

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work 29 January 2021

RSPB Cymru is grateful for the opportunity to provide evidence in support of the CCERA Committee's legacy work. We have contributed to numerous inquiries during the current Senedd, and welcomed the Committee's focus and recommendations on a broad range of issues. Many of these recommendations, together with issues raised during inquiries or scrutiny work for which reports have not yet been published, remain highly pertinent; we hope they will play an important role in shaping the current Committee's legacy work and the agenda of the Committee's successor.

Our response comprises a series of short papers focusing on the following areas where we see a vital role for the CCERA Committee and its successor in the next Senedd:

- **Agriculture and food**
 - Pushing forward the transition to a Nature Friendly Food System
- **Marine and fisheries**
 - Exploring how the Wales National Marine Plan can be improved to ensure marine development in harmony with nature
 - Securing progress on Welsh Government's promised policy outputs under the Fisheries Act 2020
 - Continuing to press for progress in relation to Marine Protected Areas
 - Considering the goal of Good Environmental Status as a framing for work on fisheries and the marine environment
- **Environment and biodiversity**
 - Ensuring Wales' Green Recovery has nature at its heart
 - Setting Wales on track to drive both domestic and global ambition for nature through statutory Nature Recovery Targets
 - Securing robust, independent Environmental Governance and EU Principles enshrined in Welsh legislation as swiftly as possible.

Summary

- Our food and farming system is responsible for ongoing wildlife declines.
- At the same time, we are failing to feed ourselves well whilst also threatening future production capacity.
- By reshaping our food and farming system to cater for sustainable and healthy diets based on nature friendly farming we can deliver better outcomes for people, nature and our climate.
- A range of policy tools will be required to move to a system which safeguards both farmland wildlife and nature in the wider environment (both at home and overseas) as well as delivering social, cultural and economic benefits.

Food System Commission

RSPB Cymru is a member of [Food Policy Alliance Cymru](#) (FPAC). The Alliance launched a [Manifesto](#) which includes our central ask that within its first year of office, the next Welsh Government should appoint an independent, **cross sector Food System Commission**. This commission should be tasked with developing a roadmap to deliver a *Food System Fit for Future Generations*, aligned with the principles of agroecology. Sitting beneath this ask are 6 main priorities: -

1. **Food for all:** Wales becomes the first nation to eliminate the need for food banks by 2025. Everyone in Wales has access to the food they need in a dignified way, in order to live a healthy life.
2. **Food for public health:** 75% of Eatwell's recommended vegetable consumption is produced sustainably in Wales for Wales by 2030.
3. **Net zero food system:** Develop a plan by 2022 to deliver a net zero food system to ensure swift assessment and implementation of actions for Wales. The target is for Wales to have a Net Zero Food System by 2035.
4. **Farming for nature and climate:** Create a roadmap by 2022 to adopt agro-ecological principles across the whole food system, including 100% agro-ecological production by 2030 on all farms in order to halt and reverse loss of nature and increase climate resilience.
5. **Sustainable seafood:** Setting catch limits (without further delay) which enable fish stocks to be restored and maintained above biomass levels that deliver the Maximum Sustainable Yield.
6. **Sustainable food sector jobs and livelihoods:** Everyone who earns their living within the food system receives, or is enabled to receive, at least the living wage or a fair return for their work. Work, whether on land or sea, is free from exploitative practices, and is varied, engaging and empowering.

Sustainable Land Management Policy

- A future Sustainable Land Management policy should be centred on *public money for public goods* that facilitates and rewards nature friendly farming. A future *Sustainable Farming Scheme* should pay farmers for delivering services that are currently not awarded by the market, such as biodiversity, clean air and water, boosting pollinators, natural flood defence and carbon sequestration.
- Payment should be made for outcomes that go above and beyond an ambitious regulatory baseline in order to secure value for money.
- It should drive agroecological farming that adopts the '[Less is More](#)' approach¹ to agriculture which delivers both benefits to nature and farm businesses.
- Future policy must be appropriately funded. Research² shows that at least £273 million per annum would be needed to achieve Wales' environmental land management priorities. However, the model does not cost supporting investments such as monitoring, evaluation and transaction costs meaning that the total figure is likely to be much higher.
- Advice and guidance should be central to help farmers prepare and transition to future *Sustainable Farming Scheme*.

