

Cynulliad Cenedlaethol Cymru | National Assembly for Wales  
Y Pwyllgor Materion Allanol a Deddfwriaeth Ychwanegol | External Affairs  
and Additional Legislation Committee  
Y goblygiadau i Gymru wrth i Brydain adael yr Undeb Ewropeaidd |  
Implications for Wales of Britain exiting the European Union  
IOB 37  
Ymateb gan RSPB Cymru  
Evidence from RSPB Cymru

## 1. Introduction

1.1 RSPB Cymru welcomes the opportunity to participate in the Committee's consultation. The debate around Wales' future post *Brexit* has huge implications for the wildlife and natural environment of Wales as a significant proportion of our environmental protections, legislation and delivery mechanisms are European in origin. Of course the full extent of *Brexit* is still yet to be defined and therefore the implications for Welsh nature are not yet clear. Ministers and officials involved in the negotiations will need to consider how the requirements of the natural environment are met in establishing our future relationship with the EU. It is vital that Wales is represented in these negotiations to secure an approach which guarantees common, progressive environmental standards and measures across the UK, whilst providing the flexibility to accommodate the needs of devolution.

## 2 What should be the top priority for Wales in advance of the UK Government triggering Article 50 (which starts the formal process of exiting the EU)?

2.1 The State of Nature 2016<sup>1</sup> report shows that wildlife across the UK is in decline. Over half (56%) of UK species assessed have declined since 1970. We are losing the diversity of species and habitats while at the same time, governments across the globe have signed up to halting the loss of biodiversity and ensuring that ecosystems are resilient by 2020 under the Convention on Biological Diversity. One in fourteen species in Wales are threatened with extinction. Like the first State of Natural Resources Report (SoNaRR)<sup>2</sup> published by Natural Resources Wales in October, State of Nature 2016 shows that our ecosystems are not resilient and are therefore unlikely to be able to function to provide benefits to nature and people. Given the current state of UK wildlife, we must ensure that whatever the outcomes of Brexit that Welsh Government (and the UK Government) will strengthen not weaken the protection of species and habitats.

### 2.2 Transposition of environmental protections

Brexit raises a number of questions about how we ensure ongoing protection and recovery of our natural environment in Wales. Much of the

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<sup>1</sup>[http://www.rspb.org.uk/Images/State%20of%20Nature%20UK%20report\\_%2020%20Sept\\_tcm9-424984.pdf](http://www.rspb.org.uk/Images/State%20of%20Nature%20UK%20report_%2020%20Sept_tcm9-424984.pdf)

<sup>2</sup> <https://naturalresources.wales/our-evidence-and-reports/the-state-of-natural-resources-report-assessment-of-the-sustainable-management-of-natural-resources/?lang=en>

species and wider environmental protections currently in place in Wales stem from EU legislation, e.g. the EU Birds and Habitats Directives, the EU Marine Strategy and Water Framework Directives. This legislation has been effective in or contributed to protecting biodiversity. From Snowdonia and the Llyn Peninsula to the Pembrokeshire coastline many special places across Wales are protected under EU law. **Environmental protection must not be weakened or eroded by our exit from the EU, and going forward, must be as good as, if not better than what we have now.** We welcome the statement from the Cabinet Secretary for the Environment and Rural Affairs, Lesley Griffiths AM, that following Brexit the Welsh Government will not row back on the existing legislation or their commitment to biodiversity. We urge the Committee to seek reassurances from the Welsh Government and UK Government that all environmental protections in EU legislation will be transferred to the domestic statute book. In this regard it is important to note one key element of the current EU legislative framework – that of the role of the European Commission and the European Court of Justice in hearing citizens’ concerns and upholding the laws. This system through which national governments can be held to account by society may well be lost through Brexit, and consideration is needed as to how it may be replaced – something that will be necessary if we are to truly uphold current levels of protection.

### 2.3 Preparing for the end of CAP and CFP

Ensuring Wales has developed policy positions on the future of agricultural and land management support and fisheries and marine management policy in anticipation of leaving the Common Agricultural Policy (CAP) and Common Fisheries Policy (CFP) must also be a key focus for the Welsh Government. The new domestic Welsh legislation<sup>3</sup> creates a strong new framework for Wales’ natural environment and wildlife. Implemented effectively, building on pre-existing environmental legislation, this new legislation should enable Wales to respond positively to Brexit and ensure that we deliver increased protection and restoration of our biodiversity, thereby contributing to a sustainable future for Wales’ environment, people and economy.

