU Exit for environmental principles and governance. The interim process (IEPAW, see below) that Dr Nerys Llewelyn-Jones is responsible for does not include complaints (as it is non-statutory) and recommends these are directed to existing bodies and through existing legal routes.
2. This is likely to result in an increase in complex and strategic environmental complaints for NRW over time (it is estimated that NRW is responsible for up to 75% of potential areas subject to complaint). There is also increased interest in Judicial Review as a route to challenge these concerns across the UK and in Wales. ENGOs and other stakeholders are likely to continue to highlight this issue until primary legislation (unlikely before 2023 at the earliest) establishes a permanent Welsh environmental oversight body.
3. NRW is committed to supporting Welsh Government's development of new legislation on environmental governance in Wales following EU Exit. We are working with other agencies, staff across NRW and with the Interim Environmental Protection Assessor Wales (IEPAW) on environmental governance, coordinating a comprehensive response from NRW to consultations and individual requests for advice and guidance.
4. We are working proactively with the IEPAW on ongoing concerns raised about the functioning of environmental law in Wales.

### Background

5. Environmental principles enshrined in Article 191 of the EU Treaty on the Functioning of the European Union (TFEU) have underpinned the development of EU environmental policy and law over the last 40 years. Oversight of the implementation of environmental law and the accountability of Member States for their delivery against is overseen by the European Commission and the European Court of Justice.
6. There are four EU environmental principles provided in the Treaty of the Functioning of the European Union (TFEU). These are:
  - *precautionary principle;*
  - *principle that preventative action should be taken;*
  - *environmental damage should as a priority be rectified at source; and*
  - *polluter pays.*

7. Currently, Welsh primary legislation only includes the “precautionary principle” and “preventative action”. Welsh Government propose to include all 4 principles in primary legislation as recommended by NRW and other stakeholders, to ensure they all continue to be fully recognised in Welsh legislation.
8. These principles should support an overarching objective, which sets out environmental ambitions in Wales, including the connections between environmental policy and other policy areas to ensure integration of environmental principles in decision making.
9. Having left the EU, the previous environmental governance structures no longer apply in the UK. This has resulted in a governance gap in Wales and the UK, which is why UK Government and the Devolved Administrations are developing bespoke environmental governance frameworks for England and Northern Ireland, Scotland, and Wales. In England and Northern Ireland, this will be the Office for Environmental Protection which will be implemented as part of the UK Environmental Bill, expected to be implemented in November 2021. In Scotland, this will be Environmental Standards Scotland which has been established as part of the European Union (Continuity) (Scotland) Bill. In Wales, an Interim Environmental Protection Assessor (IEPAW) has been appointed for 2 years (currently until March 2023) whilst legislation to implement the permanent body is developed.
10. The IEPAW is limited to investigating the functioning of environmental law and does not include a mechanism to receive or handle complaints. There is currently no legislation scheduled to enable the establishment of a statutory environmental governance body in Wales. As a result of this, we anticipate a rise in Judicial Review (JR), strategic complaints and liaison and advisory work for NRW and an associated increase in public scrutiny. Long-term, a statutory body is planned that is likely to have recourse to financial penalties and legal process to enforce decisions and provide effective oversight.
11. A [recent article in ENDS](#) highlights the governance gap in Wales compared to the rest of the UK and the ongoing risks to the Welsh environment, indicating the increasing public awareness of this potentially contentious issue.

## Complaints

12. As noted above, the interim process in Wales will limit its focus to the functioning of environmental law rather than breaches of environmental law, which will be directed to the relevant existing organisation or established legal process, namely Judicial Review. In many cases, these complaints are likely to fall within NRW’s remit due to the breadth of our role as a land manager, regulator, and statutory nature conservation body.
13. This is likely to result in an increase in strategic environmental complaints directed to NRW as well as a new advisory role and oversight process and associated body to liaise with in the longer-term. It is also likely to result in an increase in Judicial Review (or JR) cases. WG, NRW and other agencies across the UK are reporting an increased interest in JR from stakeholders currently on a range of issues.

14. These strategic environmental complaints are complex and can require significant time and resource to respond. The new process also includes all environmental law, rather than only EU derived environmental law so includes England and Wales legislation such as the Forestry Act and the Wildlife and Countryside Act.
15. NRW deals with a range of formal and informal complaints, letters of concern and related issues. Policy and operational teams regularly have to respond to letters, emails, and phone calls on a range of issues that can be complex and difficult to resolve. We also have a formal complaints process that aims to effectively address concerns or complaints we receive about our service by any member of the public or business. The complaints process is overseen by the Public Service Ombudsman for Wales.
16. NRW also manages access to information requests under the Freedom of Information Act (FOI) and Environmental Information Regulations (EIR) that give members of public the right to request access to unpublished information held by Natural Resources Wales, unless a specified exemption applies. These are handled by NRW's access to information team.
17. To date, 4 concerns (all on topics related to NRW's remit) have been raised through the Welsh interim process and NRW has responded to a request for evidence from the Interim Environmental Protection Assessor on the first concern raised.
18. In England, 19 complaints (as of the latest update in July) have been received by the interim Office of Environmental Protection (10 on nature conservation, 9 on environmental regulation matters). It is likely that any concerns raised in England or Scotland will be raised in Wales as well.