Public Procurement

- Welsh Government has a real opportunity to support nature friendly farming by embedding high environmental standards into public procurement processes. Where possible, this should focus on sourcing local and regional food produced identified via certification.
- This has the added benefits of improve transparency in supply chains and developing a better understanding of where food comes from and how it is produced. This can help drive up standards, shorten supply chains and can help provide better returns for producers who currently often receive too little value for their produce.
- Labels such as Fair to Nature, Leaf Marque, Organic and Pasture Fed (or Marine Stewardship Council (MSC) labelling for seafood) are a good way to determine if the food you buy has been produced in a more nature/environmentally friendly way.
- Such procurement policies would increase uptake in a future *Sustainable Farming Scheme*, and would further encourage agroecological/regenerative farming practices in Wales.
- Enrolment in an appropriately designed *Sustainable Farming Scheme* could in itself form a demonstration of high environmental and biodiversity standards. We would encourage join up in this department.
- Public procurement can also provide an opportunity for farmers to diversify into alternative food commodities³ (e.g. arable and horticulture) through creating new markets. Research has shown that increasing agricultural diversity and engagement

¹See the Nature Friendly Farming Network's [Nature Means Business Report](#) (p10 & 11) for an overview of the *Less is More* approach.

² Matt Rayment 2019 [Paying for public goods from land management: How much will it cost and how might we pay?](#)

³ This could benefit nature, as farming has become specialized over the last few decades, with farms focusing on a limited number of commodities (mainly beef, sheep and dairy). This has led to a more uniform landscape, whereas nature thrives on diversity.

in agri-environment schemes can increase the stability of many farm businesses whilst also reducing negative impacts of farming on the environment⁴

Sustainable Brand Values

- If Wales is set on carving a niche as a sustainable food nation, we need to **seriously address our biodiversity declines**⁵.
- Enrolment in an appropriately designed future *Sustainable Farming Scheme* that facilitates and rewards nature friendly farming could be used to evidence Wales' **Sustainable Brand Values**.
- However, future Agri-policy schemes must incorporate ambitious biodiversity standards e.g. The [Fair to Nature](#) standard, which includes the requirement for farmers to create science-led wildlife habitats on at least 10% of their land. We would encourage such a standard to be incorporated into a future *Sustainable Farming Scheme*.

Globally Responsible Wales

- Welsh Government should do all within its power to eliminate imported commodities that are driving global biodiversity loss (particularly linked to deforestation).
- We recommend Welsh Government adopt the key recommendations outlined in Size of Wales, RSPB Cymru and WWF Cymru's policy document [Making Wales a Deforestation Nation](#).
- The hidden costs of our food system which is driving biodiversity loss beyond the border of Wales must be considered when developing Wales' Sustainable Brand Values⁶.
- Government should mandate a due diligence obligation under which businesses integrate the management of environmental (and human rights) risk and the prevention of harm comprehensively and transparently into business planning and operations. This should also result in improved fairness within supply chains as producers are supported for more sustainable and nature friendly production techniques. A robust system of oversight and sanctions is essential to ensure that power within the supply chain is not abused.

⁴ Harkness et al (2021) [Stability of farm income: The role of agricultural diversity and agri-environment scheme payments](#)

⁵ [State of Nature 2019 \(Wales\)](#) highlights that 1 in 6 wildlife species in Wales is at risk of disappearing altogether, with unsustainable land management being one of the main drivers.

⁶ For example, around 80% of the UK's imported soy (a major driver of global deforestation) is used for animal feed, particularly in poultry and pork farming in Wales.

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Marine and fisheries

Thank you for the opportunity to share our views on matters, on which the Committee has reported, that require further consideration and/or action. This Committee has undertaken a range of inquiries relating to the marine environment and fisheries. We thank the Committee for raising the profile of this important policy area, which is too often overlooked.

Summary of key areas requiring further consideration and/or action

- Since the Committee's work on the Welsh National Marine Plan (WNMP), the ambitions for development (particularly renewables) within Welsh seas has grown significantly. We would welcome further consideration of:
 - How marine development can be delivered in harmony with nature; and
 - The role that marine spatial planning should play in this.
- This Committee has received numerous commitments from the Welsh Government in relation to future policy outputs to be developed under the [Fisheries Act \(2020\)](#). We hope future Committees will return to these.
- A significant proportion of recommendations made in this Committee's latest [Marine Protected Area inquiry](#) remain unaddressed. Given this, we would welcome the Committee requesting a progress update from the Welsh Government on its response.
- We believe the topic of Good Environmental Status is of relevance to all aspects of the Committee's work on marine and fisheries to date and would benefit from further consideration.

