

Agenda – Climate Change, Environment and Rural Affairs Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 8 May 2019

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

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1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Allotments: evidence session with allotment administrators

(09.30–10.30)

(Pages 1 – 26)

Paul Egan, Deputy Chief Executive and Resources Manager – One Voice Wales

Peter Newton, Policy, Development and Innovation Officer – Penarth Town Council

Lee Davies, Amenities Manager – Newtown and Llanllwchaiarn Town Council

Neville Rookes, Policy Officer – Environment, Welsh Local Government Association

Attached Documents:

Research Brief

Paper – One Voice Wales

Paper – Penarth Town Council

Paper – Newtown and Llanllwchaiarn Town Council

Paper – Welsh Local Government Association

Break (10.30–10.40)



3 Allotments: evidence session with the National Allotment Society
(10.40–11.30)

Judith Hill, Wales Regional Representative – National Allotment Society

4 Paper(s) to note
(11.30–11.35)

4.1 Correspondence from Natural Resources Wales to the Chair following the annual scrutiny session on 13 February

(Pages 27 – 38)

Attached Documents:

Paper to Note – Correspondence from Natural Resources for Wales – 1 April 2019

4.2 Correspondence between the Chair and the Minister for Environment, Energy and Rural Affairs in relation to the Legislative Consent Memorandum for the Fisheries Bill

(Pages 39 – 54)

Attached Documents:

Paper to Note – Correspondence between the Chair and the Minister for Environment, Energy and Rural Affairs – 5 April 2019 & 17 April 2019

4.3 Correspondence between the Chair and the Minister for Environment, Energy and Rural Affairs in relation to the Committee's follow-up inquiry on Marine Protected Area management in Wales

(Pages 55 – 76)

Attached Documents:

Paper to Note – Correspondence between the Chair and the Minister for Environment, Energy and Rural Affairs – 12 March 2019 & 17 April 2019

4.4 Correspondence from NFU Cymru on the Supplementary Legislative Consent Memorandum for the Agriculture Bill

(Pages 77 – 80)

Attached Documents:

Paper to Note – NFU Cymru

4.5 Correspondence from Hybu Cig Cymru on the Supplementary Legislative Consent Memorandum for the Agriculture Bill

(Pages 81 – 83)

Attached Documents:

Paper to Note – Hybu Cig Cymru

4.6 Correspondence from Dr Ludivine Petetin and Dr Mary Dobbs on the Supplementary Legislative Consent Memorandum for the Agriculture Bill

(Pages 84 – 86)

Attached Documents:

Paper to Note – Correspondence from Dr Ludivine Petetin & Dr Mary Dobbs

4.7 Correspondence from the Minister for Environment, Energy and Rural Affairs to the Chair of the Constitutional and Legislative Affairs Committee in relation to the Legislative Consent Memorandum for the Rivers Authorities and Land Drainage Bill

(Pages 87 – 88)

Attached Documents:

Paper to Note – Correspondence from the Minister for Environment, Energy and Rural Affairs to the Chair of CLAC – 18 April 2019

4.8 Correspondence from the Chair of the Equality, Local Government and Communities Committee to the Future Generations Commissioner for Wales following the annual scrutiny session on 27 March

(Pages 89 – 91)

Attached Documents:

Paper to Note – Correspondence from the Chair of the Equality, Local Government and Communities Committee – 23 April 2019

5 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from items 6, 7 and 8 of today's meeting

(11.35 – 12.00)

6 Reducing plastic waste: consideration of the Committee's draft report

(Pages 92 – 115)

Attached Documents:

Draft Report – Reducing plastic waste

7 Consideration of the Welsh Government's response to the Committee's report on the Legislative Consent Memorandum for Fisheries Bill

(Pages 116 – 134)

Attached Documents:

Private Paper

8 Consideration of the Supplementary LCM for the Agriculture Bill

(Pages 135 – 149)

Attached Documents:

Private Paper

Document is Restricted

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee

Ymchwiliad Rhandiroedd | Allotments Inquiry

Ymateb gan : Un Llais Cymru

Evidence from : One Voice Wales

One Voice Wales is recognised by the Welsh Government as the national representative body for community and town councils in Wales. It represents the sector on the Local Government Partnership Council and over 80% of the 735 community and town councils are already in membership, with numbers growing year on year. As well as our representative role, we also provide support and advice to councils on an individual basis and have previously launched, with Welsh Government support, a modular training programme for councillors, which continues to be delivered effectively. We believe strongly that community and town councils are well-placed to develop the economic, social and environmental well-being of the areas they serve and, as such, are active and proactive in debating key issues such as energy policies, sustainability, environmental issues and strategic planning. Our sector will always support and wish to encourage the development of local food production and we provide ongoing guidance and support to Councils who already provide allotments and community gardens for the benefit of their communities. Demand for allotments is increasing reflecting the approach of local residents to becoming more active and living healthier lifestyles. Allotments also provide an ideal opportunity for local communities to develop bio-diversity approaches on land that is used for local food production. This is very much in line with the bio-diversity duty contained in the Environment (Wales) Act 2016. We will shortly be distributing guidance to our member councils as to how they can address this new duty and in particular how allotment sites can play a major part in developing such approaches.

In a survey undertaken by the Welsh Government in January 2018 'Management and Delivery of Services and Assets in Community and Town Councils: Research with the Sector' it was found that of the 254 Councils who responded to the survey some 35 of them were responsible for the provision of allotments. In some Councils it is possible that more than one allotment site is provided. With the growing trend of place based services being considered for transfer from principal councils to community and town councils it is likely that this number will increase.

One Voice Wales did work in partnership with the Federation of City Farms and Gardens some years ago and free training was provided by the organisation on our behalf which was quite well supported. It is considered that practical guidance and encouragement to community and town councils should be developed and an ongoing training programme be put in place to achieve the aim of increasing opportunities for local food production in Wales. This could be achieved through Welsh Government funding to support the development of a training module that could be delivered by One Voice Wales trainers who operate throughout Wales. One of the difficulties facing community and town councils in establishing new allotment sites is the capital cost involved in preparing land and associated amenities. The running costs of allotments once properly established should not act as a barrier as

plot rentals mostly cover such costs. It is suggested that the Welsh Government might consider introducing a funding incentive to generate greater interest in the development of new allotment sites where demand exists.

Practical guidance on the provision and management of allotment sites by community and town councils would be a useful resource and One Voice Wales can arrange circulation to all of its member councils. Furthermore, we are well placed to highlight the importance of allotments by featuring this subject at our Area Committees and at Conferences that we arrange on an annual basis.

One Voice Wales works closely with the WLGA on a range of subject areas and the addition of increasing opportunities for local food production could feature on our ongoing agenda.

Cynulliad Cenedlaethol Cymru | National Assembly for Wales

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change, Environment and Rural Affairs Committee

Ymchwiliad Rhandiroedd | Allotments Inquiry

Ymateb gan : Cyngor Tref Penarth

Evidence from : Penarth Town Council

Under increasing financial pressures, Town and Community Councils have had to face losing community growing space, or look at other ways that they can be made sustainable for both current and future generations. As a Town Council with 3 allotment sites and a Community Garden to oversee and manage, we are pleased that the Welsh Government is looking into ways to ensure that these growing spaces meet the challenges of the future.

With regards to waiting lists for allotment spaces, we believe that the issue has less to do with poor administrative practices, or knowledge surrounding the management of allotments, and more to do with the consistent high levels of demand for the space seen year on year. Our own waiting list is at well over 100 people, with only 60 plots on site, all of which are currently tenanted.

This is for a number of reasons; local factors such as an older demographic are likely to play their part, as well as a generally increasing lifespan meaning that people hold onto plots for longer.

The idea of an agreed period of tenure for a plot should be explored. In areas where the waiting list is long in comparison to the plots available, there should also be a minimum wait time before previous holders can be put onto the waiting list again. This would ensure that more members of the community get a chance to use and cultivate a plot.

It should also be noted that allotments and community growing spaces, whilst often considered the purview of the older generations, elevate the lifestyles of all members of the community, no matter what their age. As such, they should not only be made aware of these opportunities, but also be able to access them, regardless of their background or circumstances.

To increase the number of available community growing opportunities, more work should be done to determine a recommended plot size for people in 2019. Having a minimum recommended plot size that reflects the space needed to grow fruit and vegetables for a modern sized household would ensure that allotments would still be of benefit to the cultivators in question. Not having a maximum size would also allow those responsible to split plots as they prefer, taking into account this new minimum. This means area where plots have a different size or shape due to factors such as an unusual shape of the land could continue.

Whilst Penarth Town Council commends the idea of providing information and guidance to Town and Community Councils, a more pressing requirement is ongoing financial support for those responsible for allotment sites. Much of the costs incurred by Penarth Town

Council are related to ongoing maintenance of our sites, and payment of the staff that do this on a regular basis.

The Community Infrastructure Levy could be one source of the monies for this support, as well as contributing towards initial set up costs.

Additionally, Penarth Town Council believes that any new developments made of over 100 houses should have land set aside on an equitable formula basis specifically for allotments and community growing spaces.

Similarly, providing a recognised standard with regards to information contained within waiting lists would be somewhat useful for smaller organisations and community groups. However, this shouldn't be done through locking Town and Community Councils and community groups into using specific bespoke software to achieve this, like some other aspects of Town Council services, as this is both expensive and restrictive.

As the landscape of the community has changed significantly since the inception of allotments, Penarth Town Council believes that providing spaces for community growing spaces could be more inclusive and conducive to community activities than increasing the provision of allotments. Reducing current, disused allotment space and using it for a community gardening space could be one way to address demand.

Giving communities the proper support to be able to set up community growing spaces, and ensuring that they are set up to be a long term and sustainable success is vital to enabling Welsh people from all walks of life to have a healthier lifestyle.

By supporting existing allotment structures and their management hierarchy, helping communities to create and maintain community growing space, and fostering these spaces with the appropriate aftercare will ensure that community growing remains at the heart of the community and contributes to an overall healthier and more robust Wales.

Cynulliad Cenedlaethol Cymru | National Assembly for Wales
Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate
Change, Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Cyngor Tref y Drenewydd a Llanllwchaearn
Evidence from : Newtown and Llanllwchaiarn Town Council

28th February 2019

National Assembly For Wales Sustainability Committee Allotment Provision in Wales: Review of consultation July 2010

Response from Newtown & Llanllwchaiarn Town Council

About Newtown

Nestling on the banks of the River Severn in the heart of Mid Wales, Newtown lies in the old county of Montgomeryshire, which is now part of Powys. With a population of about 13,000, it is a pretty market town with a rich industrial heritage, surrounded by beautiful countryside.

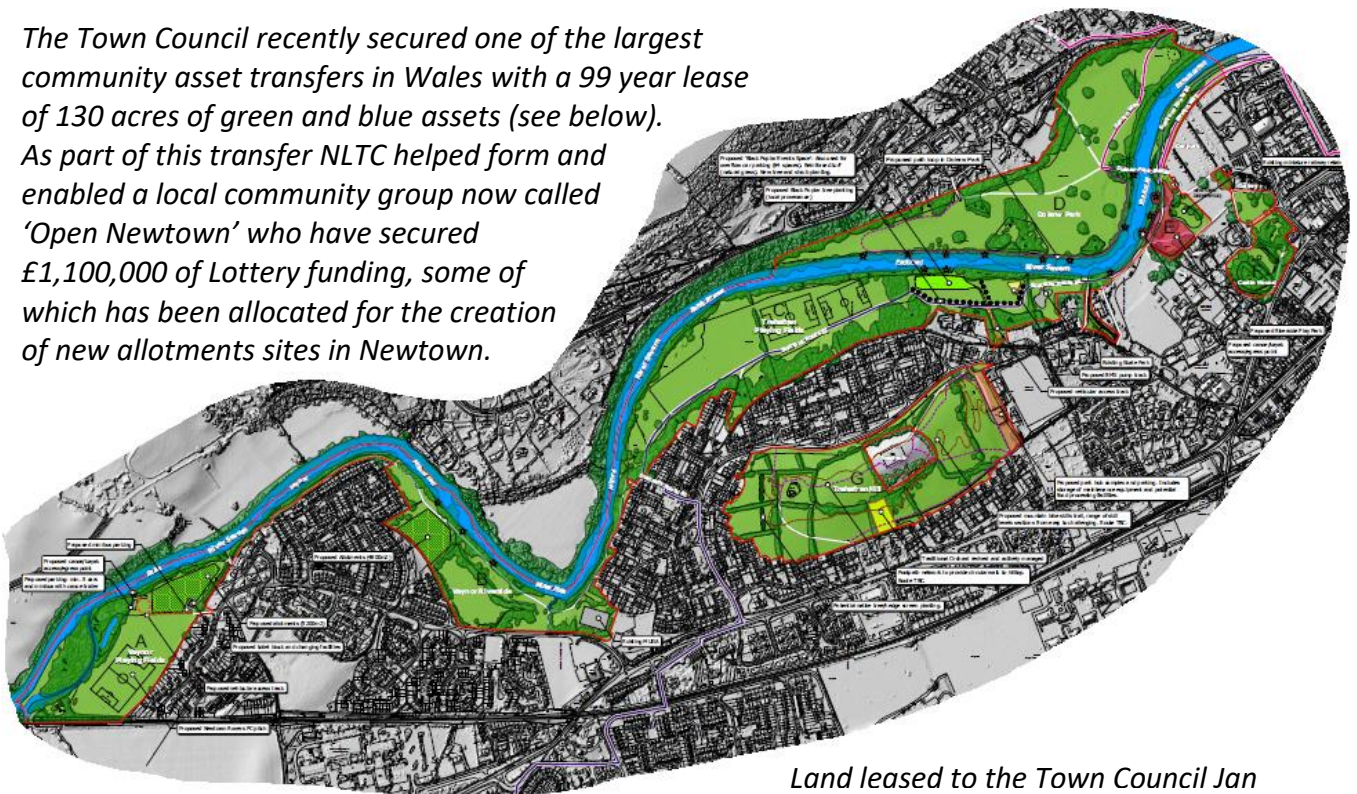
- *Founded as a market town at the end of the 13th century (1279), with a market in operation since Medieval times. Today's location for Newtown replaced its original, latterly suppressed, fledgling town on the ridge west of Dolforwyn Castle following the Mortimer siege (1277).*
- *Newtown grew strongly with the expansion of the woollen industry in the early 19th century.*
- *It was an international hub for the flannel industry. The old Flannel Exchange survives to this day as an entertainment venue.*
- *Social reformer and industrial pioneer Robert Owen was born in Newtown in 1771 and left to seek his fortune ten years later. He returned to the town shortly before his death on November 17th 1858. Owen's ideas have had worldwide influence and became the cornerstone of the international co-operative movement. There is a museum dedicated to Owen's memory in the town centre.*
- *Newtown is also famous for the birth of the mail order retail business which local entrepreneur Pryce Jones started in the mid nineteenth century by dispatching goods*

to Britain and Europe from Newtown. His Royal Welsh Warehouse still dominates the townscape. Amongst his customers were Queen Victoria and Florence Nightingale. It is believed that the parcel post in Britain was started as a result of a suggestion made by Pryce Jones to the Postmaster General.

- The town's connection with the textile industry was revived in the 20th century when businesswoman Laura Ashley established her home furnishing and clothing company in the area. Newtown is now home to the Textile Museum, the Oriel Davies Gallery, entertainment venue Hafren, local sports facilities and an attractive town centre set against the backdrop of the beautiful Severn Valley.
- In addition to its many attractions, as the largest town in central Wales, Newtown provides the ideal base to explore the surrounding countryside. There are nature reserves, canal paths, the Severn Way and nearby Gregynog Hall and Gardens.