## Key messages

19. NRW is supportive of the Interim Environmental Protection Assessor (Wales) and her role to investigate the functioning of environmental law in Wales. We are proactively working with the Interim Assessor and support this interim, non-statutory process.
20. Post EU exit, environmental law and policy derived from the EU, is no longer subject to the oversight of EU Commission and the European Court of Justice. There is currently no statutory body with responsibility for holding government and other public bodies to account for the implementation of environmental law in the UK, resulting in a governance gap. A permanent environmental oversight body is required to have oversight of environmental governance and principles in Wales. It should be independently accountable, there should be a simple and inexpensive mechanism to raise complaints and the body should have appropriate enforcement mechanisms.
21. It is essential that legislation is brought forward to establish a permanent environmental oversight body as soon as is practicable. Environmental Standards Scotland is already established and fully vested, and the Office for Environmental Protection is expected to be established in November 2021.

22. It is essential that any permanent oversight body proactively engages with all relevant public sector bodies in Wales and its equivalent oversight bodies elsewhere in the UK. Good environmental governance is an essential part of environmental law and must recognise the potential for transboundary issues and the need for cooperation across national borders.
23. A broad consultation on environmental governance proposals has been conducted in 2019 with a substantial majority of stakeholder responses in agreement on key issues. This was also supported by a CCERA Committee Inquiry on the same topic. Further consultation may be required on additional elements to any proposed Bill, such as the inclusion of statutory nature targets, however it is essential that legislation is brought forward as soon as is practicable.
24. We can learn valuable lessons from the approaches developed in England and Scotland though there are also important distinctions too. NRW is supportive of the recommendations set out in the Environmental Principles and Governance Stakeholder Task and Finish Group Report, produced in March 2020, as accepted by the Minister. This report emphasises key elements for the establishment of a Welsh environmental oversight body and the supporting legislation, such as the need for independence, the functions that it should undertake and a model for how the body may operate.
25. Currently Welsh primary legislation only includes the “precautionary principle” and “preventative action”. Welsh Government currently propose to include all 4 principles in primary legislation as recommended by NRW and other stakeholders, to ensure they all continue to be recognised in Welsh legislation.
26. These principles should support an overarching objective, which sets out environmental ambitions in Wales, including the connections between environmental policy and other policy areas to ensure integration of environmental principles in decision making.
27. In the interim, in the absence of additional primary legislation, it is important these principles should continue to underpin law and policy in Wales. The stakeholder task and finish group report recommended that it is not necessary to produce a statement of these principles. There is an existing body of jurisprudence in international and EU law on the meaning of these principles and they are already articulated in part in Welsh, and England and Wales legislation.
28. It remains important that the different administrations in the UK continue to work together to develop a common approach to the application of these principles as well as recognising the potential for transboundary issues and the need for cooperation across national borders.



## **Climate Change, Environment and Infrastructure (CCEI) Committee 30<sup>th</sup> Sep 2021 Nature Targets Briefing**

### **Summary**

1. The Climate Change, Environment and Infrastructure Committee is undertaking an evidence gathering session on a range of issues that includes nature targets as part of the consideration of priorities over the next 12-18 months.
2. In the Minister and Deputy Minister's letter to this Committee dated 31 July 2021 about the Welsh Government's priorities, we note there is no specific reference to adopting statutory nature targets. We also note the Ministers intention to introduce the Environmental Governance Bill and that this could provide the mechanism to introduce legally binding targets for biodiversity.
3. Targets can define the scale of change needed to successfully achieve our nature goals, thereby driving the allocation of resources while also encouraging innovation and also ensuring involvement across all sectors and stakeholders. To deliver national and global targets effectively we need to measure and understand change in biodiversity and ecosystems.
4. Setting nature targets requires clear delivery timelines to reflect the urgency of taking action and consideration of how to encompass behaviour change and accountability mechanisms which ensures ownership across all key sectors.
5. Appropriate monitoring, reporting and validation will be essential as is the development resource that will be needed to be 'target ready' alongside having a clear baseline from which to track progress.
6. Building on the proposed '30 by 30' target commitments, other nature recovery aspects also need to be considered to achieve resilient ecological networks for the benefit of people and nature to go alongside the actions that are now being taken to address climate change.

