

EPGBTWB 29 - Tystiolaeth gan | Evidence from: Peat-free Partnership Wales Advocacy Group

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?

Legislation is certainly needed to deliver joined-up thinking across sectors on environmental policy in Wales, and we welcome this initiative. In particular the establishment of an independent body to oversee environmental legislation is a positive step forward. But in framing the Bill it is essential that there is watertight provision for enforcing both principles and targets with genuine and prohibitive repercussions for failure to do so. We are also concerned that any assessment of environmental harm made solely on the basis of measurements taken within Wales under a purely target-driven system will give a misleadingly limited picture and will not reflect the true environmental impact of any given activity - especially when carbon emissions and biodiversity loss is 'offshored' to the rest of the UK or abroad, as is the case with peat use in Welsh horticulture.

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)**

We would add one further principle to the list here: that Wales must not 'offshore' its environmental responsibilities. Allowing peat to continue coming into Wales from the rest of the UK and further afield for use in Welsh horticulture undermines the gains made and public money spent on peatland restoration. As a general principle 'integrating' environmental protection should mean that assessment of any activities within Wales also takes into account environmental

impacts beyond its borders. Carbon footprints from, for example, importing peat for Welsh horticulture should therefore be fully accounted for within carbon budgets and biodiversity targets. The wider environmental impacts of allowing such activities to continue should also be taken into consideration when determining environmental legislation.

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)**

We welcome the establishment of an independent body to oversee the implementation and application of laws which affect the environment. However we feel the remit is currently too narrowly focussed.

We would like to see its influence widened to include enforcement of external obligations on the Welsh government such as meeting carbon budgets set by the Climate Change Committee (CCC). We would also like to see it able to hold the Welsh government to its own pledges on environmental policy: we would hope for example that such a body would be able to take the Welsh government to task for its failure to fulfil its 2022 commitment to end peat sales in horticulture.

It is good to see that Welsh Ministers will be under a duty to 'have regard' to advice given but more is needed to ensure the OEGW is fully effective and cannot be simply ignored. We would like to see a requirement for the Welsh Government and other public bodies to accept and follow OEGW guidance and to make sure there are genuine repercussions should they fail to do so.

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)**

The continued mining of peat for horticulture in Wales from peatlands in Scotland, Northern Ireland and elsewhere destroys a unique biodiversity hotspot, the primary habitat for about 280 rare and endangered plant species plus many

specialist invertebrates and birds.

It is hard to measure, let alone control in any meaningful way, biodiversity destruction carried out in the name of Welsh business but far from Wales itself. Therefore the targets model does not work well in this instance. There should therefore be provision for adding an acknowledgement of 'offshored' biodiversity destruction for activities such as the use of peat in horticulture, and a commitment to integrate consideration of such harms into policy making.

This issue could be bypassed altogether, of course, by establishing the principle that environmental harm should not be offshored (see above) and thereby requiring legislation to end peat sales as soon as possible.

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?

We are concerned that basing, for example, biodiversity protection solely on measurements taken and targets set within Wales fails to mitigate environmental damage where it is caused by activities in Wales but takes effect partly or wholly outside Welsh borders.

We believe this is a loophole which goes against the spirit of the Bill and undermines its effectiveness by allowing environmentally harmful activities such as peat use in horticulture to go on unhindered, regardless of the damage it may be causing elsewhere.

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?