Newtown & Llanllwchaiarn Town Council (NLTC) are currently negotiating with Powys County Council (PCC) the transfer of the allotments service for the town and discussions are already taking place with a local community group called 'Open Newtown' to extend and enhance the allotment provision further.

The Town Council recently secured one of the largest community asset transfers in Wales with a 99 year lease of 130 acres of green and blue assets (see below). As part of this transfer NLTC helped form and enabled a local community group now called 'Open Newtown' who have secured £1,100,000 of Lottery funding, some of which has been allocated for the creation of new allotments sites in Newtown.



Land leased to the Town Council Jan

We believe that the current allotment provision in the town is managed by a local allotment association, on behalf of the county council on land owned by PCC. However, as identified in the review document of 2010, it is proving extremely difficult to obtain any firm figures or details of how many allotments there currently are, how many are occupied or how many are on a waiting list, or even if there is a list at all.

Town Council Response

The Welsh Governments' strategic approach

Having read through the National Assembly for Wales Sustainability Committee Allotment Provision in Wales document dated July 2010, the general consensus is that all the recommendations made by the committee seem to be very fair and comprehensive. The fundamental problem appears to be that, in our experience at least; none of these recommendations have been implemented or, if they have been implemented, are actually working in practice.

We have been told that sufficient consultation and guidance documents have been produced in the last 9 years to support Welsh Government in identifying the actions and the steps necessary to support allotments and community growing in Wales.

Allotment Law is a minefield of extremely outdated terms and vocabulary rather like Planning Law. A review of Planning Law was undertaken in 2018 by Law Commission to consolidate and modernise, could something similar could be done for Allotment Law in Wales?

The approach taken by local authorities across Wales

As regards the allotment duty, where a town and/or community council exists alongside a principal authority, we need clarity on which body is to be seen as the allotment authority to meet the 'allotment duty' and who is the allotment provider to work with the allotment authority to ensure delivery.

In Powys if you are wish to apply for an allotment the local authorities website directs you one of the 10 existing sites under their control, all of which have no plots available (as of the 28th Feb 2019) or if your chosen allotment isn't shown it will direct you to the contact details of all the town and/or community councils of Powys. There is neither mapping of allotment provision nor any indication of how many are on a waiting list. No joined up advice or guidance for those with allotments or those wishing to get an allotment other than a link to Natural England's "Specific guide for allotments holders".

We are lead to believe that there is good practice found in some local authorities across Wales but if the Welsh Assembly wishes to really make a difference then funding should be made available (for either local authorities or town/community councils) to allow some continuity of service across Wales. This would also help with confusion over the size of allotments; the definitions of what an allotment is i.e. terms like allotment, garden allotment, field allotments are all common and allotment rent, law requires that not more than 25% of rent can be demanded in advance, is this still desirable in 2019?

How we can maximise the health, community and environmental benefits of allotments and community growing.

Newtown and Llanllwchaiarn Town Council believe that allotments are very much needed, not just for growing one's own food but for the wider benefits of health and wellbeing. Allotments should be made available of a similar standard with similar rents and similar provisions across the whole of Wales.

Allotments and the green spaces they secure, particularly close to urban centres can offer huge benefits to the public in Health & Wellbeing, Education and Recreation.

We are fundamentally asking **the wrong question** of the people of Wales, it should not be;

Would like to add your name onto the waiting list?

We should be asking;

If an allotment was made available to you, would you want one?

Only with the answer to this question can Newtown, Powys and indeed Wales truly understand the extent to which the public can help improve, maintain and benefit from the green spaces in Wales and help create a more circular economy around growing our own food to help reduce the dependence on imports. All this while creating greater community cohesion, reduction of social isolation, reduction of antisocial behaviour, food security and sustainability and improving green infrastructure and biodiversity.

End of response

Author – Lee Davies (Amenities Manager - Newtown and Llanllwchaiarn Town Council)

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Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
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Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Cymdeithas Llywodraeth Leol Cymru
Evidence from : Welsh Local Government Association

Introduction

1. The Welsh Local Government Association (WLGA) represents the 22 local authorities in Wales, and the three national park authorities, the three fire and rescue authorities, and four police authorities are associate members.
2. It seeks to provide representation to local authorities within an emerging policy framework that satisfies the key priorities of our members and delivers a broad range of services that add value to Welsh Local Government and the communities they serve.
3. We welcome the opportunity to contribute to the Climate Change, Environment and Rural Affairs Committee Inquiry into Allotments.

General comments

4. The report of the predecessor committee's inquiry into allotments highlighted sixteen recommendations the majority (11) of which were directly requiring action by Welsh Government the remainder were directed towards Local Authorities (2) the Minister, WLGA and National Trust
5. The Guidance Document for Traditional Allotments and Community Led Gardening Projects published in March 2016 is a useful guide which clearly sets out the roles and responsibilities of all the stakeholders involved in the provision of allotments, the legislative basis for the establishment of allotments and is an essential reference source.
6. There is an acknowledgement that the overall responsibility for the provision of allotments lies with the Local Authorities.

QUESTION 1: The Welsh Government's strategic approach

7. The recommendation in the predecessor report for Welsh Government to actively promote the benefits of allotments and community growing as part of the wider health and well-being agenda is to be welcomed. There is a need however to 'have all the ducks in a row', the recommendations relating to availability and planning approvals need to be in place, appropriate management arrangement established to enable a response to requests. It cannot be expected that additional requirements and administrative burdens be placed upon Local Authorities without the necessary infrastructure of resources to support
8. The Welsh Government in working with key stakeholders in developing a suite of guidance and tools for community groups and individuals in starting and maintaining allotments and community growing spaces must give appropriate consideration as to who the stakeholders are. The need to have representation from Local Authorities is vital – considering that under present legislation they have the statutory obligation and responsibility for the provision of allotments.
9. The Welsh Government is charged with bringing forward new legislation for allotments to include a time limit for Local Authorities to consider written requests for new sites. Time is not the only resource that needs to be addressed, the need for resource capacity of funding, staff and available land must be considered together.

QUESTION 2: The approach taken by local authorities across Wales;

10. The majority of Local Authorities have details of allotment sites and management arrangements and appropriate contact details and application arrangements on their website
11. A minority of Local Authorities in Wales have retained the management of allotments.
12. The management of the allotment provision in many Local Authorities is now self-governed, management having been transferred over to allotment associations which have their own management committees to coordinate applications made.

13. Other authorities have a mixed provision of Council-run (including Local Authority run and Town & Community Council Run sites), self managed sites and privately owned sites.
14. There are signed agreements between the local authority and some of the allotment associations as to how the site should be run, with some private sites being owned and managed.

QUESTION 3: How we can maximise the health, community and environmental benefits of allotments and community growing.

15. The provision of allotments and community growing areas can have a significant benefit to health. There is a drive towards 'social prescribing' whereby patients can be provided with a prescription for activity in the open air or in green space. The presence of green infrastructure has been shown to have a positive impact upon mental health, depression, loneliness, physical fitness and community engagement. The office of the Future Generations Commissioner is researching into how this can be more widely used.
16. The community spirit and engagement and cultural well-being and diversity can be seen in the 'Vetch Veg' project, utilising the Vetch Field (the old home of Swansea City Football Club).
17. The causes of Climate change can be impacted upon through the provision of community growing, allotments and city farms, carbon sequestration, locally grown fruit and vegetables reducing transport costs and fuel usage.

For further information, please contact:

Tim Peppin, Director of Regeneration and Sustainable Development

Welsh Local Government Association

Local Government House

Mike Hedges, AM
Chair of Climate Change, Environment & Rural
Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff, CF99 1NA

01 April 2019

Dear Mike

Annual scrutiny of Natural Resources Wales: follow up from 13 February meeting

Thank you for the opportunity to talk to you and the committee about our performance for the period from November 2017, and the opportunity to provide further evidence following that session last Month. We have set out the additional areas of questioning in bold italics, as they appear in your letter dated 6 March, followed by our response. I hope this is all clear.

1. Performance measures

‘We would therefore welcome further clarification on this issue. We would like you to provide details of NRW’s long-term and medium-term measures, in particular what they measure, how they interact, and when and where they will be published’

We have consistently and regularly measured our performance since the production of our first Corporate Plan in 2014, as part of our performance framework.

In 2014 we developed an annual dashboard, aligned to our Business Plan, which provided a detailed report on the progress of some 20 measures and 15 indicators to our Board three times per year. Reports detailing the measures and indicators were published on our website following Board scrutiny.

Our second Corporate Plan, published in 2018, followed on from the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016. As we work within this new legislation, we have revisited our performance framework: we now report on our dashboard linked to the Business Plan four times a year rather than three. To afford greater scrutiny of in-year performance we increased the number of annual measures reported and re-evaluated how to best scrutinise indicators following publication of our first

State of Natural Resources Report. The dashboard is published separately and is part of our Annual Report.

Our medium-term measures have not been published as a separate set. We describe our progress in delivering our Corporate Plan in a more qualitative, narrative way in our Annual Reports, building on and complementing dashboard and long-term indicators.

Long-term indicators are being developed to sit alongside, and in some cases be included in, the Welsh Government's set of 46 National Indicators. Suggestions for these long-term indicators are given at the end of each Well-being Objective in our Corporate Plan to 2022. Further long-term indicators will be published as part of our second State of Natural Resources Report due to be published in December 2020, with an interim report prepared for December 2019.

2. Organisational redesign

“We would like details of any financial savings arising from the organisational redesign, as well as your longer-term plans to make up the estimated savings of £10 million per annum.”

The organisation design programme had two main objectives. The primary objective being to design a structure for the organisation that would facilitate delivery of NRW's new purpose, ambitions and our organisational design principles. The other objective is to ensure that the organisation is sustainable from a financial perspective into the future.

When we began to review our business in 2015-16 we had a target of realising revenue savings and achieving additional income of £15m per annum by 2019-20. That target was based on certain assumptions at the time about future income growth and Grant in Aid levels.

We realised £5m of savings through the implementation of the Senior Management Review and other measures before the beginning of 2017-18. We now have far more clarity on what our funding is going to be in 2019-20. The situation has improved – there has been no cash reductions in our revenue Flood Grant in Aid and our commercial income has improved significantly. Nevertheless, our revenue Non-Flood Grant in Aid has reduced by 5% per annum in 2018-19 and we expect another 5% reduction in 2019-20 (total reduction of £6m p.a.). These changes in our financial situation have allowed us to develop a structure that is 1,760 FTEs rather than the 1,600 FTEs originally planned.

We have designed the management and team leader structure to be resilient to future changes in funding. This means we have larger teams that can flex depending on the amount of funding available meaning future funding changes can be managed without recourse to significant structural re-design.

It is recognised, however, that the resource allocations and funding streams have different impacts on the different functions of the organisation. Whilst the overall numbers within the

organisation have not reduced there is an impact on those activities funded through the Grant in Aid (see below).

“We would like further details of how and when this monitoring work will be taken forward”

Monitoring how the new organisation is working, will require a range of measures to show achievement of the organisation’s structural principles and targets. We will need to show how the ways of working are improving not only external deliverables, but also the effective and efficient resource use, risk management and cultural improvements.

We will do this through our performance framework and delivery of business plan and corporate plan outcomes. There will be measures of internal effectiveness for budget and risk management, customer feedback, partner feedback and internal staff feedback.

Our new Director of Corporate Strategy and Development will undertake the work to identify the measures to be tracked from 2020-21 when the Organisation Design Programme has completed, and ways of working have had time to be embedded. The outcomes of this will be reported at the end of the 2022 Corporate plan cycle.

“We would like details of the findings of this work, as well as the steps taken to address pay differentials if any were found”

Our Job Evaluation Scheme, which was implemented from 1 January 2018, enabled us to apply a fair methodology to assess the relative ranking of all roles in NRW and provided the opportunity to develop a new salary scale for all grades using a pay modelling process.

In developing our pay model, we agreed some principles with the Trade Unions, these being:

- a) it had to meet all legal obligations
- b) to have grades for similar roles considered to be broadly of the same ‘value’ and
- c) to deliver a sustainable and affordable model.

We worked with external professionals who provided their independent expertise throughout the pay modelling process to consider and provide:

- a) current equal pay scenarios and how they could be incorporated into the design of the pay model
- b) Equal Pay audits of the current and future position
- c) a full Equality Impact Assessment to ensure that the gender pay gap was acceptable within the guidance issued by the Equalities and Human Rights Commission.

The model agreed through collective bargaining successfully eliminated any pay differentials and this was endorsed by a full Equality Impact Assessment that concluded:

- The proposed pay structure improves the gender pay gap on a grade by grade basis. As employees progress through the structure with annual increments the gap will narrow even further on a grade by grade basis.

- The application of the Job Evaluation process and design of the grading structure is acceptable and demonstrates a consistent approach to the development and implementation of the new structure.
- The positioning of grade lines although varied in grade width does not appear to have adversely affected the gender pay gap. The model has been developed with understanding of the organisational hierarchies and the line of best fit through the Job Evaluation outcomes.
- The number of scale points or years of progression within the grades are within acceptable criteria.
- The proposed changes bring a consistent and simplified approach to pay this should lead to a more fair and equitable system.

3. Annual Report and Accounts

“We would like you to expand on your assertion and to explain how you will satisfy yourself that you have obtained sufficient and appropriate assurance before signing off next year’s Annual Governance Statement and accounts, including the Governance Statement”

When I gave evidence to the committee relating to the potential that NRW’s accounts may be qualified for 2018-19 due to historical issues I was referring to the fact that we may have received income during 2018-19 from a type of contract (standing sales plus) that had been agreed in previous years, which the Grant Thornton Review identified as potentially irregular. As part of our on-going action plan in relation to this we have stopped letting any new standing sales plus contracts and are looking to close down ongoing contracts in negotiation with our customers.

I am, as the Accounting Officer, personally responsible for the Governance Statement, which outlines how I have discharged my responsibility to manage and control the organisation’s resources during the course of the year. A key component of the Governance Statement is to demonstrate corporate governance and risk management. The statement is informed by work undertaken throughout the accounting period to gain assurance about performance and risk management.

In its preparation I will be informed by:

- the views of NRW’s Audit and Risk Assurance Committee on the assurance arrangements;
- the opinion of NRW’s Head of Internal Audit and WAO external audits on the quality of the systems of governance, management and risk control;
- assurances from senior staff using a Certificate of Assurance that is supported by an Internal Control Checklist that each of my Executive Team is required to complete
- feedback from within the organisation about our work, the use of resources, our approach to risk management responses to risks, and the extent to which in-year budgets and other targets have been met.

4. Area Statements

“We would welcome clarification on when you anticipate Area Statements to be published and how this differs from your original timeframe. We would also like you to expand on the reasons for this delay”

Work to develop Area Statements could not formally start until the Natural Resources Policy (NRP) was published by Welsh Government. The NRP was published at the end of August 2017. This was five months later than originally anticipated. In our Corporate Plan to 2022 and Business Plan 2018/19 we have been clear that we are working to a timeline of publishing Area Statements by the spring of 2020, i.e. by the end of financial year 2019/20.

Our Well-being Objectives and Statement were published on 31 March 2017. This document included a statement that we would “Develop Area Statements covering the whole of Wales co-productively by March 2019”. Our Well-being Objectives and Statement were produced ahead of the Welsh Government NRP, with limited insight into when it would be published. The NRP defines the priorities and opportunities that Welsh Government Ministers expect to see reflected in the Area Statements. Hence formal work could not start on Area Statements until the NRP was published. Following publication of the NRP, we and our partners needed to spend some time reflecting on the information in the NRP to understand the priorities and opportunities. Inclusion of the date of March 2019 in the Well-being statement in hindsight was a mistake.

We are confident we are on track to publish Area Statements by the end of March 2020. We have clear governance and milestones in place to ensure that we are managing the risks appropriately. It’s important to remember that we are applying new ways of working in the preparation of Area Statements, which themselves are new “products” introduced in the Environment (Wales) Act 2016.