### **Background**

7. As a society we need to change the state of nature from its current situation of being degraded to being resilient and able to support all the direct and indirect benefits we get from it. That change of state requires action at multiple levels across society, starting now.
8. In response to the crisis of biodiversity loss, many Heads of State around the world have recently made hugely significant commitments for nature, notably through the Leaders' Pledge for Nature launched at the United Nations General Assembly in 2020, and the 30 by 30 commitment to protect 30% of our land and seas for nature by 2030. These commitments are far reaching, requiring transformational change across sectors in the way we protect, value, use and engage with nature. They are also consistent with the goals

and targets of the draft post-2020 Global Biodiversity Framework of the Convention on Biological Diversity and support the United Nation's Decade of Ecosystem Restoration, enabling us to become 'Nature Positive' by 2030.

9. Nature Positive by 2030 is about ensuring the current trend of biodiversity loss is reversed while also making significant contributions to achieving climate change commitments to reduce carbon emissions to 'Net Zero' and building resilience to the inevitable impacts of climate change and other pressures. The twin crises of climate change and biodiversity loss are inextricably linked and achieving a 'nature-positive' outcome requires urgent and ambitious action by all stakeholders to address the pressures causing nature loss (which would otherwise continue to grow) and restore and regenerate the integrity of ecosystems so they are resilient to disturbance and pressures placed on them.
10. Global experience tells us that targets are often more effective in driving the right level of action if they have a legal underpinning. For example, global and country commitments to 'Net Zero' have led to the adoption of equivalent (or even more ambitious) targets by diverse stakeholders from businesses to churches to cities, stimulating much-needed action at different scales across all sectors.
11. In England, the government has committed to adopting legally-binding targets to underpin the 25 Year Environment Plan, including a legal commitment that includes quantitative targets for habitat expansion, improvements in protected areas and water quality and reversing the decline of species (i.e. become Nature Positive) by 2030. Other UK governments are also considering options to set statutory targets.
12. The letter to this Committee dated 31 July 2021 about [the Minister and Deputy Minister's priorities for the next 12-18 months](#) the following biodiversity priorities:
  - building resilient ecological networks to safeguard species and habitats and the benefits they provide, and reducing impact outside of Wales
  - making protected site connectivity central to that approach with the Nature Networks scheme to focus on improving condition and resilience and active community involvement
  - stepping up investment in resilient ecological networks and transformative change to tackle the nature and climate emergencies alongside the Nature Recovery Action Plan (NRAP)
  - addressing the root causes of biodiversity loss and targeting interventions to help species recover where necessary
  - revising the NRAP to account of the new post-2020 Global Biodiversity Framework
  - developing indicators to ensure progress towards international objectives and targets
  - updating the Natural Resources Policy to fulfil Environment (Wales) Act duties.
  - looking for our seas to be clean, healthy, safe, productive, and biologically diverse through assessment, protection and management, and restoration with effective marine planning for, and regulation of new development...[including]...marine energy projects.
13. We are aware that Wales Environment Link (WEL) has been engaging Assembly Members about statutory nature targets. In June WEL issued a Wales specific report based on a UK report - [Putting Wales on a Path to Nature Recovery](#) to make the case for the following:
  - An overarching new duty on the Welsh Government to embed and integrate nature recovery and environmental protection across Government, expressing the key objectives to be achieved by 2050.
  - A duty to halt and begin to reverse biodiversity loss by 2030 and achieve recovery by 2050.
  - A duty to set long term and interim targets via a framework informed by independent expertise and scientific advice, aligned with those set in post-2020 Convention of Biological Diversity

framework to 2030 (to be negotiated). The targets would ideally be set in five year cycles, to match the climate plan or Senedd term. If the expert scientific advice is not followed the Minister must explain why to Senedd.

- Secondary legislation establishing a comprehensive plan with appropriate targets, subject to regular review and reporting, with scrutiny at a high level, to ensure progress towards targets is maintained.
- A legal requirement on Ministers to ensure the targets are met. This should help break out of the cycle of 'too little too late' that has dogged biodiversity delivery to date.

14. WEL held a supporting [on-line Senedd event](#) in June entitled "Why Wales Needs Nature Targets". At this meeting WEL presented the Senedd members present (Llyr Gruffydd, Huw Iranca Davies, Joyce Watson, Carolyn Thomas, Delyth Jewell and Janet Finch Saunders) with the [Putting Wales on a Path to Nature Recovery](#) report. Presentations were given by Melissa Lewis Bird Life South Africa, Sorcha Lewis Nature Friendly Farming Poppy Stowell-Evans Youth Ambassador for Climate Change.

15. We note Assembly Members' interest in statutory biodiversity targets so that the post-2020 Global Biodiversity Framework is set on a legislative footing within Wales to enable a positive impact as part of tackling the mutually linked climate and nature emergencies.