Report: "Feedback on the Welsh Government's draft Welsh National Marine Plan"

Since the WNMP was developed, ambitions for development (particularly renewables) in Welsh seas have grown significantly. Potential impacts to marine ecosystems from marine developments include wildlife collision, disturbance, marine noise, habitat loss, and loss of access to preferred foraging areas (displacement).

The marine environment is not currently resilient and a [recent evaluation](#) shows that the status of some species, such as seabirds, is worsening. Marine planning must therefore ensure that marine development ambitions are delivered in a way which does not further hinder the achievement of [Good Environmental Status](#).

We would welcome further consideration of marine planning by the Senedd's Committees. Recommendation 1 of the Committee's report stated that "the plan should give equal weight to achieving environmental resilience and promoting 'blue growth'". It is our view that the Welsh Government needs to do more to ensure that the implementation of the Welsh National Marine Plan (WNMP) (and other marine planning outputs) support environmental resilience.

The WNMP does not have a spatial component. As Welsh seas become more crowded, we believe the marine planning system must operate at a strategic and spatial level to:

- guide the siting of developments away from the most ecologically sensitive areas;
- assess and minimise the cumulative impacts on habitats and species; and
- provide greater certainty to developers and other sectors.

Sectoral Locational guidance as currently proposed by the Welsh Government is not enough. A statutory spatial plan must look cross-sector, at either a regional or national level, to address cumulative impacts on our marine ecosystems from all marine users. A marine development plan, such as those that are commonplace on land, would be one way to achieve this. Our [briefing on marine development plans](#) (PDF 153KB) provides further detail.

As marine evidence continues to be cited as a constraint for marine planning and marine conservation in Wales, we would also welcome the Committee revisiting recommendation 7, particularly the need for a dedicated budget for evidence.

Report: "The impact of Brexit on fisheries in Wales"

Recommendation 4 of the Committee's report, which covers the Welsh Government's policy capacity, is of great importance to all fishery matters. Unfortunately, it is our view that insufficient progress has been made on this. The Committee asked for information in terms of staffing numbers and expertise in the Welsh Government on fisheries policy. Similar questions were also asked during the Committee's [scrutiny](#) (PDF 424 KB) of the [UK Fisheries Bill](#) Legislative Consent Memorandum's (LCM), during [inquiries](#) on Marine Protected Areas (MPAs) and during [scrutiny](#) of the 2020-21 draft budget. We understand that this continues to be a constraint for the Welsh Government's delivery of marine and fisheries work, alongside legal capacity. A cap on civil servant capacity has often been cited as a challenge for this department, which has limited its ability to externally recruit new employees with the technical expertise needed for many of the roles it requires. Indeed, the Minister has [said](#) (PDF 424 KB) to the Committee that "staffing is a matter for the civil service". We would welcome the Committee's continued examination of this matter.

Recommendation 7 of this report requires "an ecosystem-based approach" to be "embedded and enforceable in future Welsh fisheries policy". The *Fisheries Act (2020)* shall act as a framework for fisheries management across the UK. However, much of the policy detail shall be encompassed in a forthcoming Joint Fisheries Statement (JFS) and Fisheries Management Plans (FMPs). Throughout the Committee's consideration of the Fisheries Bills and Legislative Consent Memorandums (LCMs), the Welsh Government has made numerous commitments to this Committee regarding the JFS and FMPs (as well as a future Welsh Bill), [including](#) (PDF 424KB) but not limited to:

- *"I expect the JFS and FMPs to set out our commitment to MSY and to set targets, where appropriate";*
- *"I am happy to reconfirm my intention to explore whether it is appropriate to include in a future Welsh Fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives";*
- *"I remain, as before, committed to setting milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders, in the JFS";*

- *“Through the JFS, our policies for FMPs will set a long-term approach for managing our fisheries and fish stocks to secure their sustainability for future generations”; and*
- *“Although the detail of FMPs is still being worked up, I consider it to be entirely reasonable for FMPs to set out actions and timescales for recovery of stocks (where needed and appropriate)”.*

There is a requirement, within the *Fisheries Act (2020)* to lay a consultation draft of the JFS before the appropriate legislature. We believe there would be merit in future Committees holding evidence sessions to revisit these commitments at this stage.