5. Funding

“We seek further clarification on existing and potential sources of income generation, including how much of this income can be retained by NRW and how much is returned to the Welsh Government.”

We are currently focussed on growing our commercial income streams in line with our Enterprise Plan and are recruiting a new Head of Commercial to lead this work.

We are working with Welsh Government to reduce any barriers to commercial development. An example of this is where we are taking joint legal advice on how we can increase our powers to trade so that we can develop new hydropower schemes on our land.

NRW retain all income that we manage apart from income from energy development in respect to windfarms on the Welsh Government Woodland Estate. The level of income surrendered to Welsh Government is expected to be in excess of £6m next financial year.

We believe that this income should be retained to be invested for the benefit of natural resources in Wales and specifically the Woodland Estate. This would help mitigate the large real-term funding cuts that impacted on our services since we were created.

“We would like you to provide specific examples where services and/or activities within these areas, and any other areas, have been affected by budgetary cuts, and the implications of this.”

The reduction in Grant in Aid has meant we have had to reduce work across a range of services including changes to bathing water monitoring frequency, reduction of monitoring of terrestrial and marine biodiversity, reduction in Management Agreement funding, focusing on high risk Flood Risk Asset inspections, focusing on the attendance at higher impact environmental incidents, reduce reporting on Water Framework Directive progress, and reduction of Climate change policy resources.

Where possible we have changed our delivery or used evidence to help our decisions, so that we are mitigating the impact of reducing these services but we are aware that even so there will be a lower level impact that will become more visible in the longer term.

In paragraph 54 of our written evidence we indicate that additional money has been released to support the new ways of working in our operational teams. In particular additional resource is targeting the work of teams leading engagement with PSBs, implementing the Sustainable Management of Natural Resources and biodiversity enhancement. In addition, our Board has committed an additional £800,000 over the next financial year to support biodiversity outcomes plus £2 million through our grants programme.

“... we would like you to provide details on the total cost associated with NRW’s programme of work for reservoirs, including timescales you are working towards.”

There are two elements to the cost requirements. The first is for capital works to do significant structural improvements to reservoirs when this is required by the independent engineers who are required by law to assess our reservoirs. Our planned capital works in 2019/20 are £5.7m, for which we have budget from Welsh Government. The future requirements are estimated at £7.7m - £10.7m for 2020/21 and £4.1m - £6.1m for 2021/22. There is a range quoted for these figures because it depends on the detailed work specifications which are currently under preparation. We have to bid for capital funds year-on-year at present.

The second element is for ongoing maintenance work funded through revenue budgets which is crucial to prevent deterioration and to maintain good operational performance of the reservoirs. Our requirements for this are more steady state at £900k per year. We have £300k of this baselined into our budgets (provided budgets are maintained and account for inflation). The other £600k has to be bid for year-on-year at present. There will be variations in the revenue requirements if for example we have short term staff requirements for a particular need.

Please note that we make a distinction internally between our reservoirs that are there for a Flood Risk Management (FRM) purpose (e.g. to hold waters to prevent flooding to properties) and those that are there for other purposes (e.g. water supply, nature reserves, recreational purposes etc.). Part of the reason for that is that the funding for the two types of reservoirs comes from different Welsh Government budgets – the first from Flood Risk Management Grant in Aid and the second from general Grant In Aid. The figures quoted above are for all reservoirs.

We have a hump of capital work for the next three years, partly because we have a batch of reservoirs that are falling under regulation for the first time, which in part is due to changes in legislation. Bidding for capital budget year-on-year is not ideal for capital jobs that may span several years.

“We would also like any assessment of the additional costs associated with regulating newly designed reservoirs that are not in your ownership, and how you intend to meet these.”

The change in legislation introduced in Wales increased the number of reservoirs that required legislation from 227 to 365, an increase of 60%. In order to regulate these effectively, we need to increase our staff resource by 2 FTE, at a total additional cost (with on-costs) of approx. £90k. We have received budget from WG for this up to end of 2020/21, but this is a continuous requirement and cost that we would wish to see baselined. If we cannot, we may need to cut our activities elsewhere, or lower our level of regulatory service, with subsequent risks. There are charges (to the owner) for reservoir regulation but these are not sufficient to cover our costs despite being set within the last five years at higher levels than previously. Increasing the charges again would be deeply sensitive, and of course unpopular.

6. Implications for NRW of the UK’s exit from the EU

“... actions NRW is taking to respond to the potential stockpiling of products and waste at ports in the event of a no-deal Brexit.”

NRW and Welsh Local Government Association are contributing to development of, and delivery of actions identified in Welsh Government’s Waste Risk and Mitigation plan. This plan has considered potential issues related to disruption in logistics, including ports and the potential for increased waste arisings. We are also involved in Defra/devolved administration and associated regulatory agencies waste contingency planning.

We are coordinating our efforts across our organisation on an approach to potential stockpiling. We have reviewed operator waste returns and other available data on waste movement to inform an assessment of potential disruption and capacity available in landfill, energy from waste and biowaste treatment sites in Wales. This work has indicated that most of waste generated in Wales is initially dealt with in Wales. There are limited exports of waste from Welsh ports. Of the amount that is exported to the EU, a significant % of this is metal (ferrous metals) which presents a low risk as the material is in a stable form

which can be safely stored at existing authorised facilities. There is a significant flow of waste that goes to England for processing into waste derived fuel and separate recyclates that gets exported to Europe. Disruptions at English ports may therefore restrict flow of these materials and result in “bottle necks” back along the chain to producers/generators. We have participated in UK and Wales wide stakeholder meetings to highlight to waste exporters the measures in place to help reduce border disruption in a no deal scenario. For example, we, along with other UK regulators, have contacted all EU competent authorities and secured agreement that all UK consents for shipments of notifiable waste that go beyond 29 March 2019 will be rolled over. We are encouraging operators to assess the impact that delays to waste exports may have on their operations and consider storage and alternative waste management options in case of disruption at ports. The key message given to operators of permitted sites is that the permit still applies and they are expected to continue to meet its conditions. We will be prioritising our compliance assessment activities on a risk basis.

We have also met with UK wide industry trade associations and encouraged operators to have contingency plans in place for the storage of raw materials, by-products, products and waste materials in the event that established transport routes are affected by EU exit. Feedback from industry indicates that arrangements have been put in place and no major disruption is expected in Wales. We will continue to engage with industry and the other UK regulators to ensure we are aware of any issues that arise.

“... discussions NRW has had with ports and how you have fed into the Welsh Government’s contingency plan for port traffic...”

NRW is working closely with Welsh Government and other agencies throughout Wales on potential issues at ports (including the ports of Holyhead, Pembroke, Fishguard, Barry, Cardiff and Newport).

NRW attends the Holyhead Port Multi Agency Plan Task & Finish Group, chaired by the North Wales Police Chief Inspector. NRW has been involved in a multi-agency desktop exercise at Holyhead and is due to attend a second exercise later in March. Contingency plans for port traffic developed by Welsh Government has involved close coordination with the Holyhead Port Multi Agency Plan Task & Finish Group and the relevant Local Resilience Forums.

As a member of the local resilience groups NRW has fed into the development of port contingency plans. NRW is supportive of the approaches set-out in the contingency plans as they seek to minimise wider disruption and help to ensure any potential accidents and incidents, such as pollution events, are contained and in areas with known drainage infrastructure and good access for emergency services.

“... what the £3.7 million requested by NRW from the Welsh Government to support Brexit-related work would be spent on, and the implications if you are unable to secure this funding.”

Our Initial bid for Brexit funding was made in February 2018 and was based on Brexit with a deal. The scope and scale of the work required was conservative and focused on providing specialist advice and guidance to Welsh Government and working with sectors in Wales and across the UK to review and inform the development of new environmental standards, policy and delivery mechanisms post Brexit. It was anticipated that this work would include:

- development of the post Brexit agricultural support scheme;
- development of the post Brexit marine fisheries scheme;
- strengthening and/or building new relationships with UK institutions picking up responsibilities previously undertaken by the Commission;
- building our International links with Environmental Protection Bodies in the EU and beyond, to ensure we draw on the best evidence and insight into new and innovative approaches to natural resource management.

There is significant uncertainty about the precise issues we will face in a no deal Brexit, but we are anticipating issues in for example:

- the waste sector – as mentioned above;
- the water sector;
- increases in pollution incidents potentially because of poor chemical or waste storage;
- additional applications for permits and licences in short timescales.

We are committed to working in a flexible and agile way to deal with the range of issues Wales will face in a no deal scenario and supporting our partners in the Local Resilience Forums as appropriate. This will inevitably mean that in the short term we will stop and/or slow down some of our core work areas to meet the new demands upon us.

Our submission to Welsh Government has not resulted in any additional funding for 2019-20 so we have agreed with officials to absorb the additional cost in 2019-20 using our underspend. We have the agreement of officials to submit a revised bid for additional funding for 2020-21 and 2021-22 to Welsh Government for consideration. By this stage we would expect to have greater clarity on the terms of the agreement that the UK has secured from Europe. If we are unsuccessful in securing funding in future years we will have to reprioritise our business plan which will have implications for our ability to contribute to Welsh and UK discussions on future environmental standards, regulation and advice responsibilities. It could also impact our core work programme and our ability to respond to environmental incidents.

7. Environmental Permitting

“We would like further clarification on this issue, including the timeframe you will be working towards for completion of the matrix.”

The statutory guidance on Part 1 of Environment (Wales) Act 2016, provides clarity on the application of our statutory purpose in our functional roles and duties. The guidance also provides clarity on how the requirements of the Environment (Wales) Act and Well-being of

Future Generations (Wales) Act work together. Our interpretation of the Guidance is that in applying our purpose – the objective and principles of Sustainable Management of Natural Resources (SMNR) - we also meet the requirements of the WFG Act in relation to the Sustainable Development principle. As we state in paragraph 69 of our written evidence Welsh Government Officials met with the FGC Office. We have not had any feedback from Welsh Government since that meeting that our interpretation of the statutory guidance needs to change.

We do not intend to do any further work on the matrix. As we state in paragraphs 65 and 66 of our written evidence and as we said during the committee session we intend instead to focus on how the purpose of SMNR and the principles apply to Environmental Permitting Regulations. We are following the process set out in Annex 1 of the statutory guidance. Work has started on this function first, because of the concerns raised by the FGC Commissioner. We intend to work on this approach with the FGC officers and Welsh Government officials. This “root and branch” exercise will be running throughout spring and summer of 2019. We will be using our 2019-20 Annual Report to set out our findings.

8. Community Engagement

“We would welcome further details on these projects, including the outcomes anticipated and how they will be measured.”

Greener Grangetown - Greener Grangetown is an innovative £2 million partnership project between Cardiff Council, Dŵr Cymru Welsh Water and Natural Resources Wales, supported by the Landfill Communities Fund. The project uses the latest drainage techniques to catch, clean and divert rainwater directly into the River Taff instead of collecting and pumping it eight miles to a treatment works in the Vale of Glamorgan and then discharging it out to sea. The project also aims to use the introduction of Sustainable Drainage Systems (SuDS) to deliver multiple benefits for the community and the environment, making Grangetown a cleaner, greener place to live for generations to come, with less commuter parking, safer walking and cycling facilities, and increased biodiversity and green infrastructure.

The scheme has seen the creation of 108 rain gardens and kerbside planting areas. These areas not only help to improve local drainage, but also enhance local biodiversity and wildlife, and deliver important improvements to water quality in the River Taff. The scheme has 135 new semi-mature trees and 1,600m² of new green space, which is already providing new homes for wildlife and has opened up new opportunities for people to enjoy walking, cycling and other recreation close to where they live and work. There is overwhelming research that being closer to green space also improves people’s physical and mental well-being. At the same time, more greenery and tree planting will mean noise and pollutants should be better absorbed, and air will be cleaner too. Through Greener Grangetown, NRW always wanted to create a legacy to show how green infrastructure projects can create healthy and resilient local environments, and support economic and social prosperity for generations to come. We believe this scheme, in addition to the positive changes that last January’s SuDS legislation are already bringing, will enable us all to tackle local challenges a lot better across many towns and cities in Wales, including

Cardiff. The scheme was officially opened in October 2018 and has also attracted interest from around the world. It also won a 2018 Water Industry Award for UK Engineering Project of the Year.

Denbighshire Green Prescribing project – The Denbighshire Green Prescribing project ‘Nature for Health (NFH)’ received funding via our last SMNR Open Call grant scheme. Nature for Health is a collaborative 18 month environmental social prescribing project, jointly delivered by Denbighshire Housing and Countryside Service, funded through Natural Resources Wales, and supported by the health board and Bangor University. The project provides weekly on the doorstep opportunities to help people live healthier and more fulfilled lives through improved access to the natural environment. The scheme is operating in 4 pilot areas – Rhyl, Prestatyn, Corwen and Llangollen. The pilot areas were selected based on Denbighshire’s Housing Dept assets and associated community involvement.

The project further works with a range of working partners to actively promote the natural environment as an asset to improved health and well-being through encouraging and supporting individuals to get outside in their own community. The project works in partnership to deliver:

- Environmental health and well-being sessions with schools
- Develop training, walking and volunteering sessions
- Improve access to green spaces
- Attend and lead on wider community engagement activities

Currently there are 60+ people engaged in led walks and weekly volunteering sessions; regular meetings between NFH staff, Health Centres and referral agencies; 20+ weekly/monthly volunteer led walks across the county; a number of green spaces improved including access paths, wildflower area and creation of growing areas.

The outcomes of the project include:

- Created a partnership working approach to tackling health issues through the use of the natural environment.
- Created working relationship for future projects
- Established a monitoring and evaluation tool kit to be used / support on future environmental social prescribing projects
- Stronger strategic working partnership
- Participants feeling improved physical and mental wellbeing
- Participants taking part in self-motivated environmental social prescribing opportunities within their own communities
- Communities and Individuals are more aware of the benefits of environmental social prescribing
- Communities / individuals are more confident to take part in local environmental social prescribing activities
- Young members of the community have taken part on environmental / environmental social prescribing awareness sessions
- Community members trained up to deliver and support environmental social prescribing session.

The partnership has decided to use the Warwick Edinburgh Mental Well-being Scale (WEMWBS) as the evaluation toolkit to evaluate the benefits of regular participation in environmental activities. The health board will be providing the Elemental software to support evaluation as this will record the progress of social prescribing across North Wales. Case studies will also be used to share outcomes and promote the project.

As mentioned at the evidence session last month we would be pleased to offer the committee opportunities to see our work taking place across Wales and we would welcome the opportunity to facilitate some site visits for committee members.

Yours sincerely,

Clare Pillman
Prif Weithredwr, Cyfoeth Naturiol Cymru
Chief Executive, Natural Resources Wales

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs

5 April 2019

Dear Lesley

Thank you for your letter, dated 27 March and your response to the Committee's report on the Legislative Consent Memorandums ('LCMs') for the Fisheries Bill.

The Committee considered your response at its meeting on 3 April and agreed I should write to you to follow up on a number of issues.

The need for legislation and the approach taken (Conclusions 1 to 6)

Conclusion 1: The Welsh Government should explain why it has not been able to fulfil commitments it has previously given to this Committee in relation to the development of UK common frameworks. In particular, it should explain why the UK Bill was not developed in collaboration and why stakeholders were not involved at a sufficiently early stage in its development.

While your response makes clear you are satisfied that you have fulfilled the commitments you previously gave in relation to the development of the UK frameworks, it does not address the specific issue of the lack of stakeholders' involvement in the development of the UK Bill.

1. We would like you to address this outstanding issue in your response to this letter. Can you provide examples of how stakeholders were involved in the development of the UK Bill. Please specify who those stakeholders were and how they were involved.