2.4 Agricultural management has been identified as one of the major drivers of wildlife change in the UK in recent decades<sup>4</sup>. There needs to be a fundamental reform of existing land use policies, most significantly the Common Agricultural Policy (CAP), which despite supporting farmers for decades has failed to build a resilient agriculture sector, prevent damage to the environment and protect farmland wildlife – *all key objectives of the CAP*. With c.80% of Wales farmed, agriculture has a significant impact on our environment and landscapes and there is increasing consensus that the principles of sustainability must apply to farming as to all land management to ensure the best use of the land in Wales for everyone. The legislation we have now in Wales should put us in a strong place for defining a new *Made in Wales* policy for **Sustainable Land Management** that restores and protects nature. The Committee can read more on this in

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<sup>3</sup> The Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016

<sup>4</sup> [http://www.rspb.org.uk/Images/State%20of%20Nature%20UK%20report\\_%2020%20Sept\\_tcm9-424984.pdf](http://www.rspb.org.uk/Images/State%20of%20Nature%20UK%20report_%2020%20Sept_tcm9-424984.pdf)

our response to the Climate Change, Environment and Rural Development (CCERA) Committee's inquiry into the future of agriculture in Wales.

2.5 The Common Fisheries Policy in its current form, seeks to achieve environmentally, socially and economically sustainable fisheries, and provides funding for the transition towards sustainable, environmentally friendly fishing, as well as effective monitoring and enforcement. Moving forwards, Wales' marine management will also need to incorporate a sustainable approach to fisheries within the wider ecosystem. It is essential that any new legislation reflects current legal requirements and secures a productive and biologically diverse marine environment, which underpins the future of this industry and other marine sectors. Wales must work closely with other UK and international neighbours to manage our shared resource and secure the funding necessary for effective research, monitoring and enforcement.

2.6 **The National Natural Resources Policy (NNRP) coming forward under the Environment Act should be the basis for a new Sustainable Land Management Policy as well as a means of developing an integrated approach to managing our seas sustainably.** We very much welcome the discussions which have taken place through the Brexit Roundtable meetings established by the Cabinet Secretary in order to inform the Welsh Government's position on Brexit and future land management policy. To date, discussions on marine management through this process have not been as detailed as those on land management. Though we recognise the Welsh Government is working with marine stakeholders, we strongly recommend that this engagement continues and that these discussions are better reflected in the roundtable meetings. We also welcome the Assembly's CCERA Committee inquiry into the future of agricultural and land use policy in Wales and look forward to a similar levels of engagement on sustainable marine management.

#### 2.7 **Ensuring funding is in place**

Both the UK and Welsh Governments must ensure Wales has an adequate financial settlement if Wales is to deliver on its environmental objectives. We know that to recover wildlife and our natural environment, and sustainably manage our natural resources we need to increase investment in management of our countryside and seas. A settlement based on the Barnett formula would result in less money/funding than currently comes to Wales for conservation and consequently would be an insufficient allocation of funds to enable the transition to a more sustainable future for the Welsh environment. We would be interested to know what new intergovernmental forums and mechanisms will be established by/with the UK government to enable dialogue between the governments on the issues of policy approaches and funding for the natural environment as part of Brexit and how stakeholders will be engaged.

#### 2.8 **International Leadership**

Many big environmental challenges transcend national boundaries thereby requiring international collaboration. Wildlife declines, climate change, pollution, the state of our marine environment and over exploitation of natural resources, all need us to work with other nations on a global scale – migratory birds and other wildlife depend on this. We will need to

continue to work closely with the other countries of the UK, the EU and globally, to save wildlife and tackle environmental degradation. We look to the Welsh and UK governments to ensure Wales plays a leading role in trans-national collaboration to address environmental challenges.

**3 Can you provide examples of where the UK's proposed approach to transferring the *acquis communautaire* (the body of European law), through the proposed Great Repeal Bill, into domestic law might have particular implications for Wales?**

3.1 This question has partially been addressed in the response above (see 2.2) concerning the importance of the transposal of environmental protections into domestic legislation. One of the main focal points of the debate has understandably been on our future trading relationship with the EU, this will continue until there is clarity on this issue. It is therefore vitally important that all environmental protections and legislation is transposed at this stage as there will be no detailed debate on the importance of individual pieces of legislation while the Great Repeal Bill is being scrutinised. To do anything to the contrary would put at risk the future of our natural environment as until there is sufficient time to determine adequate replacements, the current legislation of EU origin is the best that we have.

3.2 As mentioned above, there will need to be careful consideration of what replaces the ECJ and the European Commission which allow concerned citizens and civil society groups to hold national governments to account and to uphold environmental legislation and its implementation.