

EPGBTWB 15 - Tystiolaeth gan: Steve Ormerod, Professor of Ecology, Cardiff University | Evidence from: Steve Ormerod, Professor of Ecology, Cardiff University

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

Given the current context with respect to:

1. biodiversity loss in Wales – and the stated nature and climate emergencies;
 2. the evidence – from previous scrutiny by the Committee – that current approaches to biodiversity protection and restoration are failing
 3. the importance of a nature-rich environment to human life support, ecosystem services and well-being;
 4. the sustained and growing pressures on the environment – for example as revealed by the past and forthcoming State of Natural Resources Reports;
 5. the need to act at scale and with pace – as revealed by the Welsh Governments Biodiversity Deep Dive and associated sub-committees
 6. the need to contribute to the UK's responsibility to a range of environmental treaties – through devolved action in Wales
 7. The consequences of the UK's exit from the European Union, and the imperative to replace functions formerly satisfied by the European Court of Justice – while also re-establishing parity with other countries of the UK
 8. The need to maintain pace with environmental protection as applied at the scale of Europe through the EU
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the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill is timely, important and complementary to other current actions to address environmental challenges in Wales. These include (but are not restricted to):

1. efforts to contribute to the Global Biodiversity Framework (30 x 30) through

i) an expanding SSSI network, with coverage across Wales still incomplete and with the potential to cover more semi-natural habitat as well as to build resilient ecological networks;

ii) improved condition of terrestrial, freshwater and marine protected areas (eg see https://www.linkedin.com/posts/cyfoeth-naturiol-cymru-natural-resources-wales_weve-published-new-evidence-today-on-the-activity-7343532755198066689-jR22?utm_source=share&utm_medium=member_desktop&rcm=ACoAAAEcPhABxJQruzC7_4FWWsITyQ4oWXn4yRw;

iii) positive action through the Sustainable Farming Scheme;

iv) implementation of OECMs (other effective area-based conservation measures) following from the Biodiversity Deep Dive Reports here [https://www.biodiversitywales.org.uk/en/our-work/30-by-30-in-wales/;](https://www.biodiversitywales.org.uk/en/our-work/30-by-30-in-wales/)

v) possible developments in National Parks and National Landscapes to enhance biodiversity protection (eg Fermi Bro);

vi) possible improved biodiversity use of land in Welsh Government/NRW's 'land in our care' -i.e. Welsh Government Woodland estate and the NNR network;

2. enhanced use of private finance or green finance schemes – contingent on appropriate financial and scientific regulation – to mainstream nature, for example into 'nature-based solutions' to deliver ecosystem services.

3. The forthcoming recommendations from the Cunliffe Review and other exercises – for example to update the EU Water Framework Directive as implemented in Wales.

The Bill has the clear potential to marshal and unify these initiatives into overarching targets based on robust principles; appropriate duties and special regard

to the principles; a governance body to oversee compliance; and one or more meaningful biodiversity targets aimed at reducing extinction risk, managing ecosystems, reducing pollution, and bolstering evidence.

The Bill also has the capacity – through the actions of the Welsh Government and its agencies (eg NRW) - to move above and beyond the status quo in ensuring all key sectors can contribute (eg water, farming, fisheries, local authorities...).

I know the team involved in drafting the bill – and know how much effort and energy has been expended in getting it this far as well as drafting the explanatory material.

2. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 1 - Environmental objective and principles (sections 1 to 7)

I find some vagueness in the extent to which ‘other considerations or countervailing factors’ (public health considerations, excessive costs or other impacts) should be given greater weight than the environmental principles. Government attention to economic growth could influence or affect judgement when considering the needs of environment or future generations as provided in this Bill

Do we need greater clarity?

Specifically with respect to the duties placed on NRW to have ‘special regard to the principles’ – I find it important to emphasise NRW’s role in this respect. NRW have responsibility for environmental protection that extends beyond the timescales of individual governments or terms of office – yet their actions are sometimes constrained by their working relationship with Welsh government as sponsors, funders and policy makers.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

I strongly support the creation of the Office of Environmental Governance. Most concerns in this part of the Bill are with respect to issues such as:

i) the true independence of the OEGW from Welsh Government (eg in setting strategy, taking action on complaints etc)

ii) the make up, appointment process and skill set of the associated panel

iii) the need for ring-fenced funding, financial certainty and sufficient resources to deliver the wider array of proposed functions

iv) processes of representation (ie rights to environmental justice)

v) reporting and monitoring frequencies

vi) interaction with parallel bodies in England – for example where potential developments are judged to have overriding public importance at UK level but have impacts on devolved responsibilities for environmental protection

Has there been any consideration given to scenario setting or testing of plausible interventions that the OEGW might need to make under different circumstances? Could the OEGW genuinely match the capability of the ECJ – for example with respect to government or regulatory infraction?

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

For the reasons set in in response to question 1, I am strongly supportive of the establishment of biodiversity targets specifically to work alongside and marshal

other actions to protect, restore and recognise the importance of biodiversity in Wales. The provision in the bill also create opportunity for #TeamWales approaches to addressing biodiversity decline through collaborative action across sectors (eg government, citizens, agriculture, water, eNGO, regulators...) and organisations. The various duties – to set and, importantly, meet targets – are important.

Particular critical issues that I'm aware of – either from my own reading or the wider biodiversity community – are in:

1. the need to consider short and longer-term targets to provide adaptive capability within specified time-frames
 2. the need to make targets outcome focussed rather than action-led
 3. the need for targets that demonstrate sufficient ambition
 4. the need for tests and monitoring to ensure effectiveness
 5. the need for greater clarity on how suitable knowledge and evidence will be generated, sourced, reviewed and used
 6. the need to consider species arrivals or introductions for organisms whose ranges are changing through climate change
 7. the need for appropriate expertise on the Biodiversity Targets Advisory Panel
There are some likely challenges with respect to:
 8. The selection of representative or indicator species through which to measure changes in abundance
 9. Identifying extinction risk
 10. Understanding and measuring components of ecosystem resilience – because these are not all well understood despite the oft-quoted 'DECCA' framing (Diversity, Extent, Condition...)
 11. Measuring changes in genetic diversity – because of the need to identify target indicators, collect appropriate samples and finance the work needed. Note that no WG body has particular capabilities in this domain
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12. Addressing the risks and pressures from externalities – such as climate change

13. The focus, for understandable reasons, on pollution, might we miss the need to control other drivers of biodiversity decline – notably degrading habitat, invasive non-native species, resource over-exploitation, and once again climate change?

14. Resourcing appropriate monitoring assessment – which is already an area of concern in key organisations (NRW)

(Some of the above challenges are raised in explanatory material).

5. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 4 - General (sections 39 to 45 and Schedule 4)**

6. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

8. Are any unintended consequences likely to arise from the Bill?

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?