[Report: “The Welsh Government’s progress on Marine Protected Area management”](#)

In relation to recommendation 1 of this report, we believe clarity is still needed on how MPA management could be funded on an ongoing basis. A positive step forward would be for the [MPA steering group](#) to develop initiatives which facilitate the sharing of information on funding opportunities (to support MPA management), with a wider range of stakeholders and MPA management authorities.

The Welsh Government’s response to recommendation 1 was “our resources are focussed on delivery and improving our governance arrangements such as stakeholder engagement via the newly established WMAAG Sub-group on Marine Resilience.” Unfortunately, this sub-group has not met for a long time. We are keen to see it revived. This is also relevant to the Welsh Government’s response to recommendation 2.

Whilst the MPA management steering group (recommendation 2) has not been broadened out to include a wider range of stakeholders, we have recently had greater opportunity to input ideas to the annual MPA action plans. However, we strongly believe the MPA steering group should consider what more it could do to better engage with other MPA management authorities. The number of management authorities that participate in the group is minimal compared with the list of authorities identified in the Welsh MPA framework [document](#) (PDF 1.13MB).

Regarding the duties in recommendation 3, we are unaware of this having been taken forward despite this recommendation being accepted. Similarly, recommendation 4 (area-based approach) remains unaddressed.

Regarding recommendation 6 (staffing), we note the [letter](#) (PDF 472KB) from the Permanent Secretary to the Committee on this matter, which said:

The Division is not currently at full strength, with 4 of the 8 agreed staff in place at this time. I can assure you that I am very much aware of the importance of this work and will prioritise staffing of this branch.

As noted with regards to fisheries, capacity (particularly constraints on being able to recruit externally to bring in new technical expertise) continues to be a concern for the Marine and Fisheries Division. Whilst we are pleased with the progress that has been made on some aspects of policy since the appointment of a new lead for the Marine Ecosystem and Biodiversity team, this team remains severely under capacity.

Regarding recommendation 9, the Assessing Welsh Fisheries Project continues to be delayed. Indeed, there has been no new publication of material relating to the project since the Committee's report. Nor are we aware of anything having been published since this Committee's [first report](#) (PDF 1.81MB) on MPAs in 2017, by NRW or the Welsh Government. In our view, this remains one of the most pressing issues relating to this topic.

Recommendation 11 of the report asked for MPA evidence gaps to be addressed through plans. Since this Committee's report, elements of the [marine evidence strategy](#) (particularly those around marine renewables and fisheries) have been subject to discussion and input in stakeholder groups. However, a similar level of prioritisation is needed for the marine conservation components of this strategy.

Recommendations 12 – 14 relate to Marine Conservation Zone (MCZ) designation. Following a slow start, the task and finish group are now working at pace to deliver MCZ designations. However, recommendation 13 and 14 have not been met. Whilst members of the group have consistently asked for consideration to be given to mobile species and highly protected sites within this process, space has not been provided for this.

Regarding recommendation 14, whilst the Welsh Government has said that it will consider mobile species in a future process, a plan has not been developed. We believe that a more holistic approach to MCZ designation would better embed the ecosystem-approach and be less resource intensive overall. Indeed, as a minimum and as a first step, the Welsh Government could provide opportunity to propose the addition of mobile species as additional features within the MCZs that it takes forward in its upcoming consultation. We would also welcome any further discussion between the Committee and the Minister on how the MCZ task and finish group could develop this plan. It would be helpful for the plan for mobile species to also reflect the need for completion of the Special Protection Area (SPA) network in Welsh waters. Whilst work on a marine SPA sufficiency review was conducted some years back, delivery upon this has not yet commenced in Wales. It is notable, however, that [Scotland recently designated 12 new SPAs](#).

In relation to recommendation 15, there remains a lack of clarity over the replacement of some of the EU institutions and funding opportunities for marine conservation.

Given the number of recommendations that remain unaddressed for this report, we would welcome the Committee requesting a progress update from the Welsh Government on its response.

[Additional considerations](#)

The [Marine Strategy Regulations \(2010\)](#) require the Welsh Government and other policy authorities to take the necessary measures to achieve or maintain [Good Environmental Status](#) of marine waters by 31st December 2020. However, the joint-governmental [evaluation of progress](#) shows that this deadline was not only missed but that marine biodiversity continues to decline.