## Key Messages

16. **Statutory nature targets will require clear timelines to ensure delivery completion** e.g. the UK's Habitats Regulations don't have a date for achieving favourable condition which has affected resource allocation for securing delivery because of competing timebound priorities. Having clear timelines will help support the urgency for taking action to fit with the 2030 ambitions and to channel resources to support target delivery within this nine-year timeframe. The longer-term aspects of nature recovery also need to be recognised within the more urgent timescale for securing nature action. For example, restoration for some habitats such as woodland or saltmarsh is a long-term process but developing and using appropriate indicator metrics alongside long-term outcomes can ensure that progress is being made.

17. **There is a need to consider how nature targets will be derived** – they could either be based on the post-2020 Global Biodiversity Framework once agreed or be more specifically based on the Environment (Wales) Act as Wales' legislative response to the Convention on Biological Diversity (CBD). Nature targets also to be considered within the context of the drivers affecting biodiversity loss from pressures associated with land or sea use changes, climate change, invasive species for example alongside the state of nature in terms of species, ecosystems and nature's contribution to people.

18. **Targets need to consider how they can best support behaviour change as well as driving specific quantitative outcomes.** The recent [Dasgupta Review](#) and other reports including the [Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services \(IPBES\) & Intergovernmental Panel On Climate Change \(IPCC\) joint report](#) make it increasingly clear that biodiversity is everyone's responsibility and that significant transformative change is needed to halt further biodiversity loss and restore nature so it supports the benefits we all receive and rely on into the future.

19. **Targets will need clear accountability mechanisms across management systems and sectors to ensure they are incorporated into all the key decision-making processes.** Nature targets need ownership within all sectors as well as all government departments and public authorities. As with carbon reduction targets, ownership must be wider than the historic responsibility of conservation or environmental interests or the risk is that targets will remain marginalised and unachievable without direct involvement and support from all associated with the drivers of biodiversity loss.

20. **We would strongly encourage that nature target development is linked to establishing [Resilient Ecological Networks](#).** The proposed **30 by 30 targets** emanating from the [UN Leader's Pledge for Nature](#) are part of the post-2020 Global Biodiversity Framework considerations under the forthcoming 15<sup>th</sup> Convention of the Parties (COP15). This spatially based target focuses on protecting at least 30% of land and seas for nature by 2030. **As part of the 30 x30 ambition, we are keen for that ambition to also consider how to improve the *quality* of designated areas for biodiversity.** Also under consideration within the 30x30 context are other effective area based conservation measures (OECMs) which are an additional mechanism through which to accelerate progress towards achieving wider biodiversity and ecosystem function and service outcomes. Potential OECMs could include National Parks for example and are areas which are managed for many different objectives that also offer a significant opportunity for long-term biodiversity improvements outside currently designated protected areas. OECMs can contribute via their range of governance and management regimes supported by diverse set of actors including local communities, the private sector and government agencies to generate a range of positive outcomes, such as:

- Conserving important ecosystems, habitats and wildlife corridors;
- Supporting the recovery of threatened species;
- Maintaining ecosystem functions and securing ecosystem services;
- Enhancing resilience against threats; and
- Retaining and connecting remnants of fragmented ecosystems within developed landscapes.

England's Environment Bill is looking to set a target to halt the decline in species abundance by 2030 and in June England's Environment Audit Committee highlighted the need for a mechanism for statutory interim targets to ensure the proposed species abundance target is met. The Committee also recommended the scope encompasses legally binding outcome measures on species distribution, extinction risk, habitat extent and condition. This broadly reflects Wales' ecosystem approach and intention to establish resilient ecological networks through appropriate actions which strengthen the protected sites network as encompassed by the 30x30 target and support the other 70% of Wales' land and sea areas.

21. **Target development needs to consider the [Nature Positive 2030 report](#) published this month (September 2021).** The report is an information resource to support UK and wider thinking about biodiversity and climate change interventions that can be delivered through the next decade to 2030. The report's key headline message are:

- *Nature loss matters, harming human health and well-being and undermining our economy.*
- *Recovering nature is everyone's business.*
- *We need to go high nature and low carbon, tackling the twin crises of biodiversity loss and climate change together.*
- *It is not too late to become Nature Positive by 2030 in the UK, provided we act now.*

The report emphasises that robust targets associated with the 30x30 discussions are important to guide action and resource allocation as part of developing country-level legally binding nature targets. It notes that adopting targets to become Nature Positive are needed so that nature goals are put on an equal footing with climate change ambitions. It also highlights eight particularly high impact actions on reversing biodiversity loss this decade:

- 1. Ensure wildlife thrives within SSSIs/ASSIs and Marine Protected Areas through improving their management and tackling sources of harm. Protected areas need to be the beating hearts of nature networks on land and at sea, supporting thriving populations of species that spill out across the rest of the network.*
- 2. Better conserve remaining wildlife habitats outside SSSIs/ASSIs, in particular those areas identified as parts of nature networks or as important blue/green infrastructure.*
- 3. Invest in habitat restoration and creation to strengthen nature networks that deliver for biodiversity and climate change. In particular, we need to create large areas of wildlife habitat with restored ecosystem functions.*
- 4. Integrate outcomes for nature into developments on land and at sea, ensuring access to nature is improved, and delivering a wide range of health and other benefits.*
- 5. Tackle atmospheric and diffuse water pollution, especially from nitrogen and ammonia.*
- 6. Develop the market for green finance, putting in place the frameworks necessary to facilitate private investment in nature recovery, and ensuring there is a supply of investable on-the-ground projects.*
- 7. Deploy Nature-based Solutions by default. Decision makers need to ask themselves ‘can nature provide a solution?’*
- 8. Develop the UK’s evidence base so that it is ready to support the larger, transformative changes underway.*

**22. Nature Targets will need to establish a clear baseline together with accompanying appropriate monitoring mechanisms and resources for developing these** to support progress delivery and measurement. Without these key aspects it will be extremely difficult to plan delivery and track progress effectively or objectively. This ‘target readiness’ is already possible for some pressures affecting nature – in particular for climate change where baselines have been established and metrics clarified to enable targets to be set - and this will need to be similarly done for other nature target aspects.

**23. Nature target development and implementation will need dedicated resource to support this work.** Establishing nature targets is a highly complex, multi-aspect issue. Targets need appropriate monitoring and reporting mechanisms and developing these needs to go hand-in-hand with target setting otherwise there is a big risk of resource disconnect between target setting and monitoring/ reporting on them. For example, designated harbour porpoise sites have been established but still need monitoring resources to understand what progress is being made. A focus on ecosystem-based monitoring incorporating a discrete number of carefully selected species to address gaps could be an effective approach.

**24. Target setting will need to consider how best to evaluate progress and outcomes** e.g. The Convention for the Protection of the Marine Environment of the North-East Atlantic (the 'OSPAR Convention') effective management 2 year assessment mechanism is looking at how we know that we've achieved the outcomes we want. Lessons learned from previous target approaches associated for example with the UK Biodiversity Action Plan process and Aichi commitments could provide helpful pointers. Considering what monitoring, reporting and verification requirements are needed is crucial to setting effective

targets. At the moment England & Scotland report against Aichi Targets but Wales doesn't formally report on these.

25. **Nature targets will need to be managed adaptively as new evidence becomes available so they can remain relevant.** NRW's State of Natural Resources Report process is a key evidence mechanism that provides an assessment of the state on natural resources and biodiversity, runs on a 5-yearly cycle of assimilating the latest evidence and information to inform policy decisions and actions.
26. **Statutory nature targets will need to consider how they will be overlaid with existing statutory post-EU obligations** e.g. achieving Water Framework Directive good status; achieving good environmental status through the UK Marine Strategy (which already includes a number of targets on marine biodiversity and ecosystem components).
27. **Developing statutory nature targets for Wales' marine area should consider existing work programmes and the long-term resource and time commitments already invested.** The current Marine Protected Area (MPA) Network Completion Project, MPA Management programmes and initiatives to improve the condition of MPA features should be recognised to ensure they can complement new targets, rather than be superseded. Existing Welsh Government work programmes on Marine Protected Areas should be prioritised and not superseded by additional statutory targets. Existing commitments include: the long-running work to complete the Welsh contribution to the UK's ecologically coherent network of MPAs; our work to secure the effective and consistent management of MPAs; and efforts to improve the condition of MPA features.

## Anticipated Committee questions

- *Whether the Welsh Government should proactively develop domestic biodiversity targets ahead of COP15.*

We are awaiting further information from Welsh Government about their plans for Welsh Nature Targets and in parallel are looking at how Natural England's nature target proposals are developing.

- *The best legislative vehicle to introduce Welsh biodiversity targets.*

We note the Ministers intention to introduce the Environmental Governance Bill - this could provide a mechanism to introduce legally binding biodiversity targets and will require further discussion with Welsh Government.

- *Whether the approach to environmental targets in the UK Environment Bill is suitable for Wales.*

We note the Ministers intention to introduce the Environmental Governance Bill - this could provide a mechanism to introduce legally binding biodiversity targets - but will require further discussions with Welsh Government. We would be keen to see a Wales approach focus on establishing resilient ecological networks and wider areas of Wales supporting ecosystem resilience based on the main aspects of diversity,

condition, connectivity and extent as set out in the Environment (Wales) Act. At a high level, the approach in the UK Environment Bill is to set long-term, legally-binding environmental targets in respect of at least one matter within each of five priority areas: air quality; water; biodiversity; resource efficiency and waste reduction; soil health and quality.