Conclusion 3: The Welsh Government has not explained the purpose and effect of these additional provisions. As such, we are not yet convinced that the Welsh Government has provided adequate justification for the additional powers it is seeking via the UK Bill.

Conclusion 4: The Welsh Government should explain the purpose and intended effect of the executive powers for Welsh Ministers in Schedules 4, 6 and 7. It should identify which of these powers are time-critical, and whether any of the powers could reasonably be deferred until the Assembly's competence has been extended to allow for a future Welsh fisheries Bill to be introduced.

Although you have accepted Conclusions 3 and 4, your response is not as comprehensive as we would have expected. It appears to repeat much of the information already set out in the LCM and in your evidence to us, without expanding on the detail.

2. Can you provide a more detailed explanation of the purpose and intended effect of the executive powers beyond that already included in the LCM and in your evidence to the Committee .This should distinguish between new and existing powers.

In responding to our request for clarification on which of the powers are time-critical, you state:

“The powers provided in the UK Bill may need to be exercised on day 1 after exit from the EU or very shortly afterward”, and could not wait for a Welsh fisheries Bill. The alternative would be to rely on the Secretary of State to legislate for Wales in the Welsh zone in the intervening period.”

We note, however, that the Welsh Government has recently made secondary legislation in relation to fisheries on the basis that the UK Fisheries Bill may not have passed through Parliament before EU exit. This includes legislation to prohibit foreign fishing vessels from fishing in Welsh waters without a licence.

3. Can you clarify which of the specific powers provided may be needed in the immediate post-Brexit period.

Conclusion 5: The Welsh Government should give a commitment that time will be made available in the legislative programme for a Welsh fisheries Bill to be brought forward and passed before the end of the Fifth Assembly.

You have told this Committee that you fully intend that a Welsh Fisheries Bill will be passed before the end of this Assembly. However, you have rejected Conclusion 5 on the



basis that “it is difficult to commit to a timetable...until the UK Fisheries Bill has passed through Parliament”. You will shortly be asking the Assembly to give up its legislative powers, so that the UK Parliament can legislate in this area. You have told us this is for transitional purposes. We believe it is incumbent on you to explain to the Assembly when these transitional arrangements will be replaced by a Welsh Bill. Given that we are approaching the fourth year of the Fifth Assembly, we remain concerned that there will be insufficient time remaining in this Assembly to legislate for future fisheries policy in Wales.

4. Can you clarify when you will be in a position to notify us of your intention to bring forward a Welsh Bill.

Access to British fisheries (Conclusions 12 to 15)

Conclusion 13: The Welsh Government should provide further details on the proposal for the Marine Management Organisation to issue a single licence to foreign fishing vessels. The Welsh Government should clarify how this would impact on its power to grant licences, in particular, the ability of Welsh Ministers to impose specific licence conditions on foreign fishing boats in relation to the Welsh zone. For example, to require onboard CCTV monitoring.

In your response, you explain that the practical issuing of licenses will be undertaken by a Single Issuing Authority, namely the MMO, but that “it will be for the Welsh Ministers to set appropriate and proportionate licence conditions in relation to Wales and the Welsh zone”. We welcome this clarification. However, your response does not include details on how and when the Welsh Ministers will set licensing conditions for foreign vessels.

We note that, in preparation for a possible EU exit before the UK Bill receives Royal Assent, you have recently made secondary legislation for the purpose of controlling foreign vessels in Welsh waters post-Brexit. The Explanatory Memorandum accompanying that legislation states:

“It is intended that foreign vessels will comply with the same standards applied to the domestic fleet, along with additional requirements such as catch and position reporting.”



5. Can you provide further details, beyond those set out above, on how and when these additional requirements will be determined.

Fishing opportunities and quota share (Conclusions 16 to 20)

Conclusions 16 to 20 called for the following:

- further action to rebalance the fundamental unfairness in the allocation of the UK quota, in particular, additional amendments to Article 17 of the Common Fisheries Policy regulations and a review of the Fisheries Concordat (Conclusions 16 and 17);
- new quota should be allocated in accordance with environmental, social and economic criteria, with a view to addressing the imbalance in Wales’ quota share (Conclusion 18);
- an amendment to the UK Bill to address concerns about the extent of the Secretary for State’s powers in relation to the determination of fishing opportunities (Conclusion 19); and
- clear evidence of the steps the Minister is taking to secure improvements in Wales’ quota share (Conclusion 20).

While you have accepted these (or in the case of Conclusion 17, accepted in principle), the narrative does not reflect this.

You state that “Article 17 does not require amendment for the UK to move away from the use of historic catches as the main criteria for allocation. Article 17 provides a range of considerations.”

While we acknowledge this, we heard in evidence that the application of Article 17 is problematic and the fact that there is no requirement to use environmental, social and economic criteria when allocating quota means there is an over reliance on the historic catch criteria for allocating quota. Consequently, we called for amendments to be made to Article 17 to address this, which you have not accepted. Instead, you state that “any new approach [to allocation] must be fair and sustainable in line with the Well-being of Future Generations (Wales) Act 2015”. It is unclear what this will mean in practice.

6. Can you provide the Committee with details of any consultation you have undertaken with stakeholders on these provisions.

In your covering letter, you refer to correspondence with UK Ministers in which you express views on the need for “a better settlement” for Welsh fishing opportunities.



7. We would like you to share that correspondence, and any responses received, with the Committee to enable us to understand more fully what you consider will be a “better settlement” for Welsh fisheries.

8. We would like you to explain what aligning the approach to allocation with the Future Generations (Wales) Act 2015 will mean in practice.

We note that you are already in discussion with the UK Government and the other devolved administrations “on a number of matters [in relation to allocation] where [you] will be looking for change”. However, no further detail is provided. We would like you to provide further details on these matters.

9. We would like you to share with us any recent correspondence with the UK Government in relation to Wales’ quota share, and any responses received.

10. We would like to confirm that you are actively pursuing with the UK Government and the other devolved administrations a move away from the use of historic catches as the main determination for quota allocations.

Financial assistance powers and future funding (Conclusions 21 to 24)

Conclusion 23: The Welsh Government should seek a commitment from the UK Government that future funding arrangements for the fisheries sector will be developed in partnership with the devolved administrations and that there will be parity of esteem between partners. It should also seek a commitment that the level of funding should take account of any additional costs arising from the UK Bill.

Conclusion 24: The absence of financial information risks misleading the Assembly about the potential financial implications arising from the legislation. The Welsh Government must address this matter. If it will not do so, we will request that the Finance Committee consider this and, if necessary, bring forward appropriate amendments to Standing Orders.

In responding to the above conclusions, you state:

“We are working with UK Government and the other devolved administrations to identify scope to maximise the economic growth of the UK’s marine sector. This work will guide policy in how best to support the sustainable growth of the different industry sectors in a strategic and streamlined way”.



11. We seek further assurance from you that the Welsh fisheries sector will not face any reduction in funding as a result of Brexit.

We note that you have rejected Conclusion 24 on the basis that the Welsh Government has complied with the requirements relating to the LCM procedure. You point out that the Committee could have requested additional financial information during the scrutiny process.

12. Can you provide details of any work you have undertaken to assess the costs of the implementing the provisions within the UK Bill.

13. Can you provide details of your latest assessment of the financial implications arising from the UK Bill.

We are pleased that you have accepted the majority of the Committee's suggestions for amendments to the UK Bill.

14. We would like you to update us on any progress made in securing agreement from the UK Government to amendments in relation to the following:

- a requirement to review the fisheries objectives (Conclusion 8);
- a requirement for the fisheries policy authorities to report to the relevant legislature on progress made in policy implementation and in delivering the fisheries objectives (Conclusion 10); and
- a requirement on the Welsh Ministers to consult on proposals for any future financial assistance scheme established under Schedule 4 (Conclusion 21).

We understand that the Plenary debate on the LCMs has yet to be scheduled. Pending your response to the above issues, and time permitting, we may wish to publish a supplementary report to help further inform the debate.

I should be grateful if you could respond as soon as possible, and by **24 April**, at the latest.

Yours sincerely,



Handwritten signature of Mike Hedges in black ink.

Mike Hedges AM

Chair of Climate Change, Environment and Rural Affairs Committee



Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LG/0374/19

Mike Hedges AM
Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
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17 April 2019

Dear Mike

Climate Change, Environment and Rural Affairs Committee report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill – follow up letter

Thank you for your letter dated 5 April, following the consideration by the Committee of the Welsh Government's response to your report on the UK Fisheries Bill LCM. I have set out responses to your questions below.

The need for legislation and the approach taken

1. We would like you to address this outstanding issue in your response to this letter. Can you provide examples of how stakeholders were involved in the development of the UK Bill? Please specify who those stakeholders were and how they were involved.

This is a UK Government Bill and Defra published their white paper consultation titled the Sustainable fisheries for future generations on 4 July 2018, prior to the Bill being introduced in October 2018. The summary of responses document notes in total 34,667 responses were received.

These consisted of:

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@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.

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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.

- 34,440 campaign responses (comprising of campaigns from Greenpeace, Marine Conservation Society, Whale and Dolphin Conservation and Angling Trust)
- 227 individual responses

At the inter-government level, we continue to develop the framework, which sets the high level framework and engagement and working arrangements between governments.

The Joint Fisheries Statement (JFS) in particular, is the key mechanism for stakeholders to engage to inform and shape our policies for delivering the fisheries objectives. A detailed and inclusive approach to stakeholder engagement on the development of the JFS is currently being drawn up and information on this will be made available as soon as possible.

2. Can you provide a more detailed explanation of the purpose and intended effect of the executive powers beyond that already included in the LCM and in your evidence to the Committee? This should distinguish between new and existing powers.

As you know the timing for the UK's exit from the EU has now been put back to October 2019, unless a deal can be reached sooner. The latest information from UK Government is the Bill is unlikely to be given Parliamentary time until a deal with Europe has been reached. This could, of course, change. The Bill continues to evolve and I commit to making further information available, at the appropriate time in the Bill's progression through Parliament, to ensure the Committee and the Assembly are provided with the necessary information to make their consent decision.

I expect there will be further amendments to the Bill, which relate to Wales. Following this, a further Supplementary Legislative Consent Memorandum will be laid for Assembly scrutiny.

In addition to the Supplementary Legislative Consent Memorandum, I will provide a paper covering all the Bill provisions which will explain the purpose and intended effect of the executive powers within the Bill in greater detail.

3. Can you clarify which of the specific powers provided may be needed in the immediate post-Brexit period?

I restate the uncertain future we have ahead of us. It is wise to seek these enabling powers now to achieve parity with the other Fisheries Administrations and enable us to respond to the emerging situation, whether these powers are needed immediately on EU Exit or on a longer term basis. The intention is these powers will be transitional. A Welsh Fisheries Bill (once the National Assembly for Wales has secured the extension to the Assembly's Legislative Competence via the UK Fisheries Bill) will provide an opportunity to refine powers to better fit the fisheries management challenges which will become clearer after we exit the EU. In summary, with regard to the need to use the powers in schedules 4, 6 and 7 immediately post Brexit:

Schedule 4 – It is possible a scheme could be introduced once we leave the EU, depending on timescales and circumstances. My officials continue to work closely with Defra and the other Devolved Administrations to consider future schemes and funding mechanisms for the fishing industry going forward.

Schedule 6 – this Statutory Instrument making power is necessary given the uncertainty of what we will face as we exit the European Union. It may be necessary to make secondary legislation, in unforeseen circumstances. It would be unwise to constrain ourselves (and place ourselves at a disadvantage in comparison to the other UK fisheries administrations) by not including this in the UK Bill and making it available at the earliest opportunity.

Schedule 7 – these powers will form part of our fisheries management toolkit and could be used immediately or soon after depending on pressures arising. These powers will also ensure the position in the various UK Fisheries Administrations remains parallel. The alternative could result in a situation where England, Scotland and Northern Ireland are able to take action to (for example) protect an area of sea but the Welsh Ministers are without the necessary enabling power until a Welsh Fisheries Bill could be brought forward. It seems unwise to take the risk when the UK Fisheries Bill presents an appropriate legislative vehicle to provide the necessary powers. I am also seeking an amendment to enable the Welsh Ministers to exercise the powers in the new section 134A and B of the Marine and Coastal Access Act 2009 (inserted by Schedule 7 to the UK Fisheries Bill) in emergency situations (removing the requirement to consult, only where absolutely necessary). These powers are important to act quickly to sustainably manage our fisheries in Wales and the Welsh Zone.

4. Can you clarify when you will be in a position to notify us of your intention to bring forward a Welsh Bill?

The First Minister will make his annual statement on the legislative programme before summer recess. As he stated in his letter to you of 22 March, it is clear we will need to put provisions onto the Welsh statute book and the intention is the UK Fisheries Bill powers will be transitional until we understand better what powers will be necessary post EU-exit and, at this stage, any additional powers can be put in place via a Welsh Fisheries Bill (once we have secured the extension to the Assembly's Legislative Competence via the UK Fisheries Bill). The UK Fisheries Bill will not lead to the Assembly giving up any legislative powers. In fact, the UK Fisheries Bill will lead to an extension of Assembly Legislative Competence in relation to this subject. It will then be within the remit of any future Welsh Fisheries Bill to adjust any of the powers included in the UK Fisheries Bill and provide such new powers as may prove necessary. At present, for reasons of both timing and current restrictions on the Assembly's Legislative Competence in this area, we are dependent on a number of the UK Fisheries Bill provisions (in particular the extension of the Assembly's legislative competence). However, until the Bill has passed through Parliament and the developing post EU-exit position becomes clearer it is difficult to commit to a timetable for a Welsh Fisheries Bill.

Access to British fisheries

5. Can you provide further details, beyond those set out above, on how and when these additional requirements will be determined?

At the point we exit the EU, and are no longer bound by the Common Fisheries Policy, the new licensing system for foreign vessels will be launched. The current intention is, the Single Issuing Authority will be acting on behalf of the Welsh Ministers in licensing foreign fishing vessels and seeking authorisation for any Welsh vessels who wish to fish in European waters. The licence will reference licence conditions for each of the four fisheries administrations. The licence conditions for Welsh waters, which set the rules for how vessels fishing in our seas operate, will be set and managed by Welsh Ministers. The Welsh Ministers will be responsible for each licensing decision made in relation to relevant boats. Welsh Government Officials are currently working with officials from the other Devolved Fisheries Administrations and the Marine Management Organisation (which, is intended to be the host organisation for the Single Issuing Authority) in order to develop any additional requirements which may be considered necessary. The intention is for the necessary licence conditions to be made available on the Welsh Government website, and these will be regularly updated.

Fishing opportunities and quota share

6. Can you provide the Committee with details of any consultation you have undertaken with stakeholders on these provisions?

This is a UK Government Bill and they carried out consultation with stakeholders, in advance of introducing these Bill provisions.

The Welsh Government position on the share of quota is our small scale low impact fisheries have been disadvantaged for too long. The Well-being of Future Generations (Wales) Act 2015 is clear; we need to ensure coastal communities see value in the fish off their shores both now and for future generations.

There is an opportunity for the UK Government in its future negotiations with the EU, to win a greater share of fish which could be used to rebalance fishing opportunities to allow small scale coastal fleets to become more economically sustainable and investible.

The Welsh Government has been pushing the UK Government throughout these processes for a fairer share of fishing opportunity. We have made it clear we consider there is a fundamental imbalance to quota in the UK and will continue to press the UK Government to address this matter.

7. We would like you to share that correspondence, and any responses received, with the Committee to enable us to understand more fully what you consider will be a “better settlement” for Welsh fisheries.

8. We would like you to explain what aligning the approach to allocation with the Future Generations (Wales) Act 2015 will mean in practice.