We believe the topic of Good Environmental Status in the marine environment could be a useful area for future Committees to work on. It would provide a new angle for exploration

of marine and fisheries matters, whilst also providing an opportunity to directly build upon the work this Committee has undertaken.

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Green Recovery

A Green Recovery for Wales

Covid-19 has revealed the crucial role of the environment and natural resources as the foundation of our economy and our collective physical and mental health. A Green Recovery must therefore cut across all government departments and a number of Senedd Committees – for example, while the CCERA Committee has heard evidence on our recovery from the Covid-19 crisis in recent months, so too have the Economy Infrastructure and Skills Committee, the Health, Social care and Sport Committee and the Committee and the Equality, Local Government and Communities Committee. The CCERA Committee and its successor will have a key role in championing Wales' response to the nature and climate emergency as central to a green recovery.

Putting Nature Based Solutions at the centre of our Green Recovery

The [Reconstructing Wales Report](#) has provided a real opportunity to put nature based solutions at the heart of a Green Recovery⁷. A new RSPB report has shown the economic potential of restoring nature-based solutions at scale across the UK: every £1 invested in peatland, salt marsh and woodland secures £4.26, £2.48 and £2.79 of benefit in return respectively.⁸ An investment in carbon-rich habitat provides a clear solution to addressing the climate crisis, while investment in green jobs to restore habitat provides new employment opportunities to respond to the immediate economic impact of the pandemic while providing a vehicle for long-term transformational change.⁹

This can be achieved by:

- **Investing in Nature Based Solutions** to recover carbon-rich habitat at scale to tackle the nature and climate emergency over the coming decade
- **Investing in Green Jobs** to stimulate the economy and provide long-term skills development and recover our natural habitat to enable long-term, structural change
- **Investing in a National Nature Service** to address the immediate economic effect of the pandemic and restore our land and marine habitat
- **Ensure a Green Recovery addresses existing inequalities** and creates new employment opportunities and provides skills for the future

⁷ See WEL Report on [Principles and Tests for a Green Recovery](#)

⁸ RSPB report due to be published March 2020.

⁹ See WEL paper on [Jobs for a Green and Just Recovery](#)

Investing in Nature Based Solutions

The Government Draft Budget 2021 has allocated an additional £5M for biodiversity and the National Forest, taking the overall budget to £32M. However, this does not come close to the estimated level of investment needed to meet nature priorities in Wales of £70m per year for 10 years. This figure is based on an annual need on investment for priority habitats (maintenance, creation and restoration) of £120 million in Wales, which includes £70 million capital costs for habitat creation and restoration, and annual maintenance costs of £50 million.¹⁰

Investing in Green Jobs Green Jobs

The economic impacts of the pandemic in Wales could see long-term unemployment rise above 44,000.¹¹ The TUC has estimated the job creation potential for land, forestry and agriculture in Wales to be almost 4,000 direct jobs.¹² However, as outlined by the Future Generations Commissioner to the **Economy, Infrastructure and Skills Committee**, there is also a significant skills gap in Wales, with these sectors only taking in between 50 and 120 apprenticeships each year.

Investing in a National Nature Service

The expected economic impact of the pandemic has provided an urgent need for new employment schemes. The [NRW Green Recovery Task & Finish Group Priorities for Action Report](#) has identified a National Nature Service¹³ as a priority action for a Green Recovery. A National Nature Service for Wales is envisaged as an employability scheme to protect and restore the environment while meeting current unemployment needs, providing training to young people (16 -24) and retraining for those recently unemployed.

A recent RSPB paper has estimated that a National Nature Service for Wales, where it provides opportunities across green jobs (including restoration and creation of priority habitats, nature-based tourism development plan, as well as creation of woodland and urban green spaces), could support almost 7,000 direct FTE jobs in Wales based on the nature related investments summarised above. Additional jobs would be created through supply chain and multiplier effects.

Achieving a Just Transition

At a UK-wide scale, evidence has shown that lack of access to green spaces further widens the gap of positive mental and physical health outcomes between the richest and poorest in society.¹⁴ The **Equality, Local Government and Communities Committee** has found that

¹⁰ Report commissioned by the RSPB, the National Trust and the Wildlife Trust in 2019; [Paying for public goods from land management: How much will it cost and how might we pay?](#)

¹¹ Based on [research commissioned by BBC](#)

¹² TUC Report 2020; [Job creation in Wales from a Covid recovery infrastructure stimulus](#)

¹³ FFCC Report 2019; [Our Future in the Land](#)

¹⁴ Ramblers UK Report 2020; [Why access to green space matters Report](#)

Covid-19, and the measures taken in response to it, have had a disproportionate impact on the most disadvantaged groups across Wales. In November, the **Economy, Infrastructure and Skills Committee** heard evidence on the impact of Covid-19 in highlighting and perpetuating existing inequalities.