- There are separate requirements to introduce targets for particulate matter and species abundance, in addition to those for the five priority areas.
  - For the biodiversity priority area, targets under consideration include improving the quality of terrestrial and marine habitat by focusing on the condition of SSSIs and Marine Protected Area features.
  - From a marine perspective, the proposed objective based on Marine PA feature condition would be consistent with multiple existing work programmes in Wales which NRW make substantial contributions to. These include the MPA Network Management Framework and Action Plan; the MPA Condition Improvement Programme; the European Maritime and Fisheries Fund (EMFF) Improving Marine-Site Level Condition Reporting Project; and the MPA Network Completion Project.
  - Targets under consideration for the water priority area would also be relevant for marine due to several of the pressures and impacts exerted on freshwater systems also impacting on marine ecosystems.
    - reduce pollution from agriculture, in particular phosphorus and nitrate
    - reduce pollution from wastewater, in particular phosphorus and nitrate
- *The Prime Minister's commitment to **protect 30% of UK land by 2030** and the fact that Welsh Government has not put this on record.*

We are aware that Welsh Government are currently considering how this commitment should be delivered in Wales and we are looking to work closely with them on this. We are especially keen to see how the quality of protected sites can be improved as part of this commitment. Other effective area based conservation measures (OECMs) - see point 20 above - may have some value as an additional mechanism for delivering biodiversity improvements across Wales.

A **Wales Environment Link [position statement](#)** (endorsed by RSPB and the Marine Conservation Society) on 30 by 30 targets published in May 2021 outlined their position for marine and terrestrial areas. For the marine area, Wales Environment Link suggest an appropriate target is:

- *By 2030, at least 30% of Wales' seas are within fully or highly protected MPAs, within the context of wider ecologically coherent networks. Furthermore, at least 10% of Wales' seas should be within areas fully protected by 2030. We refer to the terms fully and highly protected using the following definitions:*
  - *Fully protected: no extractive or destructive activities are allowed, and all impacts are minimised.*
  - *Highly protected: only light extractive activities are allowed, and other impacts are minimised to the extent possible*

- *At sea, there are currently no fully or highly protected MPAs in Wales. As such, this would require a change in management of some existing sites or designation of further MPAs. This expectation by far exceeds current UK and international ambitions for marine 30% by 2030 targets. Information on a highly protected spatial component to biodiversity targets is provided [here](#).*

For the terrestrial area, the Wales Environment Link ask is simply that the 30% by 2030 target meets two conditions:

- *Protected for nature in the long-term:*
- *Well managed and in good or recovering condition.*

- *The action required to ensure the new ‘**national site network**’ better protects Welsh biodiversity.*

We are working with Welsh Government to develop a multi-year Nature Networks programme with an anticipated £45-60million of funding for actions to improve the condition of our protected sites (including Special Areas of Conservation and Special Protection Areas) across Wales and to enhance the resilience of the ecological networks in which they sit.

- *Whether the Welsh Government’s **Nature Recovery Action Plan (NRAP)** is fit for purpose.*

The NRAP was refreshed for 2020-21 to provide focus and prioritisation within a changing policy context associated with the nature emergency. We understand it will be realigned in light of the post-2020 Global Biodiversity Framework. To help drive action, the current plan would benefit from having clear timescales and delivery milestones and greater accountability across all sectors. We look forward to working closely with Welsh Government and other key stakeholders on these aspects in light of the new post-2020 Framework. We also look forward to working with all other sectors to explore how alternative resources can be used to support delivery.

- ***Gaps in the implementation of Welsh legislation** such as the *Environment (Wales) Act* and *Future Generations Act* in terms of biodiversity restoration.*

Recognising the current nature targets discussions and associated discussions emanating from the Leader’s Pledge for Nature and post-2020 Global Biodiversity Framework, consideration of how other sectors and organisations could also embed the sustainable management of natural resources into their decision-making processes would be welcome. The Environment (Wales) Act does not extend to the offshore marine area beyond 12 nautical miles to the median line. The definition of Wales in the Environment (Wales) Act is taken from the Government of Wales Act 2006, which only includes the inshore marine area to 12 nautical miles. Aside from spatial consistency with the Welsh National Marine Plan area, there is no major discernible benefit to extending the jurisdiction of the Environment (Wales) Act and it would likely involve a complex amendment at a time when Welsh Government have an extensive legal backlog.

## Annex: Biodiversity Strategies & Delivery Mechanisms in Wales

### Context

Welsh Ministers have declared a nature emergency alongside the existing climate change emergency. **It is vital that these emergencies are tackled together as the two are inextricably linked.** Welsh Government is supported by NRW in actively engaging with Defra and the other Devolved Administrations in developing the UK contribution to the international [Convention on Biological Diversity \(CBD\)](#) and the post-2020 [Global Biodiversity Framework](#) that will be negotiated and agreed through COP15 starting in October 2021 and in more depth in the spring of 2022.

**Welsh Legislation:** Two major pieces of new legislation are now in place to help halt and reverse biodiversity loss in Wales with specific elements to enable nature's recovery in the context of the wider sustainable development agenda.