9. We would like you to share with us any recent correspondence with the UK Government in relation to Wales’ quota share, and any responses received.

10. We would like to confirm that you are actively pursuing with the UK Government and the other devolved administrations a move away from the use of historic catches as the main determination for quota allocations.

I fully accept the need to rebalance the fundamental unfairness in the allocation of quota and I will continue to push for this. Discussions with the other UK fisheries administrations have begun and I can confirm I am committed to exploring all options with UK Government and will consider carefully which of these would best support the fishing industry in Wales whilst still supporting the sustainability of our stocks.

Alignment with the Well-being of Future Generations (Wales) Act 2015 (WFG Act) is about understanding the whole picture – having the science and evidence to know what resources and stocks are available to us, which are at risk, which have recovered and which can be exploited further. It’s also about understanding the human element, what impact various policies have on fishing communities and coastal communities as a whole. It’s about utilising all of this information to better inform policies and decision.

I have attached correspondence between myself and Michael Gove MP. Due to sensitivity markings, I am unable to share all correspondence relating to this matter. However, I have set out under question 6, what I consider a better settlement and unfair quota share to mean.

We are currently working with Natural Resources Wales to develop a Marine Evidence Strategy for Wales which will:

- provide a framework to support the collection of marine evidence for developing, implementing, informing and evaluating marine policies and programmes
- support wider engagement and understanding around the risks and opportunities in Welsh seas
- define high level, strategic marine evidence priorities for Wales and guide the implementation, monitoring and review of actions to meet those priorities
- improve collaboration and co-ordination of scientific knowledge, resources and communication
- help align and develop Wales' marine evidence capacity and promote innovation

Financial Assistance powers and future funding

11. We seek further assurance from you that the Welsh fisheries sector will not face any reduction in funding as a result of Brexit.

I expect the UK Government to honour its commitment to guarantee all of the current EU funding programmes in full once we exit the EU. In terms of all funding arrangements after we exit the EU, Welsh Government has been clear Wales must not receive a penny less as a result of exiting the EU.

12. Can you provide details of any work you have undertaken to assess the costs of the implementing the provisions within the UK Bill?

13. Can you provide details of your latest assessment of the financial implications arising from the UK Bill?

Work is underway to assess the full costs of the Bill. We do not have a final position yet given the evolving nature of the Bill and the impact of a further delay to EU Exit. However, I expect the Bill will have few immediate financial implications but are likely to be additional costs in providing new functions over the longer term. I will write to the Committee in advance of the debate to set out the financial implications for the Bill.

14. We would like you to update us on any progress made in securing agreement from the UK Government to amendments in relation to the following:

- a requirement to review the fisheries objectives (Conclusion 8);
- a requirement for the fisheries policy authorities to report to the relevant legislature on progress made in policy implementation and in delivering the fisheries objectives (Conclusion 10); and
- a requirement on the Welsh Ministers to consult on proposals for any future financial assistance scheme established under Schedule 4 (Conclusion 21).

Welsh Government officials continue to discuss this with Defra and the other Devolved Fisheries Administrations, and this is currently being taken forward within the remit of the Joint Fisheries Statement Working Group.

Regards
Lesley

Lesley Griffiths AC/AM

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



Department
for Environment
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The Rt Hon Michael Gove MP
From the Secretary of State for Environment, Food
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Lesley Griffiths AM
Cabinet Secretary for Energy, Planning
and Rural Affairs
Welsh Government
Cardiff
CF99 1NA

9 December 2018

Dear Lesley,

I am writing to let you know that tomorrow the Government will announce that it is tabling an amendment to the Fisheries Bill and committing to extra funding for the fishing industry.

On Monday the Government will table an amendment which will enshrine its commitment to secure a fairer share of fishing opportunities for UK fishermen. The amendment would place a legal obligation on the government, when negotiating a fisheries agreement with the EU, to pursue a fairer share of fishing opportunities than the UK currently receives under the Common Fisheries Policy (CFP). This will give legal weight to our commitment to take back control of our waters and to secure a fairer share of fishing opportunities for the whole of the UK fishing industry.

I will also announce that the Government has committed £37.2 million of extra funding to boost the UK fishing industry during the Implementation Period. This will equate to around £2.4 million for Wales. It is in addition to the existing European Maritime and Fisheries Fund, which at €243m over seven years is, as you know, broadly equivalent to £32m a year. The funding will be delivered through the existing EMFF framework, so it will be provided to the sector using the current EMFF delivery mechanisms. The new funding will boost the industry as we become an independent coastal state, preparing the UK to receive a greater share of future fishing opportunities.

In addition to this I will announce that the Government will put in place new, domestic, long-term arrangements to support the UK's fishing industry from 2021, through the creation of four new schemes comparable to EMFF to deliver funding for each nation of the UK. The Welsh Government will lead on the scheme for Wales and details will be agreed at the 2019 Spending Review.

With every good wish,

Michael Gove

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/02464/18

Rt Hon Michael Gove MP
Secretary of State
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8

January 2019

Dear Michael

Thank you for your letter of 9 December regarding an amendment to the UK Fisheries Bill and commitments for further funding for the industry.

Given the close working between our officials on finance in relation to our exit from the EU, I was very disappointed this was the first I have heard of the successor to the European Maritime and Fisheries Fund.

Any successor scheme must reflect the needs of the distinct fishing industry in Wales. You also recognise Wales will need to develop its own scheme to meet the unique demands of our industry. As a result, I expect to be fully involved in the Spending Review to enable us to put forward a robust case for a fair budget for Wales.

Whilst I welcome the further £2.4million funding, I fear this money will do little to aid the fishing industry in Wales, which, as a primarily small scale shellfish based industry, is dependent on continued unfettered access to EU markets. Securing continued access to the European market must be a priority in the exit negotiations. I am also concerned this funding is to be delivered through EMFF, a scheme which may not best align to our needs as we exit the EU.

In relation to the proposed amendment to the Fisheries Bill, as we set out in 'Securing Wales' Future', we want to see the Welsh fishing industry receive its fair share of fishing

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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.

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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.

opportunities in the future. Therefore, any increase in the UKs share must be used to address these historic imbalances.

Regards
Lesley

Lesley Griffiths AC/AM

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

Lesley Griffiths AM
Minister for Environment, Energy and Rural Affairs

12 March 2019

Dear Lesley

Marine Protected Area management in Wales

As you know, in August 2017, the Committee published its report, *Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management.*

Since our report, there have been a number of developments within this policy area, including the Welsh Government's Marine Protected Area Network Management Framework for Wales 2018-2023 and Action Plan for Wales 2018-19. More recently, you have reported to the Assembly on Marine Protected Areas in accordance with the requirements of the Marine and Coastal Access Act 2009.

The Committee has agreed that now would be an appropriate time to undertake follow-up work on Marine Protected Area ('MPA') management. In order to inform this work, we would like an update from you on progress made in taking forward the recommendations in our 2017 report. As part of your response, we would like you to address the specific questions attached in **Annexe 1** to this letter.

We would also like an update from you on progress in delivering each of the 21 actions in the MPA Network Management Action Plan 2018-19. If the



timescales for delivery of actions have not been met, please include an explanation along with any subsequent revisions to these timescales.

Finally, it would be helpful if you could confirm whether the Welsh Government will be in a position to formally adopt the Welsh National Marine Plan ('the Plan') later this spring, with a view to finalising and implementing the Plan in early summer, in accordance with your published timeline.

I should be grateful if you would respond by **12 April** at the latest.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive, slightly slanted style.

Mike Hedges AM

Chair of Climate Change, Environment and Rural Affairs Committee



1. Can you provide an update on the outcome of the Welsh Government's work to develop a consistent and evidence based approach to monitoring and surveillance of sites (due to conclude summer 2018)? How have the outcomes of this work shaped the Welsh Government's approach to site monitoring?
2. Since the publication of the Committee's report in August 2017, what progress has been made in identifying and addressing any gaps in the creation of an ecologically coherent network of MPAs in Welsh waters? Have any new MPAs been identified or designated to address the gaps highlighted by the 2014 assessment undertaken by JNCC and NRW? What timescales are you working towards for completion of this work?
3. NRW has developed a number of indicative site level feature condition reports, with a high proportion of site features found to be in unfavourable or unknown condition. What actions are being taken by the Welsh Government as a result of this assessment? What progress has been made towards developing a permanent, sustainable, site-level feature condition reporting process that can be undertaken on a regular basis?
4. Please could you provide details on any work Welsh Government is currently undertaking to assess the need for MPA designation for highly mobile species?
5. What work have you undertaken, since the publication of the Committee's report, to assess the impact of Brexit on Welsh MPAs? Please include details of any preparatory work to mitigate any risks you may have identified.
6. What specific action have you taken to ensure that appropriate arrangements are in place to maintain marine environmental protections post-Brexit?
7. What progress has been made between the UK Government and Devolved Administrations in agreeing a mechanism to continue the management of cross-border marine areas, post-Brexit?



8. What arrangements will be in place post-Brexit to assess and subsequently report on Welsh MPA site condition and status, beyond the six yearly reporting requirement in the Marine and Coastal Access Act 2009?

9. What discussions have you had with the UK Government about funding arrangements for marine management activities post-Brexit? What was the outcome of discussions?

10. Can you provide details of any MPA work that is currently financed by EU funds, such as the European Marine and Fisheries Fund and LIFE-Nature, which would be at risk if replacement funding is not made available post-Brexit?

11. Can you clarify whether additional funding has been made available for MPA work following the extension of the Welsh Ministers executive functions for marine conservation to the Welsh off-shore area in April 2018? If so, how much? If not, what are the reasons for this?



Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Our ref MA-P-LG-1135-19

Mike Hedges AM
Chair
Climate Change, Environment & Rural Affairs Committee

17 April 2019

Dear Mike

Thank you for your letter of 12 March, regarding Marine Protected Area management in Wales.

In your letter you ask for an update on the Welsh Government's progress in taking forward the 12 recommendations in the Committee's report "Turning the tide? Report on the inquiry into the Welsh Government's approach to Marine Protected Area management". You also ask a further 11 questions on matters relating to MPA management, some of which build on the Committee's recommendations.

You also request an update on delivery of each of the 21 actions in the MPA Network Management Action Plan for 2018-2019. My department is currently working with the MPA Management Steering Group and other marine interests, including the Wales Marine Advisory and Action Group, to produce an MPA Network Management Annual Report for 2018-2019. The Annual Report will provide progress on delivery of each of the 21 actions, and information on other MPA management actions being carried out across Wales. The Annual Report is due to be published in summer 2019, and I will ensure the Committee receives a copy once it is available. In the meantime I have provided an interim update on each of the 21 actions in the 2018-2019 Action Plan.

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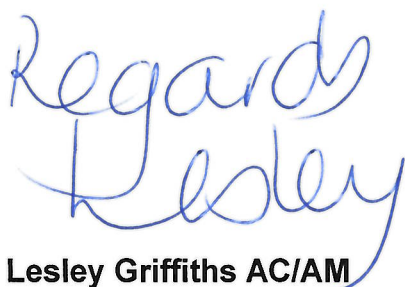
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Regarding adoption of the Welsh National Marine Plan (WNMP), I am committed to progressing marine planning for Wales, and an important step will be adoption of the WNMP. I wrote to the Committee on 13 June 2018 setting out the Welsh Government's response to the Committee's recommendations following your consideration on the draft WNMP. Since then my department has worked closely with a wide range of stakeholders as well as Welsh and UK marine policy officials to finalise the text of the plan and develop our approach to supporting plan implementation. This work has included:

- Extensive meetings and workshops exploring plan policy in relation to blue growth, Strategic Resource Areas, marine sector supporting policy, Sustainable Management of Marine Natural Resources and the Wellbeing of future generations, socio-economic related decision making, restructuring the WNMP to support accessibility for users and cross border considerations;
- Establishing a task and finish group to consider WNMP tidal lagoon policy options and finalisation of the WNMP Sustainability Appraisal and Habitats Regulation Assessment;
- Establishing a public authorities group to consider implementation proposals and to advise on decision making to support plan implementation;
- Developing case studies to help share good practice in plan implementation;
- Engaging with the Marine Management Organisation and wider stakeholders on cross border considerations; and
- Developing proposals for a monitoring and reporting framework.

Whilst significant progress has been made, Brexit work has been prioritised across my portfolio and this will unavoidably result in some changes to milestones of other work including marine planning. Further, as the plan contains reference to retained functions, adoption requires agreement from the UK Secretary of State for Environment, Food and Rural Affairs. It is currently unclear how Brexit may impact this timescale.

A progress update on each of the recommendations is set out in Annex 1 to this letter. My response to the 11 additional questions is set out in Annex 2 to this letter. Finally, an interim progress update for the 21 actions in the 2018-2019 Action Plan is set out in Annex 3 to this letter.



Lesley Griffiths AC/AM

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

UPDATE ON PROGRESS AGAINST THE RECOMMENDATIONS

Recommendation 1

The Committee recommends that for Wales to realise the benefits of its MPAs, sites must be managed effectively. The Welsh Government must provide leadership on this matter by developing, as a matter of urgency, an MPA strategy and ensuring that all management authorities, including the Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.

The Welsh Government accepted this recommendation.

In September 2018 the Welsh Government published the MPA Network Management Framework 2018-2023 and MPA Network Management Action Plan 2018-2019. Both documents were produced by the MPA Management Steering Group, which is made up of the main management authorities operating in Wales.

The MPA Network Management Framework 2018-2023 sets out, for the first time in one place, the structure for improving the management and condition of the network of MPAs in Wales for the next 5 years. The Framework recognises that effective management of MPAs maximises the contribution the MPA network can make to the health and resilience of marine ecosystems and sustainable marine industries. It also provides a focus for all Management Authorities for maintaining and improving management of the network.

The MPA Network Management Action Plan 2018-2019 sits alongside the Framework and details the actions identified by the MPA Management Steering Group as a priority to further improve management, and hence condition, of the network of MPAs in Wales. The MPA Management Steering Group is keeping progress in delivering the actions under review. It has also agreed to publish an Annual Report which will provide details of how delivery of each action has progressed over the previous 12 months.

Recommendation 2

The Committee recommends that MPAs cannot be managed effectively without the appropriate level of resources, including funding and staffing. The Welsh Government must:

- **ensure it has sufficient staffing to deliver its marine conservation responsibilities;**
- **bring forward proposals for funding an area-based approach, with each management area having a dedicated officer; and**
- **ensure that Natural Resources Wales has sufficient resources to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network.**

The Welsh Government accepted this recommendation in principle.

Staff within the Welsh Government's Marine and Fisheries Division continue to be involved in sustainable marine management, as outlined in my original response. However, it must be recognised the need to prioritise work to exit the EU and no deal planning in particular has impacted staffing resources across my portfolio and this are is no exception.

The view of the MPA Management Steering Group has not changed regarding area-based approaches to management. Many management authorities already work collaboratively through Relevant Authority Groups to deliver their statutory responsibilities and to share best practice. To assist management authorities in delivering their shared responsibilities we have provided £130,000 to support delivery of the MPA Network Management Action Plan for Wales 2018-2019. The Action Plan for 2019-2020 is currently under development, and we will look at opportunities to provide financial support for delivery of the actions within it, where needed.

I continue to meet regularly with the Chair and Chief Executive of Natural Resources Wales (NRW) to discuss any areas of concern.

Recommendation 3

The Committee recommends that the Welsh Government must increase public awareness of MPAs and improve its engagement with stakeholders and the public. It must also operate in a more transparent and efficient way, publishing information about the activities of the 22 specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.

The Welsh Government accepted this recommendation.

Since the Committee published its report in August 2017 we have significantly increased our stakeholder engagement activity.

