

From: Annie Smith

Sent: 22 October 2024 14:25

To: Gruffydd, Llyr (Aelod o'r Senedd | Member of the Senedd) <Llyr.Gruffydd@senedd.wales>

Subject: CCEI Committee Biodiversity Inquiry - note following scrutiny of Deputy First Minister

Annwyl Llyr,

We welcomed the Committee's questioning of the Deputy First Minister and Cabinet Secretary last week, as part of your inquiry on reversing biodiversity loss by 2030.

We were particularly interested in the questioning around the forthcoming Environmental Principles and Biodiversity Bill. The following comments are offered in addition to the evidence we have already supplied as part of the current inquiry.

Timeframe for bringing forward supporting targets

We share the concerns expressed by some of the members at the Deputy First Minister's statement that the Regulations to create legally binding targets will be brought forward 36 months after the Bill is 'signed off'. We have previously been assured by officials that such a timeframe would be a back-stop, rather than an expected schedule for the full suite of targets.

In addition, we have been assured that engagement on the development of targets will commence well *before* the Bill is passed by the Senedd in the spring of 2026. This is to minimise the time lost after the passing of the Bill. In this respect, it has also been suggested that a prioritisation exercise will take place to ensure that the most important targets (from our perspective, those which measure biodiversity outcomes directly) will be brought forward first – presumably far sooner than 36 months.

We would be grateful if the Committee could seek further clarification from the Deputy First Minister on these points, and urge him to ensure that this work is front loaded where possible and that suitable prioritisation takes place to ensure Wales is not waiting until near the end of the 7th Senedd for this legislation to be fully operational. As you pointed out, a three year timescale would not leave any room to set targets or milestones for 2030, which would be a missed opportunity and leave Wales trailing behind both the Global Biodiversity Framework and other parts of the UK and Europe.

Sustainable Management of Natural Resources (SMNR) as the framing for the targets

We welcome our ongoing engagement with Welsh Government on the development of the legal framework for nature recovery targets. However, we have shared our concerns that an approach based on SMNR could fail to ensure that biodiversity outcomes are required as part of the suite of targets (to be set via Regs), and leave open the risk that future Welsh Governments are not held accountable for changes in the state of our biodiversity. We would welcome the Committee's ongoing attention in this matter.

Effective target formation

For new legislation to be effective it needs to provide additionality, both in new targets and in the creation of mechanisms to hold government to account for existing failures. We believe this is best achieved by a mixture of outcome and process based targets which combine to address

conditions on the ground directly, and systemic failures which have been allowed to continue under existing targets and frameworks.

In terms of biodiversity outcomes, we consider measures like species abundance, recovery of declining species, extent and condition of protected areas, as well as habitats outside protected areas, are an essential part of the framework needed to drive nature restoration and recovery in Wales. From a process perspective it is vital that we use this Bill to drive restoration, and to adequately address the drivers of loss, such as the nutrient pollution that is adversely affecting our freshwater systems. Existing targets and measures, such as those derived from the Water Framework Directive have evidently not had adequate impact given the current condition of many of Wales' rivers due to pollution from agriculture and sewage. WEL is keen to work with Welsh Government to develop these approaches in the coming months to ensure the Bill and Regulations are as strong and effective as they can be to put Wales's nature on a path to recovery in the next decade.

Again, we welcome the Committee's examination of these matters and would be happy to provide further information in writing or in person.

Cofion cynnes,

Annie Smith and Alex Philips, on behalf of WEL's Biodiversity Working Group

Annie Smith

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