[Well-being of Future Generations \(Wales\) Act 2015](#) **seeks to improve the social, economic, environmental and cultural well-being of Wales.** It requires public authorities listed in the Act to think more long-term, work better with people, communities and each other, to prevent problems and take a more joined-up approach. The Act provides a framework for Wales to be globally responsible and make a positive contribution to the global goals. It puts in place **well-being goals**, addressing many of the global challenges affecting people and communities across Wales. These seven well-being goals are monitored through 46 national indicators. This includes greenhouse gas emissions within Wales and those attributed to consuming global goods and services in Wales; healthy ecosystems areas; biological diversity status; percentage of surface water bodies, and groundwater bodies, achieving good or high overall status etc.

[Environment \(Wales\) Act 2016](#) Part 1 sets out **the legislative framework to ensure natural resources and ecosystems are resilient** and able to provide benefits for social, economic, environmental and cultural well-being, through the sustainable management of natural resources (SMNR). The Act is based on international best practice and takes an ecosystem approach which draws on the 12 core principles set out in the current Convention of Biological Diversity. In addition to giving Natural Resources Wales (NRW) a statutory purpose to deliver the Sustainable Management of Natural Resources (SMNR), the legislation defines the adaptive delivery framework for embedding the ecosystem approach through SMNR across Wales. Recognising the essential contribution biodiversity makes to the sustainable management of natural resources and to our well-being, **the Act includes an enhanced S6 biodiversity and ecosystems resilience duty.** This duty requires public authorities to seek to maintain and [more crucially] **enhance biodiversity** in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems

[State of Natural Resources Report \(SoNaRR\)](#) - produced by NRW, sets out the **national evidence base for the sustainable management of natural resources.** SoNaRR2020 includes information within eight broad ecosystems and also looks at key pressures impacting on these alongside highlighting more specific opportunities for improvement action. It also emphasises the need for a transformative approach using the ecosystem, economic and social spheres as levers to redesign our society and economy through their associated decision-making systems. It identifies three areas for transformative change: the food, energy and transport systems. It provides evidence about -

- the state of our natural resources (renewable, and non-renewable) in relation to current, and anticipated future demand
- the resilience of Wales' ecosystems and a biodiversity assessment
- the range of services we are getting from ecosystems
- the distribution of ecosystem benefits across the needs of society now and in the future
- the contribution of Wales' stocks of natural resources and ecosystem services across the Well-being goals.

**[Welsh Minister's Natural Resources Policy](#)** (NRP) **sets out the national priorities for the sustainable management of natural resources** drawing from the national SoNARR evidence base. The NRP is a crucial mechanism to help align all WG policies to deliver the national priorities identified in it and sets out how to do this in key policy areas. The national priorities are the key ways in which Wales' natural resources contribute across all the well-being goals. They have been developed to address the challenges to our natural resources and realise the opportunities from them.

The current national priorities are:

- o Delivering nature-based solutions.
- o Increasing resource efficiency and renewable energy.
- o Taking a place-based approach.

This process is ongoing and can be illustrated for example by the approach to land use planning policy through Planning Policy Wales and land use framework 'Future Wales' and the work to develop Wales' future sustainable land management scheme which will provide an income stream for land managers and make a significant contribution to addressing some of our most pressing challenges such as climate change, biodiversity decline, adverse air quality and poor water quality. Welsh Government has introduced an Integrated Impact Assessment (IIA) for the development of all of its policies. This seeks to integrate social, economic, cultural and environmental aspects into policy development from the start. This is organised around the well-being goals and includes biodiversity and natural resources, alongside economic, equalities and Welsh language issues for example.

**[Nature Recovery Action Plan for Wales \(NRAP\)](#)** sits within **Welsh Government's Natural Resources Policy as Wales' biodiversity strategy** to support the delivery against international CBD commitments and Aichi targets. Wales' NRAP was refreshed at the end of 2020 to account for the growing evidence around the scale of biodiversity loss and changing policy context. It 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 and the benefits they provide, addressing the root causes of biodiversity loss, and targeting interventions to help species recover where necessary. It will be revised to take account of the new global biodiversity framework once it has been agreed as part of COP15 next year. WG is implementing NRAP priorities through their Nature Networks Fund, creating a National Forest and the National Peatland Action Programme. **At the heart of the Natural Resources Policy and Nature Recovery Actions Plan is the need to build resilience into ecosystems** by proactively developing **[Resilient Ecological Networks](#)** (RENs) which will build on the existing protected sites network in Wales and using tools including the **[RENs Field guide](#)** to aid discussions and decision-making processes. Alongside REN development, specific action to safeguard threatened species is also being tackled through the co-funded **[Natur am Byth](#)** project led by NRW.