As part of our ongoing drive to increase transparency we regularly publish notes from the following group meetings on our website:

- Wales Marine Action and Advisory Group;
- Wales Marine Fisheries Advisory Group ;
- MPA Management Steering Group; and
- Marine Planning Stakeholder Reference Group.

We also publish a Marine Planning newsletter, which currently has 980 subscribers.

Comments were invited from the Wales Marine Action and Advisory Group (WMAAG) when developing the MPA Network Management Framework for Wales 2018-2023 and MPA Network Management Action Plan for Wales 2018-2019. However, we recognise this is an emerging process and we are always open to suggestions on how we can improve our engagement and secure greater input from marine interests. We will discuss how best to achieve this at the next WMAAG meeting in May.

Following publication of the Framework and Action Plan I wrote again to Management Authorities, drawing attention to both documents and reminding them of their statutory responsibilities for MPA management.

As part of our work preparing for EU exit we provide stakeholders with a regular newsletter on Fisheries and Brexit. This ensures stakeholders in the fishing industry are updated on developments, any new processes which are in place and signposts where to get additional help. To date we have published eight newsletters. These have been well received, and to date we have over 600 subscribers.

In addition to the groups we convene, my officials attend many stakeholder convened groups and meetings to ensure we are engaging directly with our stakeholders.

Recommendation 4

The Committee recommends that the Welsh Government should develop an enforcement strategy, based on risks, which addresses all pressures on MPAs - including water quality; litter; recreational pressures; fisheries and unregulated marine resource gathering - and should move quickly to implement management measures in MPAs where there are known risks.

The Welsh Government accepted this recommendation in principle.

Since the Committee published its report we have concluded 36 enforcement cases. These cases were brought for a variety of reasons ranging from fishing in closed areas, misreporting of catches and failure to submit sales notes. Of these cases, 29 were successfully prosecuted in court while the remainder received advisory letters or official warnings. At the time of writing we are investigating a further 14 alleged offences.

To strengthen our enforcement capability we have recently taken delivery of three new bespoke Fishery Patrol Vessels, which will enable us to better patrol the 32,000km² of water in the Welsh Zone. To support this increased capacity we have undertaken recruitment of seven new vessel crew members to deliver a greater number of days at sea. This is reflected in the fact that during the first three months of 2019 alone the vessels have already undertaken 33 patrols, in comparison to the 10 carried out during the whole of 2018. Our new crew are undertaking essential training at present, and are on target to become warranted MEOs.

The MPA Network Management Action Plan for Wales 2018-2019 contains actions which address the pressures highlighted in this recommendation.

Recommendation 5

The Committee recommends that the availability of data, evidence and research is central to MPA policy development and management. The Welsh Government should establish a Wales marine science partnership to bring together industry, academia and stakeholders. The Welsh Government must

also ensure it has in place effective data and research for MPA management, including monitoring and surveillance.

The Welsh Government accepted this recommendation in principle.

Our Marine Evidence Strategy, which is being developed in conjunction with NRW, is due for publication in Summer 2019. It will:

- provide a framework to support the collection of marine evidence for developing, implementing and evaluating marine policies and programmes;
- support wider engagement and understanding around the risks and opportunities in Welsh seas;
- define high level, strategic marine evidence priorities for Wales - initially those of the Welsh Government and NRW - and guide the implementation, monitoring and review of actions to meet those priorities;
- improve collaboration and co-ordination of scientific knowledge, resources and communication; and
- help align and develop Wales' marine evidence capacity and promote innovation.

We are also developing a Fisheries Evidence Plan with colleagues in Cefas, which will produce a baseline of current evidence and outline priorities for 2019-20 onwards.

Recommendation 6

The Committee recommends that when designating MPAs in the future, the Welsh Government should set out the resources necessary for the associated management, monitoring, surveillance and enforcement that site(s) will require and how such resources will be provided.

The Welsh Government accepted this recommendation. The Welsh Government will continue to take this approach when identifying and designating any new MPAs.

Recommendation 7

The Committee recommends that the Welsh Government should define its understanding of an Ecologically Coherent Network of MPAs in Welsh waters and work with stakeholders to address gaps in the network.

The Welsh Government accepted this recommendation.

Our understanding of an ecologically coherent network of MPAs is set out in the recently-published Report on Marine Protected Areas in Wales (2013-2018). An update on progress in completing the MPA network is given in the response to Question 4.

Recommendation 8

The Committee recommends that a cornerstone of MPA management is recourse and access to justice. The Welsh Government must ensure that

future arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants.

The Welsh Government accepted this recommendation.

We launched our consultation on Environmental Principles and Governance post EU Exit on 18 March. It will run until 9 June. The consultation seeks views on what can constitute a coherent and effective governance framework for Wales which:

- reflects our devolution settlement;
- aligns with our existing legislative framework; and
- complements existing governance mechanisms.

As this is a complex issue which requires careful consideration, the consultation asks a number of questions to enable a conversation with stakeholders on the key elements and functions required to provide a coherent and effective governance framework. This will also need to be considered in terms of our current devolution settlement.

The three pillars of the Aarhus Convention (Access to Information, Public Participation and Access to Justice) will form a part of our discussions with stakeholders. Public participation has already been captured in both the Wellbeing of Future Generations (Wales) Act and the Environment (Wales) Act.

Recommendation 9

The Committee recommends that the Welsh Government must assess the likely impact of exiting the European Union on Welsh MPAs, including whether designation and management can be harmonised, and commit to no loss of protection under future arrangements. It must also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas.

The Welsh Government accepted this recommendation. Further information is provided in the responses to Questions 6 and 7.

Recommendation 10

The Committee recommends that the Welsh Government should ensure that reporting of Welsh MPA site condition and status currently required under European legislation is undertaken regularly after the UK exits the European Union, with reports published and provided to management authorities in a timely manner.

The Welsh Government accepted this recommendation in principle. Further information is provided in the response to Question 8.

Recommendation 11

The Committee recommends that the Welsh Government should work with the UK Government to ensure Wales' fisheries resources and the interests of the Welsh fleet are fully protected in Brexit negotiations. Future Welsh fisheries management arrangements should take into account the Wales National Marine Plan and a Welsh MPA strategy.

The Welsh Government accepted this recommendation.

We are in detailed discussions around fisheries management, quota sharing and access rights to UK and EU waters with the UK Government, the Scottish Government and the administration in Northern Ireland, in preparation for more detailed coastal state negotiations when we exit the EU.

Recommendation 12

The Committee recommends that the Welsh Government must explain how it intends to address the potential shortfall in funding for MPA work that is currently met by EU funds, such as the European Maritime and Fisheries Fund and LIFE-Nature.

The Welsh Government rejected this recommendation, and our position remains as set out in my original response. It is for the UK Government to explain how it is going to replace any shortfalls in funding following our exit from the EU.

ADDITIONAL QUESTIONS

1. Can you provide an update on the outcome of the Welsh Government's work to develop a consistent and evidence based approach to monitoring and surveillance of sites (due to conclude summer 2018)? How have the outcomes of this work shaped the Welsh Government's approach to site monitoring?

We continue to work closely with NRW, JNCC and other science and policy experts to develop an integrated, cost-effective programme of monitoring for biodiversity. Once established it will provide the evidence to assess and detect trends in the health and biological diversity of our seas and underpin the sustainable management of our natural resources. This monitoring will cover the full spectrum of our marine ecosystems, both within and outside our MPAs, and will be coordinated across all four countries of the UK.

This is a significantly complex area and work to complete the programme is ongoing across the UK. In the meantime, NRW and JNCC continue to provide monitoring on behalf of the Welsh Government.

2. Since the publication of the Committee's report in August 2017, what progress has been made in identifying and addressing any gaps in the creation of an ecologically coherent network of MPAs in Welsh waters? Have any new MPAs been identified or designated to address the gaps highlighted by the 2014 assessment undertaken by JNCC and NRW? What timescales are you working towards for completion of this work?

I remain committed to Wales completing its contribution towards an ecologically coherent network of MPAs in UK waters, which supports a wider network in the north-east Atlantic.

The 2016 network assessment concluded that MPAs in Wales are already making a significant contribution towards ecological coherence. It also identified a number of gaps in the Welsh contribution which I intend to address with the identification of Marine Conservation Zones (MCZs), using powers under the Marine and Coastal Access Act (2009).

Earlier this month my officials met with stakeholders through a new Task and Finish Group to discuss developing an agreed approach to identifying MCZs in Welsh waters. Once the approach has been developed and agreed my officials will work with the Task and Finish Group to identify potential MCZs considered suitable to address the gaps.

3. NRW has developed a number of indicative site level feature condition reports, with a high proportion of site features found to be in unfavourable or unknown condition. What actions are being taken by the Welsh Government as a result of this assessment? What progress has been made towards developing a permanent, sustainable, site-level feature condition reporting process that can be undertaken on a regular basis?

NRW's indicative site level feature condition reports found that 45% of all marine features are in favourable condition, 45% are in unfavourable condition and further evidence is needed before a judgement can be made for the remaining features. The key pressures identified by the reports are water quality, pollution, unregulated activities and invasive non-native species. My officials have worked with the MPA Management Steering Group to identify a number of actions within the 2018-2019 Action Plan which focus on these issues. Some actions are of an investigatory nature designed to improve our understanding of the issues and inform where management measures may be required to improve feature condition. This is important because the marine environment is dynamic with often hard to predict and slow response times, so we need to ensure we target resources at the most relevant actions.

The action to develop a consistent and evidence-based approach to monitoring and surveillance of sites, as outlined in the response to Question 1, will provide us with a improved evidence base and further our understanding of site condition.

The project to develop a permanent, sustainable, site-level feature condition reporting process is on track to deliver recommendations in early 2022. A more detailed update on progress will be provided in the Annual Report for 2018-2019.

4. Please could you provide details on any work Welsh Government is currently undertaking to assess the need for MPA designation for highly mobile species?

Our existing suite of MPAs already includes a number of protected areas for the conservation of highly mobile species including birds, bottlenose dolphin, grey seals and the recently designated Special Areas of Conservation for harbour porpoise.

The work currently underway to identify MCZs is focusing, in the first instance, on delivering the results of the 2016 network assessment, which considered the role of habitats and species of limited mobility within the network. The next phase of MCZ work will consider whether there is a need for further spatial protection for highly mobile species, such as seabirds and cetaceans. This is currently under discussion by the Task and Finish Group referred to in the answer to Question 2.

Spatial protection is known to benefit highly mobile species for key life stages where clear and persistent areas of importance can be identified. The ecology of highly mobile species can mean that their conservation is sometimes better delivered through management measures taken at a whole sea scale.

5. What work have you undertaken, since the publication of the Committee's report, to assess the impact of Brexit on Welsh MPAs? Please include details of any preparatory work to mitigate any risks you may have identified.

As a Government we have been clear and consistent in our message that following EU exit there should be no regression in our environmental standards.

The EU Birds and Habitats Directives play a vital part in helping us meet our international biodiversity obligations and in providing safeguards for our most

important habitats, our rarest species and for migratory birds. We are not about to change or alter in any way those protections and safeguards. We will be retaining Special Areas of Conservation (SACs) and Special Protection Areas (SPAs), and they will continue to be identified, designated and managed in line with the criteria and requirements of the Birds and Habitats Directives.

To ensure there will be no gap in relation to EU environmental standards currently in place, we have over the last six months delivered the most extensive programme of legislation ever undertaken by the Welsh Government to ensure the continuation of existing protections. In a no deal scenario this will mean existing environmental standards continue to apply from the day we exit the EU. My officials have worked with the other UK administrations to identify and deliver the necessary legislative amendments to ensure continued operability of the UK legislation following EU exit. The legislative work ensures there is no change in the protection of natural habitats, species and birds, including our European Marine Sites, upon exit from EU.

Following EU exit our SACs and SPAs will no longer contribute to the EU Natura 2000 network. It is important, however, to ensure we continue to manage and adapt this network of European sites across the UK. This will be achieved through the national site network which will be made up of existing sites in the UK together with any SACs and SPAs designated after EU exit.

Our network of MPAs will continue to form part of the UK's contribution to the Bern Convention's Emerald Network. The UK wrote to the secretariat of the Bern Convention in November 2018 to confirm this.

The network also contributes to an ecologically coherent network of MPAs in the north east Atlantic. All MPAs, whether UK-designated European marine sites or national sites designated under the Marine and Coastal Access Act (2009), comprise the UK contribution to the OSPAR network of MPAs.

6. What specific action have you taken to ensure that appropriate arrangements are in place to maintain marine environmental protections post-Brexit?

The Withdrawal Act, if commenced, will transfer the European Acquis into UK law. As set out in the response to Question 5, a large scale legislative programme has been undertaken across the UK to ensure this retained EU legislation is operable following EU exit. We have also been introducing Statutory Instruments to ensure our domestic transposing legislation remains operable. This will ensure there is no weakening of our environmental standards as we exit the EU.

7. What progress has been made between the UK Government and Devolved Administrations in agreeing a mechanism to continue the management of cross-border marine areas, post-Brexit?

Existing management arrangements will continue to apply for management of cross-border marine areas following EU exit.

8. What arrangements will be in place post-Brexit to assess and subsequently report on Welsh MPA site condition and status, beyond the six yearly reporting requirement in the Marine and Coastal Access Act 2009?

Following exit from the EU, in line with current requirements the Welsh Government will report on its implementation of measures to achieve the objectives of the Birds and Habitats Directives. The reporting requirements are intended to make sure that, at a minimum, they reflect those set out in Article 17 of the Habitats Directive and Article 12 of the Birds Directive. The reports will be published to ensure transparency and scrutiny of our environmental performance.

The EU reporting requirements in the Habitats and Birds Directives are the means by which the UK currently also meets the reporting obligations as a contracting party to the Bern Convention. Following EU exit we will report every six years on the conservation status of species and habitats listed under the Bern Convention. In the main these are the same species and habitats as those listed in the Habitats and the Birds Directives.

We will also continue to have reporting requirements as contracting parties to the OSPAR Commission, and to ASCOBANS.

9. What discussions have you had with the UK Government about funding arrangements for marine management activities post-Brexit? What was the outcome of discussions?

10. Can you provide details of any MPA work that is currently financed by EU funds, such as the European Marine and Fisheries Fund and LIFE-Nature, which would be at risk if replacement funding is not made available post-Brexit?

I meet regularly with my counterparts across the UK to discuss the EU negotiations and domestic preparedness at the devolved nations quadrilateral.

I expect the UK Government to honour its commitment to guarantee all of the EU funding programmes in full once we exit the EU. This includes meeting the costs of administering the programmes and the use of an appropriate exchange rate. In terms of all funding arrangements after we exit the EU, I am clear that Wales must not receive a penny less as a result of exiting the EU.

The UK Government has guaranteed that, in a no deal scenario, LIFE projects currently supported by EU funding will continue to be funded by HM Treasury for the lifetime of the projects. If a deal is struck, then they will continue to be funded by the EU for the lifetime of the projects. HM Treasury are considering options to replace LIFE funding in the longer term following our exit from the EU. My officials are pressing HM Treasury to make this funding available to the Welsh Government.

My officials continue to play a full role in the discussions of the UK EMFF Senior Steering Group. This Group recently discussed vulnerabilities in the event of a no deal scenario, and proposals for the administration of the additional funding for the

fishing industry announced by the Secretary of State for Environment, Food and Rural Affairs last December.

11. Can you clarify whether additional funding has been made available for MPA work following the extension of the Welsh Ministers executive functions for marine conservation to the Welsh off-shore area in April 2018? If so, how much? If not, what are the reasons for this?

I have increased the Marine and Fisheries budget to support our extended functions in the offshore marine area. There is an additional allocation of £600,000 for the 2019-2020 financial year. Elements of this extra funding will support the identification and designation of new protected areas in the deeper offshore marine region, as needed, to complete our contribution towards a well-managed ecologically coherent network of MPAs.

