

Elin Jones AM
Llywydd – National Assembly for Wales
4th Floor, Ty Hywel
Cardiff Bay
CF99 1NA

16 December 2016

Annwyl Llywydd,

Climate Change Scrutiny by the National Assembly for Wales

Following on from the Chairs' Forum meeting on 7 November I am writing to update you on the Climate Change, Environment and Rural Affairs Committee's agreed approach to the scrutiny of progress on climate change in Wales.

I have included the details of our agreed approach as an Annex to this letter.

Yours Sincerely,



Mark Reckless AM

Chair of the Climate Change, Environment and Rural Affairs Committee



Approach to climate change scrutiny

This paper sets out the approach to climate change scrutiny agreed by the Climate Change, Environment and Rural Affairs Committee ('the Committee').

It draws on discussions with stakeholders at the round table event on 6 October and the legacy report of its predecessor committee.

Scrutiny of Welsh Government

This approach takes into account the importance of scrutinising Welsh Government progress and action on climate change on an **annual basis**, particularly in light of the absence of an annual reporting procedure in the Environment (Wales) Act 2016 ('the Environment Act').

Annual scrutiny will focus on a session with the Cabinet Secretary for Environment and Rural Affairs which is proposed to be followed by an annual **plenary debate** on climate change (e.g. triggered by a committee report).

There will also be scrutiny on an ad hoc basis, for example if there are significant policy changes or developments which have an impact on certain important sectors.

The Committee will undertake **post-legislative scrutiny** to coincide with key implementation milestones for the Environment Act and the Well-being of Future Generations (Wales) Act 2015 ('the WFG Act'). This will include the development of carbon budgets, new regulations, publication of Welsh Government policies to address climate change, and the Future Trends report. Post-legislative scrutiny of the Planning (Wales) Act 2015, through the lens of climate change, may also be appropriate.

As climate change is a cross-portfolio issue and priority, the Committee will consider **inviting other Cabinet Secretaries and Ministers** to appear before it to be scrutinised on their climate change action, policies and progress. The Committee believes that **all Assembly Committees** have a role to play in monitoring progress and challenging the Welsh Government in respect of climate change. The Committee hopes to develop a collaborative cross-committee approach to scrutiny.

The Committee will:

- hold an annual, in depth climate change scrutiny session with the Cabinet Secretary for Environment and Rural Affairs and, following this session, seek a plenary debate on the subject;



- map out key timelines within relevant legislation and schedule additional climate change scrutiny sessions as appropriate; and
- invite other Cabinet Secretaries to appear before the Committee, when appropriate.

Key areas of focus for scrutiny

Post-legislative scrutiny could be an important tool for monitoring progress on climate change and, under the WFG Act, national indicators will be reported upon annually. However, this reporting will not include detail on why success is or is not being achieved.

This suggests a need for a **cross sector plan** for climate change adaptation and mitigation to be developed and published by Welsh Government. The Committee has also heard calls for a Welsh Government Energy Policy to clearly set the direction of travel.

There is a need to follow-up recommendations from previous climate change work, either to ensure that they are acted upon, or to seek explanation if not. An example of this is the [Land Use Climate Change Report](#), submitted by the Land use and climate change subgroup of the Climate Commission for Wales to Welsh Government in 2010. This was followed up by a [Review of Land Use Climate Change](#) in 2014.

The Committee will also monitor the Welsh Government commitment to producing sectoral adaptation plans for the natural environment, infrastructure, communities, business and tourism.

The Committee will pursue identified data gaps. For instance, the UK Government's Department for Business, Enterprise, Innovation and Skills (BEIS) highlighted that there are a number of issues with the Wales-level greenhouse gas emission data it produces, particularly in terms of a **lack of granular data at the sector level**. BEIS and the UK Committee on Climate Change (UK CCC) stated that some sectors are good at collecting data, but that others are not, and that it was essential that these data gaps are addressed and that data is collected effectively in order to set and measure progress against meaningful targets. The Committee will aim to ensure transparency and assess the suitability of Welsh Government targets, and the availability of **clear, granular targets** in order to accurately measure progress.

The Committee will:

- undertake mapping work to identify where recommendations have been accepted by Welsh Government, but limited or no progress has been made, and write to the Cabinet Secretary for Environment and Rural Affairs to follow these up;



- ask the expert reference group to establish a traffic light system for all sectors (a starting point may be the 56 action areas from the UK Committee on Climate Change's Risk Assessment for Wales);
- write to the Cabinet Secretary for Environment and Rural Affairs to clarify plans to develop a strategic, cross sectoral policy on climate change, including setting climate change budgets and approaches to adaptation and mitigation; and
- identify gaps in data and explore how these might be addressed.

Establishment of an expert reference group

With the establishment of the Office of the Future Generations Commissioner, the Climate Change Commission for Wales was wound up. The Climate Change Commission for Wales was a coherent and effective expert group, which provided impartial advice to Welsh Government and others on climate change, though it was created and funded by the Welsh Government. It was agreed that a similar expert reference group will now be established to assist the Committee in its climate change scrutiny work.

The pool of climate change experts in Wales is fairly small and the Committee is mindful of capacity issues. The Committee, in sponsoring the expert reference group, will endeavour to co-ordinate action and work collaboratively, potentially involving the Office of the Future Generations Commissioner, the UK Committee on Climate Change and the Wales Audit Office, and welcoming appropriate exchange of information the Welsh Government.

Draft terms of reference for expert reference group

To provide the Climate Change, Environment and Rural Affairs Committee with expert advice in support of its scrutiny of Welsh Government progress towards meeting climate change policy commitments, statutory targets and duties. This includes climate change mitigation and adaptation measures.

This will include:

- providing advice in support of an annual scrutiny round;
- supporting the Committee with its post-legislative scrutiny of the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015;
- proactively contacting the Committee in response to emerging issues across a wide range of sectors; and
- responding to specific requests for advice in relation to any other aspect of the Committee's work.



The Committee will:

- **establish an expert reference group on climate change. This will include representatives from academia, the third sector, NGOs, and public and statutory bodies as appropriate; and**
- **establish terms of reference for the group.**

Additional expertise

As well as acting as the advisory body to Welsh Government under the Environment Act, the UK Committee on Climate Change (UK CCC) has stated it is happy to provide support to the Committee in terms of briefing and other evidence. However, it identified a potential conflict between its statutory role to Welsh Government and joining the expert reference group. There are other bodies and organisations where it may be important to draw on their expertise, but where observer status may be preferred to joining the expert reference group.

The Future Generations Commissioner

The Future Generations Commissioner has an important role to play in supporting at least the Welsh public sector in addressing climate change.

The relationship between the Committee and the Future Generations Commissioner ('the Commissioner') is developing and the Committee will engage with the Commissioner and her office as this approach to climate change scrutiny develops.

The Committee will:

- **request technical briefing on the Welsh Government's approach to climate change modelling and carbon accounting.**
- **request technical briefing from UK Committee on Climate Change on carbon budgeting; and**
- **consider how other UK legislatures are approaching climate change scrutiny.**