**[Area Statements](#)** developed by NRW contribute to implementing the NRP in a local context, taking a place-based approach. The seven Area Statements (6 terrestrial, 1 marine) can be seen as a collaborative response to the NRP and key challenges and opportunities for sustainably managing Wales' natural resources into the future. The delivery of programmes should be facilitated using Area Statements evidence and NRW is working on and mapping resilient ecological networks to help support the Area Statements process and develop associated landscape scale delivery initiatives. Using a place-based approach through collaborative working delivers better results at a local level. Communities are best placed to shape local priorities and opportunities linked to the national priorities and to find practical solutions that bring the widest possible benefits, ensuring local people benefit fully from the natural resources in their locality. **Area Statements outline the key challenges facing a particular locality, what we can all do to meet those challenges, and how to better manage our natural resources for the benefit of future generations.** They will be updated regularly and improved year-on-year as we engage more people, gather new evidence, put forward ideas and work across boundaries to create improvement opportunities.

**Environment & Rural Affairs Monitoring and Modelling Programme** Working with the Centre for Ecology and Hydrology and NRW, Welsh Government has established a state-of-the-art monitoring and modelling platform to:

- Make better use of resources (financial and social) across the monitoring community;
- inform wider Welsh Government policy
- Enable more adaptive, responsive and targeted natural resources management
- Be a key evidence source for National Natural Resource Policy, including SoNaRR and a wider range of legislative requirements including international commitments;
- improve provision of more accurate and timely data, evidence and information;
- Explore the application of new technologies and environmental modelling;
- Deliver integration and sharing of expertise, data and technologies;

### **Marine Supporting Information - The Welsh MPA Network**

The Welsh Marine Protected Area (MPA) network can be considered as a best available proxy for overall marine ecosystem resilience at a broad scale. The MPA network in Wales is extensive, with 139 sites covering 50% of the marine area, meaning we have already met the draft Convention on Biological Diversity Post-2020 Global Biodiversity Framework and Leader's Pledge targets for 30% of seas protected by 2030. The Welsh MPA network is well established, having been assessed and developed based on principles of ecological coherence (including resilience and connectivity) for over 10 years. As a result, the current priorities for MPAs in Wales are competing the network by identifying a small number of new MPAs; securing the effective management of sites; and improving the condition of MPA features.

### **Possible implications of statutory nature targets for marine work programmes**

We understand that the type of statutory targets to be developed for Wales has not been pre-determined and we would support discussions around the possible options, such as those based on management, restoration of habitats, species or area-based targets.

The Welsh MPA network covers 50% of Welsh waters. Similarly, the wider UK MPA network covers 35% of seas, meaning the UK as a whole has met the various targets for 30by30 for the marine environment. As a result, there is a growing interest elsewhere in the UK and beyond in additional spatial measures to complement the existing MPA network.

The direction of policy travel elsewhere in the UK and Europe suggests that neighbouring administrations and EU Member States could soon designate highly or strictly protected MPAs. This is likely to increase scrutiny on the approach in Wales, both from stakeholders and the Climate Change, Environment and Infrastructure committee. Policy developments elsewhere include:

- In 2020, Defra commissioned an [independent review](#) into Highly Protected Marine Areas (HPMAs) in Secretary of State (SoS) waters, which concluded that "HPMAs are an essential component of the MPA network, and [UK] government should introduce them into SoS waters". Work is underway to identify, consult upon and designate HPMAs in SoS waters in 2022.
- The [draft shared policy programme](#) between the Scottish Government and the Scottish Green Party includes a commitment to designate a suite of HPMAs covering at least 10% of inshore and offshore waters by 2026.
- The European Commission will put forward a proposal for legally binding nature restoration targets in 2021 as part of their contribution to COP15, based on the targets in the [EU Biodiversity Strategy for 2030](#). These include an expanded Natura 2000 network to include 30% of the marine and terrestrial areas in protected sites, with 10% under strict protection.

Senedd Cymru  
Welsh Parliament

# Agenda Item 3.7

Welsh Parliament  
**Petitions Committee**

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

22 October 2021

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Dear Llyr

**Petition P-05-1010 An independent inquiry into the 2020 flooding in Rhondda Cynon Taf so that lessons are learned**

The Petitions Committee is currently considering the following petition from Eleri Griffiths, which we considered recently at our meeting on 4 October:

***Text of Petition:***

*We, the undersigned, urge the Welsh Government to initiate a full, independent, open and public inquiry into the 2020 flooding of homes and businesses across Rhondda Cynon Taf, and that appropriate steps are taken to rectify any issues so that similar damage can be prevented from reoccurring.*

At the meeting members agreed to write to you in order to request that your Committee considers the issues and evidence raised by the petitioner as part of your future work.

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

<https://business.senedd.wales/ieIssueDetails.aspx?IId=29229&Opt=3>.

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

Yours sincerely



**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN

 [Deisebau@senedd.cymru](mailto:Deisebau@senedd.cymru)

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*JACK SARGEANT.*

Jack Sargeant MS

Chair



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