Investing in green jobs provides a vehicle through which to address existing inequalities and achieve a just transition as part of a Green Recovery. In the short-term, investing in a National Nature Service will provide employment opportunities for those most affected by the pandemic, including young people and those currently facing redundancies. In the medium-term, investment in green jobs will also provide alternative employment opportunities to those who are currently reliant on zero hours contracts in retail or catering jobs that have seen a severe contraction in the market. In the long-term, an investment in green jobs and upskilling will create lasting employment opportunities and ensure a skill set that is able to meet the needs of the future job market.

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Targets for nature's recovery

Thank you for the opportunity to share our views on matters, on which the Committee has reported, that require further consideration and/or action. The Committee undertook a session on rewilding and biodiversity in November 2020 at which the issue of targets for nature recovery was raised. We believe this is a crucial issue for further early consideration by the Committee and its successor, to inform Welsh Government action in this year when the Convention on Biological Diversity COP15 will be taking place and setting international targets.

Summary of key areas requiring further consideration and/or action

- The recovery of nature and the restoration of the resources and services that nature provides, including nature-based solutions, must be central to Wales' Green Recovery.
- In the absence of a domestic framework of nature recovery targets, Wales is failing to deliver against international biodiversity commitments. The outlook – in Wales and globally – is stark. Securing the transformational change we need to restore nature requires a framework of legally binding targets and accountability, building on our existing Welsh laws.

Context and suggestions

At the time of writing no report of the one-off session on Biodiversity and Rewilding in Wales has yet been made available. RSPB Cymru welcomed the opportunity to participate in the session and submit evidence. The primary focus of the discussion was on rewilding, and it is our view that the 'current progress against biodiversity targets' aspect of the terms of reference for the session merits further attention in the context of the current nature crisis;

past progress against biodiversity targets; and the opportunities presented by the COP15 in Kunming this year.

The latest IPBES [global assessment report on biodiversity and ecosystem services](#)¹⁵ made clear that nothing but transformational change will allow us to reverse biodiversity loss, and secure the essential services nature provides to society. The coronavirus pandemic has placed fresh emphasis on the value of nature to people, and the urgency of action for biodiversity as part of a green recovery.

The [Global Biodiversity Outlook Report](#)¹⁶ concluded that the UK – and the rest of the world – has failed to take sufficient action to reverse nature’s decline. The [UK’s Sixth National Report](#)¹⁷ to the CBD (prepared by JNCC on behalf of the four administrations) showed the UK missing 14 out of the 20 Aichi Targets. The RSPB’s [Lost Decade Report](#)¹⁸ found an even worse picture. The [State of Nature 2019](#)¹⁹ Report highlights that 1 in 6 species in Wales are threatened with extinction, and the latest [State of Natural Resources Report](#)²⁰ (SoNaRR) summary finds that ecosystem resilience in Wales is declining in line with global trends. The [Welsh Government Draft Budget 2021-22 evidence paper](#)²¹ presented to the Committee in December 2020 states that *“As a Government we have acknowledged the escalating nature emergency and that we, along with the rest of the UK and the world, have failed to make enough progress against the global targets, and the outcome of reversing the decline in biodiversity.”*

Decades of international targets under the CBD have not been sufficient to drive the action needed to stop the loss of biodiversity in Wales. The international framework of the UNIPCC has led to decarbonisation targets being set, planned for, and reviewed, under domestic law. The international recognition of the nature crisis and calls for transformative change must similarly be met with improvements in domestic ambition and accountability – i.e. **legally binding nature recovery targets.**

We have welcomed the Welsh Government’s support of the [Edinburgh Declaration](#)²², under the UN Convention on Biological Diversity (CBD). The Declaration emphasises the critical role of sub-national governments under the CBD and calls for transformative change to turn around biodiversity decline. We further welcome the statement in the Draft Budget evidence paper that Welsh Government officials are *“currently working with the UK biodiversity*