INTERIM PROGRESS UPDATE ON DELIVERY OF THE MPA NETWORK MANAGEMENT ACTION PLAN 2018-2019

ACTION	DETAIL	LEAD MANAGEMENT AUTHORITIES	UPDATE
1	Develop an approach to undertaking improved and periodic MPA condition assessments.	NRW	This action is ongoing and on track for completion. Work to develop the approach started in October 2018 following award of an EMFF grant.
2	Deliver MPA management through regulatory consenting processes.	All management authorities	This action is ongoing due to the statutory nature of the processes underpinning this action.
Pack Page 72 3	Improve accessibility of marine monitoring data.	NRW	<p>This action is ongoing. Monitoring data from 2015, 2016 and 2017 for subtidal SAC sediment features across Welsh waters has been quality assured. This data is now available for use in environmental change analysis and reporting. The habitats covered are:</p> <ul style="list-style-type: none"> • 2015: 5 coastal lagoons, 3 estuaries, 1 bay. • 2016: 5 coastal lagoons, 6 sand banks, 8 bays, 1 bay investigation • 2017: 5 coastal lagoons, 8 bays, 1 sand bank <p>Funding provided by the Welsh Government for delivery of this action will be carried over to the 2019-2020 financial year to allow the action to be completed This will cover Water Framework Directive sediments and subtidal reef data.</p>
4	Further develop and deliver a risk based monitoring programme across the MPA network.	NRW, JNCC & Welsh Government (WG)	This action is ongoing with an indicative timeframe for completion by the 2020-2021 financial year.

5	Develop an approach for refining conservation objectives for all MPAs in Wales while continuing to publish guidance for new sites as necessary.	NRW & JNCC	This action is ongoing and on track for completion. Conservation objectives for the Northern Cardigan Bay SPA and the three Welsh cross-border harbour porpoise SACs have been published. A review and comparison of NRW conservation objectives in comparison to that produced by other SNCBs has been completed, as has scenario testing of different approaches for conservation objectives in the HRA process.
6	Develop a UK Dolphin and Harbour Porpoise Conservation Strategy.	JNCC, NRW and WG	This action is ongoing. Development work on the Strategy is taking longer than planned. We anticipate a consultation on the Strategy will be held later this year.
7	Undertake analysis of outstanding monitoring data samples to inform site condition assessments.	NRW	This action is ongoing. 12 years of monitoring data for an area within Pen Llŷn a'r Sarnau SAC has been prepared, analysed and reported on. Further work will be carried out during 2019-2020 to prepare, analyse and report on monitoring data for other large and complex marine habitats.
8	Assess and where necessary manage the impact of commercial fishing activities on MPAs.	WG & NRW	This action is ongoing and is on track for completion. Management proposals are being developed for the activities assessed as having the most potential to affect site features. The remaining NRW assessments are being progressed in batches with similar priority, features and gear types. As part of the ongoing project, 56 mammal assessments will be published on both WG and NRW websites in autumn this year. All other assessments will be progressed over the next two years.
9	Operate a risk-based approach to fisheries enforcement.	WG	This action is ongoing. Our enforcement model has led to a number of successful prosecutions in 2018-2019. More detail will be available in the Annual Report.
10	MPA Network Condition Improvement Project.	NRW	This action is ongoing. The first stage of the project, to collate all data linked to the SSSIs within the MPA network, is complete. Pressures and threats that are (or could) significantly affect the condition of the features have been identified. Further gap analysis work is needed.

11	Improve maps of the extent and distribution of Annex 1 marine habitats.	NRW	This action is ongoing. Maps are revised and updated as new data becomes available.
12	Deliver phase 2 of the unregulated activities project, focussed on the priority activities.	NRW	Phase 2 of the project is complete. The outcomes of this phase will inform delivery of Phase 3. This action therefore is ongoing.
13	Deliver the priority actions within the Marine Litter Action Plan where they provide benefit to the network of MPAs in Wales	The Clean Seas Partnership: WG, NRW, DCWW, MHPA, LAs and Relevant Authority Group (RAG) officers	This action is ongoing. We are awaiting updates from all of the action leads; further information will be available in the Annual Report.
14	Collate and analyse evidence to inform reporting requirements which meet national and international obligations, including under Section 124 of the Marine and Coastal Access Act (2009) and to OSPAR on effective management of MPAs.	WG, NRW & JNCC	This action is complete. The UK report on the assessment of management effectiveness was co-ordinated by the JNCC and submitted to the OSPAR commission on 28 September 2018. The report under Section 124 of the Marine and Coastal Access Act (2009) was laid before the National Assembly for Wales on 21 January 2019.
15	Explore how outcomes from diffuse and atmospheric pollution at Pen Llŷn a'r Sarnau, Pembrokeshire Marine and Severn Estuary SACs can be applied across the network.	NRW & Relevant Authority Groups (RAGS)	This action is ongoing and on track for completion. The MPA Management Steering Group will review interim results from these site-level projects in January 2020.
16	Sustainable Management of Marine Natural Resources Project.	WG & NRW	This action is ongoing and on track for completion.
17	Develop a biosecurity plan for marine invasive non-native species (INNS), learning from existing projects.	NRW & Pen Llŷn a'r Sarnau Relevant Authority Group officer	This action is ongoing. The preparatory work, which received funding from the Welsh Government, was completed in March 2019. The two subsequent phases of the work will be supported by EMFF, and are scheduled for completion in March 2022.

18	Develop consistent and proportionate guidance to improve casework guidance and to support implementation of the Welsh National Marine Plan.	NRW & JNCC	<p>This action is ongoing.</p> <p>Guidance has been developed to assist applicants in preparing the information require for environmental assessments, on the application of the new regulations that govern Environmental Impact Assessments and guidance which further clarifies the marine licensing application process.</p> <p>An EMFF-funded project is being carried out to better facilitate access to information about MPAs in the context of Strategic Resource Areas for aquaculture and wave and tidal stream development.</p>
19	Address coastal squeeze impacts on MPAs.	NRW & WG	This action is ongoing. A review to understand the nature and scale of coastal squeeze on MPA coastal habitat features is due to be completed shortly. Habitat creation work has been taken forward at Carmarthen Bay and Estuaries SAC.
20	Maintain links between the Network Action Plan and local agreed actions, where they exists, and support exploration of funding opportunities.	Relevant Authority Groups	This action is ongoing. Further information on site-level projects will be available in the Annual Report.
21	Integrate sustainable management of the MPA network with the Area Statement process.	NRW, management authorities and all other relevant stakeholders	This action is ongoing and on track for completion. Area Statements are due for publication in March 2020.

To: National Assembly for Wales'
Climate Change, Environment
and Rural Affairs Committee

Welsh Government's Supplementary Legislative Consent Memorandum (LCM) – Agriculture Bill

NFU Cymru very much welcomes the opportunity to provide the National Assembly for Wales' Climate Change, Environment and Rural Affairs Committee with a submission on the Welsh Government's Supplementary Legislative Consent Memorandum on the Agriculture Bill.

The Union considers the Agriculture Bill to be an important piece of primary legislation which will equip Welsh Ministers with significant delegated powers to legislate in areas of particular relevance to our members, including in areas which would previously have been occupied by EU law, and which by dint of being occupied by EU law, had lain outside devolved competence.

As a Union we have previously made the point that whilst it might be expedient to invite the UK Government to legislate with respect to Wales via The Agriculture Bill, it does however mean that the usual oversight and scrutiny of powers conferred on Welsh Ministers, via primary legislation, takes place not as might be expected at the Senedd, but at the Houses of Parliament. The LCM process represents a process which is therefore sub-optimal with regard to scrutiny, when compared to the process of originating and passing our own primary legislation.

Setting to one side our concerns about the scrutiny process, and turning to consider the amendments at Public Bill Committee stage, NFU Cymru does welcome the provisions in relation to the red meat levy, and the power to provide for the continuation of the basic payment, however we are concerned about the power to reduce direct payment ceilings, and we also have concerns around the World Trade Organisation provisions and their on-going operation.

The Red Meat Levy (new clause 29)

The fact that a significant proportion of Welsh livestock ends up being slaughtered outside of Wales means that there is a loss to Wales' red meat promotion body, Hybu Cig Cymru of some £1m per annum¹. A provision to address this issue in the Bill now has the potential to bring to an end the flawed basis for levy collection, which is currently based solely on the location of the abattoir, something which lies completely outside the control of the primary producer.

NFU Cymru has been calling for provision to be made around the repatriation of the Red Meat levy for many years. We welcome the fact that The Agriculture Bill now proposes a mechanism for addressing this issue.

¹ <http://record.assembly.wales/Committee/5086>

We are now anxious to ensure that good use is made of these new powers and that they are not simply left sitting on the shelf or allowed to fall into abeyance. We realise that this means collaborative working between governments to deliver the reform of the red-meat levy that we all want to see, and we urge Welsh Ministers to work with counterparts in the other home nations to ensure that a mutually agreed, fit for purpose scheme is up and running as soon as possible.

Power to provide for the continuation of the basic payment scheme beyond 2020 (Schedule 3, part 2, new paragraph 8)

NFU Cymru welcomes the fact that Welsh Government is seeking powers to continue with the basic payment scheme beyond 2020, during the agricultural transition period for Wales. The UK Government's difficulties over Brexit mean that no picture of the sort of future trading relationship that the UK is set to have with the EU27 after Brexit has emerged, and may well not emerge for some time.

We are firmly of the view that the sector needs stability and continuity during the next few years, particularly if we are to leave the EU, and the regulation making power at Paragraph 8, to continue with the basic payment beyond 2020 is welcome.

We note that the Welsh Government's Brexit and Our Land Consultation speaks of transition being completed by 2025, and not beginning before 2020. Powers conferred upon Welsh Ministers in the Agriculture Bill refer to a transition period of seven years starting with 2021. NFU Cymru has consistently argued for a transition period that is as long as possible in order to allow the industry to adjust to conditions outside of the Common Agricultural Policy as well as whatever the type and extent of access we will have to our export markets and the type and extent of access our competitors will have to our market.

Whilst NFU Cymru welcomes the additional stability offered by the proposal to continue to the basic payment scheme beyond 2020, we would not want to see any extension to the basic payment scheme leading to a truncation of the transition period that is available. The corollary of any extension to BPS (which we would welcome), must be a use by Welsh Ministers of the powers already conferred in The Agriculture Bill at Schedule 3, Part 2, Paragraph 5, Sub-Paragraph 2 to extend the transition period.

NFU Cymru very much views a transition period of a decent length as vital to allow the industry to make the adjustments it needs to the prevailing conditions in terms of support and market access. We also consider the transition period to be vital in terms of giving the Welsh Government the space to develop, test and finesse future schemes for farmers that it develops following stakeholder consultation. As we have said on many occasions, such schemes must be properly and robustly tested ahead of any wider roll-out. Detailed assessment of economic, environmental, social and cultural impacts is vital prior to any changes being implemented.

In conjunction with the conferral of this power to continue with the Basic Payment Scheme beyond 2020, we would therefore welcome a commitment from Welsh Government to extend the transition period by at least a year for each additional year that the BPS is maintained. There must be recognition that a decent length of transition from one policy to another will be needed to avoid a policy cliff edge and the safeguard family businesses.

Power to reduce the direct payments ceilings for Wales in 2020 by up to 15% (Schedule 3, Part 2, new paragraph 7)

NFU Cymru cannot support the proposal to reduce the direct payment ceilings in Wales by 15%. We have consistently opposed the transfer of money between Pillar 1 and Pillar 2 of the CAP, and we remain opposed to the concept of diverting money away from direct payments.

When Welsh Ministers opted to go for the maximum possible rate of Pillar 1 to Pillar 2 transfer permitted under EU rules, Wales became the only region of the EU to make use of the provision to transfer a full 15% between pillars. Whilst the acclaimed benefit of doing so was to build up a significant war chest of funds in order to deliver a RDP for Wales which would drive transformational change, this has not been borne out by reality.

The Welsh Government has suggested that constraints and rigidity around Rural Development Regulations are to blame for the Welsh Government's performance on RDP delivery. NFU Cymru would however take issue with this and suggest that the lack of ambition for the RDP and its slow rate of implementation, the design of measures such as Farming Connect or the Sustainable Management Scheme, the reluctance to innovate, the lack of strategic oversight and lack of opportunity for stakeholders to engage with the RDP as well as the bureaucracy of the application process, the sporadic nature of applications windows and the funding allocation to those windows are all to blame for a disappointing Wales RDP and are all factors within Welsh Government's control.

As a result of the maximum pillar transfer decision taken by Welsh Government, the RDP is more important to farmers in Wales than elsewhere where the rate of pillar transfer is lower. With the Welsh Government struggling to roll-out the RDP and with benefits to farmers not being realised at scale or in line with Welsh Government's original ambition we see no reason for the National Assembly to consent to the granting of powers to Welsh Ministers to accrue further funds into the RDP fund.

We have doubts based on the current track record of delivery that the measures and projects supported through the RDP can deliver meaningful change within the timescales of the programme and there is also the significant attendant risk that these funds will not be spent and could end up being returned to the European Commission. We would highlight with the ongoing uncertainty with respect to Brexit negotiations ambiguity remains around the n+3 rule and the so-called Treasury Guarantee and the dates by which funds need to be committed and spent.

Observations on the UK and Welsh Government Bilateral Agreement on the World Trade Organisation provisions.

NFU Cymru is pleased that the Welsh and UK Governments have reached a bi-lateral agreement on the operation of the WTO provisions within The Agriculture Bill. We believe that it is important that a protocol is put in place between the Governments of the home nations in order to ensure that the UK remains compliant with its WTO obligations and to ensure that distortions to the UK's internal single market are minimised.

On a more general point related to WTO Compliance and the design of future support schemes, NFU Cymru does have some concerns about the ability of the Welsh Government

to deliver on what they want to achieve beyond income foregone in terms of public good schemes.

Although the Welsh Government has spoken of ‘appropriate value’ to describe the level of payments that participants in the Public Goods scheme can expect for the delivery of these outcomes, we know nothing of the methodology on which public goods are valued within the proposed Public Goods scheme. This is particularly important within the context of WTO rules around income foregone and costs incurred.

The Welsh Government’s Brexit and Our Land Myth-buster² sent to all farmers in Wales on 6th September proposes a new Public Good Scheme, and confidently asserts that such a scheme will go “beyond income foregone and costs incurred and pay a meaningful income stream”. NFU Cymru cannot discern that basis on which the Welsh Government believes it can pay a meaningful income stream to farmers which goes beyond costs incurred and income foregone, and maintain compliance with WTO obligations which limit payments to costs incurred and income foregone.

NFU Cymru would welcome more information from Welsh Government as to the basis on which they think they can achieve a WTO compliant Public Goods Scheme which pays beyond income foregone and costs incurred.

² <https://gov.wales/sites/default/files/publications/2018-09/brexit-and-our-land-consultation-myth-busting-facts.pdf>

Agenda Item 4.5

Climate Change, Environment, and Rural Affairs Committee

UK Government's Agriculture Bill – provisions in relation to the red meat levy

Submission of written evidence by Hybu Cig Cymru – Meat Promotion Wales

Hybu Cig Cymru - Meat Promotion Wales (HCC) is the statutory industry-led levy organisation responsible for the development, promotion and marketing of Welsh lamb, beef and pork. It undertakes promotional campaigns at home and abroad, is involved in research and development which benefits the efficiency and sustainability of the whole red meat supply chain, as well as collating and analysing market intelligence.

HCC is delegated by Welsh Ministers to raise the Welsh Red Meat Levy and undertake the promotion and development functions in respect of the Welsh red meat industry as outlined in the Red Meat (Wales) Measure 2010.