¹⁵https://ipbes.net/sites/default/files/ipbes_global_assessment_report_summary_for_policymakers.pdf?file=1&id=35329&type=node

¹⁶ <https://www.cbd.int/gbo/gbo5/publication/gbo-5-spm-en.pdf>

¹⁷ <https://data.jncc.gov.uk/data/527ff89f-5f6b-4e06-bde6-b823e0ddcb9a/UK-CBD-6NR-v2-web.pdf>

¹⁸ http://ww2.rspb.org.uk/Images/A%20LOST%20DECADE%20FOR%20NATURE_tcm9-481563.pdf

¹⁹ <https://www.rspb.org.uk/our-work/state-of-nature-report/#:~:text=The%202019%20State%20of%20Nature,Arctic%20skuas%20and%20Scottish%20wildcats.>

²⁰ <https://naturalresources.wales/about-us/state-of-natural-resources-report-sonarr-for-wales/>

²¹ <https://gov.wales/sites/default/files/publications/2021-01/ministers-written-evidence-to-senedd-scrutiny-committees.pdf>

²² <https://www.gov.scot/publications/edinburgh-declaration-on-post-2020-biodiversity-framework/>

framework, the sub-national regions and governments and the Convention on Biological Diversity to develop ambitious indicators and targets for the next decade". What is not yet clear is whether these targets will be given the statutory footing that is clearly needed in order to drive meaningful and effective action that delivers results for nature.

The Environment (Wales) Act requires an integrated approach to managing natural resources to improve the resilience of our ecosystems and the benefits they provide us. The framework for the sustainable management of natural resources set out in the Act involves an iterative approach – evidence (SoNaRR) informs policy (the Natural Resources Policy) which should drive delivery (including via Area Statements). However, the framework does not set out what success looks like – what progress must be made, longer term and in a five year cycle, to assess whether we are on track to reverse nature’s decline before it is too late.

As we have for decarbonisation, we need both long-term targets and five-yearly milestones against which the Welsh Government can be held to account for nature’s recovery. If a milestone is not met, Government will need to analyse and explain why, and effect the necessary policy and regulatory changes to address this. The aspects of resilience of ecosystems set out in the Environment (Wales) Act provide a framing to identify the appropriate targets, which must include measures of species (abundance, distribution and extinction risk) and habitats (condition and scale/extent). The [Nature Recovery Action Plan for Wales](#)²³ recognises the need to improve evidence, understanding and monitoring and work is planned on a framework of biodiversity indicators for Wales. This is neither legally binding nor equivalent to a targets framework but this work should help identify key measures and highlight gaps, e.g. in monitoring, that need to be addressed.

The UK Government’s Environment Bill places duties on the Secretary of State to set targets for England, including biodiversity targets, in secondary legislation. We want to see a similar approach in Wales – a time-bound duty on the Welsh Minister to set targets via secondary legislation to enhance the framework that already exists under the Environment (Wales) Act. There is a clear opportunity for promised legislation on post-Brexit environmental principles and governance to be used to bring forward a target setting framework.

Nature targets will be key to monitoring whether a green recovery is being successfully delivered, and public investment is securing the right results. In her [manifesto report](#)²⁴, the Future Generations Commissioner for Wales sets out a key recommendation to “*establish nature recovery targets on land and sea including the completion of the protected site network*”. The CCERA Committee has previously recognised the importance of specific targets for biodiversity restoration in relation to monitoring the effectiveness and value for money of the future Sustainable Farming Scheme in its 2019 [report](#)²⁵ on the role of the scheme in restoring biodiversity.

²³ <https://gov.wales/sites/default/files/publications/2020-10/nature-recovery-action-plan-wales-2020-2021.pdf>

²⁴ <https://www.futuregenerations.wales/wp-content/uploads/2020/10/Manifesto-for-the-Future-FGCW1.pdf>

²⁵ <https://www.assembly.wales/laid%20documents/cr-ld12831/cr-ld12831%20-e.pdf>

Targets set in law will provide stability across successive governments, giving clear context for public delivery and innovation by business. The [Aldersgate Group](#) (a multi-stakeholder alliance including some of the largest businesses in the UK) has [welcomed](#)²⁶ the establishment of legally binding long-term targets for England via the Westminster Environment Bill. They say, *"it is important that the targets provide much-needed clarity on long-term policy development and a stable investment environment. Clear targets establish a framework for government policies, subsidies and regulations within which businesses can receive predictable revenues from investing in more resource efficient and environmentally restorative business models. Ambitious targets can also create a regime whereby businesses are incentivised to go above and beyond minimal compliance baselines"*.

We believe that there is an important opportunity for the Committee and its successor to build on discussions to date on the topic of biodiversity and nature recovery targets, exploring such areas as:

- What would constitute ambitious and robust suite of nature recovery targets for Wales
- Ensuring progress and accountability on nature recovery, and the role of statutory targets in this
- Giving nature targets parity with climate targets, following Welsh Government acknowledgement of the nature emergency
- Results of the State of Natural Resources Report and the soon-to-published SSSI evidence review for Wales, and the implications of this for action on nature recovery and targets
- Resourcing and delivery mechanisms needed to achieve nature recovery targets in Wales, including for monitoring to track progress
- Prioritising nature-based solutions that deliver for both climate and biodiversity as part of green recovery

²⁶ <https://www.aldersgategroup.org.uk/blog/the-environment-bill-is-urgently-needed-to-set-direction-of-travel>

RSPB Cymru's response to evidence call for CCERA Committee Legacy Work: Environmental Governance and Principles

Background

RSPB Cymru took part in the Stakeholder Task Group convened to advise the Welsh Government on post Brexit environmental governance, and we welcomed the Minister's acceptance, or acceptance in principle, of the group's recommendations for new legislation to embed core environmental principles in Welsh law, and establish an independent governance body.

However, as the Committee knows well, legislation has not yet been brought forward in Wales, nor is there a clear timetable to do so. As a result, contrary to Welsh Government commitments, our environmental protections are weaker now that the EU transition period has ended.

Interim arrangements

Non-legislative interim arrangements for environmental governance have been introduced with the publication of a [webpage](#)²⁷ on 31 December 2020. An Interim Environmental Protection Assessor for Wales²⁸ (the Interim Assessor) is yet to be appointed.

It is clear that this interim mechanism is not equivalent to a system that enables citizens to bring a challenge that will lead to investigation (or remedy) of potential breaches of environmental law. The webpage states that anyone wishing to make a challenge of this nature would need to pursue "existing means of redress such as judicial review" and seek "independent legal advice for confirmation as to what might be an appropriate means of redress".

Instead, under the interim arrangements, people will be able to raise concerns about *functioning of environmental law*.

Clarification and guidance as to the role of the Interim Assessor, for the public audience, is needed. In addition, clarity is needed on what steps the Interim Assessor will need to take should issues be reported that indicate an urgent need for intervention.

The Welsh Government has stated that, in the interim period before legislation is passed, the core EU environmental principles will continue to be applied by Welsh Ministers. However, guidance for Ministers on the application of environmental principles after the end of the transition period has not yet been published.

As the committee is aware, the role of the Senedd in the emerging interim and longer-term governance arrangements is yet to be considered in detail, with initial discussions scheduled

²⁷ <https://gov.wales/raising-concern-about-functioning-environmental-law>

²⁸ <https://cymru-wales.tal.net/vx/mobile-0/appcentre-3/brand-2/candidate/so/pm/1/pl/8/opp/6860-Interim-Environmental-Protection-Assessor-Wales/en-GB>

to take place between the Trefnydd and Presiding Officer. We welcome the Committee Chair's correspondence to the Presiding Officer on this matter.

The Minister has committed to continuing to work with the stakeholder task group with the aim of bringing forward a White paper on the permanent (statutory) arrangements after the Senedd election in May²⁹. However, as noted above, the need for legislation to address the governance gap is urgent. Given that much of the groundwork for legislation has already been undertaken, **we are calling on the Minister to commit to a draft Bill as the next stage for public consultation and pre-legislative scrutiny. We respectfully urge the Committee to support this call.**

In terms of the Committee's legacy, it is vital that its work on environmental governance and principles post EU transition is continued, including:

- Scrutinising the implementation of interim governance arrangements by the Welsh Government, and the Interim Assessor once established;
- Scrutinising Welsh Government interim guidance on the application of the environmental principles;
- Developing the role of the Senedd in environmental governance;
- Pressing for legislative proposals – a draft Bill – to be brought forward swiftly as the next stage for public consultation and pre-legislative scrutiny.

²⁹ <https://business.senedd.wales/documents/s110068/Letter.pdf>