Background

Statutory levy has existed in the red meat sector for a number of years to fund activities to assist with the development of this sector, notably work that would not be carried out under normal market conditions. E.g. R&D, brand marketing, market research and export certification. This is a result of the fragmented nature of the industry and the fact that producers in these sectors, and in many cases processors too, are invariably too small to be able to resource such areas of work themselves.

Red meat levy (raised on all cattle, sheep and pigs slaughtered in GB) is collected at the point of slaughter (abattoirs) by the Red Meat Levy Board in that country. The levy is therefore based on the geographical location of abattoirs and not on the origin of the livestock. Levy collected at abattoirs in England, Scotland and Wales is currently used by the Red Meat Levy Board in that particular country regardless of where the animal originated.

The current methodology of red meat levy apportionment therefore fails to take into account the trading patterns that exist across GB borders. Levy paid by the producers who are breeding, rearing and finishing animals in one country may be used to fund the red meat promotional and developmental activities in another. Furthermore, the system is extremely vulnerable to changes and restructuring within the abattoir sector and the long-term trend has been towards fewer larger abattoirs located more closely to large centres of population.

Devolution of policy, strategy and delivery to the separate GB administrations means that each Red Meat Levy Board is accountable both to their respective Ministers and to their levy payers. As a result, the perceived lack of accountability and inequality within red meat levy apportionment, in regard to the benefit levy payers receive when their livestock are slaughtered in a different country, is a key consideration for the Red Meat Levy Boards in agreeing a change to the levy system.

Following a series of discussions on joint working, it has been agreed by the Red Meat Levy Boards across GB that red meat levy apportionment needs amending, so that levy is apportioned in a way which reflects the livestock production activity across England, Scotland and Wales.

HCC has been asked to comment on the following questions:

1. The level of detail provided in the Bill in relation to the process for the development of the scheme

- 1.1 Legislation is currently in place in England, Scotland and Wales to control how red meat levy can be used and as such legislative changes will be required to accommodate a new levy apportionment system.¹
- 1.2 The Bill makes provision to confer powers on Ministers, acting jointly, to establish a scheme that requires agricultural boards within GB to redistribute levy between themselves.
- 1.3 HCC welcomes this provision and is content with the detail.

2. The role of Hybu Cig Cymru (and its counterparts) in the development of the scheme, and whether this should be explicitly provided for in the Bill

- 2.1 The three GB Red Meat Levy Boards have been tasked by GB Ministers with determining a fair and equitable methodology for future levy redistribution. This work is underway and an agreed methodology will be presented to GB Ministers in due course.
- 2.2 HCC sees no need to have the role of Red Meat Levy Boards in this regard specifically referred to within the Bill, and we are therefore content with the detail as drafted.

3. The matters on which the scheme may make provision (subsection 29(2))

- 3.1 Subsection 29(2) states that the scheme may make provision about:
 - (a) the method by which the amount of a payment is to be calculated,
 - (b) who is to determine the amount of a payment,
 - (c) when a payment is to be made,
 - (d) how a payment is to be made, and
 - (e) the duration of the scheme.
- 3.2 HCC is content with this detail.

¹ England: Agriculture and Horticulture Development Board Order 2008.
Scotland: Quality Meat Scotland Order 2008.
Wales: Red Meat Industry (Wales) Measure 2010.

4. The extent to which the provisions, as currently drafted, will ensure a fair redistribution of the levy

4.1 The provisions of the Bill seek to provide the legal framework to allow levy to be transferred between Red Meat Levy Boards; whilst the provision to ensure a fair redistribution of levy will be sought through the Red Meat Levy Board discussions which have already agreed that redistribution must be fair and transparent.

4.2. HCC is content with the detail of the Bill.

Agenda Item 4.6

Written Evidence: Welsh Government's Supplementary Legislative Consent Memorandum Agriculture Bill

Climate Change, Environment and Rural Affairs Committee – National Assembly for Wales

Dr Ludivine Petetin – Cardiff University
Dr Mary Dobbs – Queen's University Belfast

This evidence is written by Dr Ludivine Petetin from Cardiff University and Dr Mary Dobbs from Queen's University Belfast. Ludivine and Mary are both Law Lecturers with expertise in agri-environmental issues and are currently writing a book on Brexit and Agriculture. Both engage with stakeholders across the UK on the impact of Brexit. They both are associates of the [Brexit & Environment network](#), which brings together academics analysing how Brexit is affecting the UK and EU environments.

A. Red meat levy: payments between levy bodies in Great Britain (new clause 29)

- (1) Clause 29 is a welcome addition to the Agriculture Bill to enable a fair redistribution of levies across Great Britain, based on the origin of the products as opposed to where the meat is slaughtered. This will reflect in a more accurate manner the interconnectedness of supply chains and lead to further investments in the areas where the meat originated. A more accurate reallocation of funds will result in innovation and market expansion.
- (2) It should be considered whether this clause should be extended to the entire four nations of the UK, rather than being limited to Great Britain. This would help strengthen the internal UK market through equivalent treatment across the four nations. However, a considerable difficulty for Northern Ireland is that much of the live exports go initially to the Republic of Ireland and therefore are beyond the remit of the UK's policies.

B. Power to reduce the direct payments ceilings for Wales in 2020 by up to 15% (Schedule 3, Part 2, new paragraph 7)

C. Power to provide for the continuation of the basic payment scheme beyond 2020 (Schedule 3, Part 2, new paragraph 8)

- (3) Together, new paragraphs 7 and 8 provide Wales with some greater flexibility than originally indicated under the Agricultural Bill and is to be welcomed. This recognises to a greater extent the more tenuous position of farmers in Wales, the nature of the landscape and the reliance upon basic payments – it supplements the approaches being introduced within the transitional period and provides for some greater security in particular for small and family farms where the public money for public goods approach or economic resilience approaches would be insufficient.

- (4) However, our earlier concerns¹ remain regarding the impact of the proposed approaches on those farms that are struggling currently. The Bill requires that direct payments are to cease entirely at the end of the transitional period. However, the proposed financing systems for Wales under the Agriculture Bill and the WG Brexit and Our Land consultation document will not suffice for many farms, potentially leading to considerable land abandonment and the loss of livelihood and employment across Wales with subsequent knock-on effects on the economy and society.

D. UK and Welsh Government Bilateral Agreement on the World Trade Organisation provisions

- (5) The UK and Welsh Government Bilateral Agreement on the World Trade Organization indicates a step in the right direction for Wales to keep the powers it currently has under the Common Agricultural Policy. It is also as noted a welcome sign of collaboration between the UK and Welsh Government.
- (6) Positively, Wales will now be able to put forward its own classification of schemes and these will then be reviewed by the Secretary of State. If a dispute arises in relation to such classification, a dispute resolution system will be created where an ‘expert panel’ will provide independent advice. Panels will be set up on an ad hoc basis. Such a forum would provide an opportunity for Welsh requests to be heard and controls are in place to attempt to avoid this being a simple formality or dominated by centralised voices.
- (7) However, a number of crucial points need to be noted in relation to the Agreement/Memorandum of Understanding:
- a) The UK and Welsh Government Bilateral Agreement on the World Trade Organization is not binding on the UK Government. It is only of soft-law nature. The dispute resolution system created by the Agreement is not enshrined in law. The terms of the Agreement could be modified by future governments.
 - b) The Agreement does not amend the actual Bill. When the Bill becomes law, only the eventual act will be binding – not the Agreement. Whilst an Act can be amended, incorporating the Agreement (or its content), nonetheless would strengthen it and provide it with extra layers of protection.
 - c) However, even if the Bill/Act were to be amended to encompass reference to the Agreement or simply incorporate the Agreement’s content, it is overall weakly phrased. The Secretary of State (SoS) ‘should have regard to the advice’ does not mean that they will have to follow the independent advice provided – ‘have regard to’ is generally a very weak formulation as recognised in the environmental context.²

¹ See our previous evidence for this inquiry, submitted in November 2019; and our evidence submitted along with Dr. Viviane Gravey of QUB to the ‘Brexit and our Land’ consultation in October 2018. Also, our oral evidence from 14th November 2018: <http://record.assembly.wales/Committee/5092>.

² See an earlier submission on the Environment (Principles and Governance) Bill <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environment-food->

- d) Furthermore, it is not clear whether the approach proposed will apply to the setting of ceilings – either for the Amber Box or the Green or Blue Boxes. It appears that the powers will rest with Westminster and that the dispute resolution mechanism would not automatically apply to this issue.
- (8) The long-term consequences of financial support being decided by Westminster should be carefully considered. Westminster already plays a significant role in relation to the block grant and the review of the basis for any funding in this field is an important factor, but the Bill now facilitates further controls by Westminster.
- (9) Despite central government trying to engage with the devolved administrations and the positive signs of collaboration, many of the concerns highlighted in past evidence submissions to this Committee remain:³
- “This includes the potential for the SoS to (i) **conclusively determine**, the classification of financial support across the UK; (ii) set limits of spending for the whole of the UK; (iii) set individual ceilings of support across the devolved administrations; and (iv) create different ceilings across the devolved administrations... – despite WTO law **not** imposing any limits on Green or Blue box spending”.
- (10) As the WTO Member, the UK is responsible for ensuring compliance. However, (i) Clause 28 still exceeds what is required; (ii) it effectively gives powers to the SoS that currently belong to the devolved administrations; and (iii) the Agreement does little to effectively ensure that Wales keeps the powers it currently has. To the contrary, Clause 28 indeed leads to a **recentralisation of powers as to the financial support for farmers and the design of support schemes across the UK**.
- (11) Overall, the agreement is too narrow in scope and ignores key concerns. It is a soft-law instrument by nature and could be modified (or even ignored) by future governments. A potential recentralisation cannot be overlooked. The challenge is less what this current UK government might do now, but what a future UK government might do in a new context.

Ludivine Petetin and Mary Dobbs
April 2019

[and-rural-affairs-committee/prelegislative-scrutiny-of-the-draft-environment-principles-and-governance-bill/written/95916.html](https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/803/803.pdf), referring to the following sources: Environmental Audit Committee, *The Government's 25 Year Plan for the Environment*, HC 803, 24 July 2018, <https://publications.parliament.uk/pa/cm201719/cmselect/cmenvaud/803/803.pdf>; Select Committee on the Natural Environment and Rural Communities Act 2006, *The countryside at a crossroads: Is the Natural Environment and Rural Communities Act 2006 still fit for purpose?*, HL 99, 22 March 2018, <https://publications.parliament.uk/pa/ld201719/ldselect/ldnerc/99/99.pdf>; and <http://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/environmental-audit-committee/environmental-principles-and-governance-consultation/oral/85180.html>.

³ See our previous evidence for this inquiry, submitted in November 2019; and our evidence submitted along with Dr. Viviane Gravey of QUB to the ‘Brexit and our Land’ consultation in October 2018. Also, our oral evidence from 14th November 2018: <http://record.assembly.wales/Committee/5092>.

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Agenda Item 4.7



Llywodraeth Cymru
Welsh Government

Mick Antoniw AM
Chair, Constitutional and Legislative Affairs Committee
National Assembly for Wales

SeneddCLA@assembly.wales

18th April 2019

Dear Mick,

On 15 March 2019, I laid before the Assembly a Legislative Consent Memorandum in relation to the Rivers Authorities and Land Drainage Bill (the Bill), which has now been referred for three weeks of Committee scrutiny. Having reconsidered the Bill, I am writing to advise you of my intention to submit a revised Legislative Consent Memorandum on this matter. The original Memorandum sought consent for Clause 2 and Clause 4 of the Bill, but the revised version will now also seek consent for both Clause 3 and Clause 5. The details regarding the purpose of these provisions is set out in the Memorandum and I set out the reasoning for the revised Memorandum below.

The UK Government publishes guidance on aspects of devolution for its own UK officials in the form of Devolution Guidance Notes (DGN). Following the Wales Act 2017, the Wales Office reviewed these notes to take account of the reserved powers model and revised them accordingly. To ensure consistency, Welsh Government officials have also revised their approach for assessing whether provision in UK Bills require the consent of the National Assembly for Wales. It is this new approach which has resulted in the need to revise the Memorandum. The new approach is being written into our reciprocal guidance which we intend to share with the Committee once it is finalised.

Under the previous approach, when assessing which provisions in a UK Bill would be within the Assembly's legislative competence and therefore require the Assembly's consent, we would previously have disregarded provisions which would require Minister of the Crown consent, were they to be included in an Assembly Bill. However, the new DGN instructs UK Government officials to seek consent for such provisions.

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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.

As a result of the new DGN, we now consider Clauses 3 and 5 to be within legislative competence and will therefore require Assembly consent. I will therefore submit a revised Legislative Consent Memorandum outlining these provisions to be considered by the Assembly.

I have copied this letter to the Climate Change, Environment and Rural Affairs Committee, who considered the original Memorandum.

Regards,

Lesley Griffiths AC/AM

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

Sophie Howe
Future Generations Commissioner for Wales

23 April 2019

Dear Sophie,

Thank you for attending the Committee's meeting on 27 March for our annual scrutiny of your work. Following the meeting, Members agreed that I should write to you to seek further information in relation to aspects of your role.

National Indicators and Milestones

In relation to the national milestones to assist in measuring progress towards achieving the well-being goals set out in the Well-being of Future Generations Act:

- We would be grateful for your view as to whether the Welsh Government's approach to developing milestones by selecting a small number of indicators to apply them to, as opposed to all 46, is in keeping with its duties under the Act;
- Please could you outline whether you believe any revisions need to be made to the existing set of 46 national indicators. If so, what should the revisions be?

Future Generations Report

In relation to the first Future Generations report, which you are due to publish by May 2020, please could you outline:

- Whether you have commenced work on the development of your report, and if so, how it this work progressing?
- How will you be involving stakeholders in the development of your report?

Budget and Prevention

We are aware that you published advice to the Welsh Government, including ten recommendations where you believe its budget needs to take more ambitious and transformational steps from this year onwards.



- Has the Welsh Government formally responded to your advice on taking account of the Well-being of Future Generations Act in the budget process?

Decarbonisation

The first of the Welsh Government's decarbonisation plans was published on 21 March, please could you outline:

- Whether, in your opinion, the Low Carbon Delivery Plan gives sufficient consideration to and adequately reflects the well-being goals, five ways of working, and the Welsh Government's well-being objectives?
- What changes would you expect to see in how the next plan is prepared, and in the policies and proposals contained within it?

Anomalies in the Well-being of Future Generations Act

During the meeting you referred to anomalies in the Act in relation to your duties in monitoring and assessing public bodies' progress in meeting their well-being objectives whilst having no advisory role in setting those objectives. You also referred to your duties in advising Public Services Boards on setting and monitoring their well-being plans but that you have no duties on monitoring and assessing progress. It would be very helpful if you could provide further details on where you believe there to be anomalies in the legislation.

In terms of organisations covered by the Act, what is your view on Transport for Wales being added to the list of public bodies in the Act, given its role in delivering Welsh Government policy?

Climate change

We also discussed with you the opportunities available to NGOs to engage with your work since the Climate Change Commission for Wales was disbanded. We would be grateful if you could provide details of how you take account of the views of those NGOs with an interest in climate change in your decision making, and clarity as to which of the functions previously undertaken by the Climate Change Commission in advising the Welsh Government have been absorbed into your office and which have fallen away.

Future scrutiny sessions

Finally, I understand that you have suggested amending the timing of our annual scrutiny sessions to the autumn in order to better align with your reporting cycle. Members agreed that this is a sensible approach, and that we will be inviting you to attend a committee meeting in autumn 2019 to discuss your annual report for 2018-19.



I am copying this letter to the Chair of the of the Climate Change, Environment and Rural Affairs Committee.

I look forward to hearing from you.

Yours sincerely

John Griffiths AM

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Agenda Item 6

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

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Agenda Item 7

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

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