

**National Assembly for Wales
Environment and Sustainability Committee**

**Fourth Assembly
Legacy Report**

March 2016

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



The National Assembly for Wales is the democratically elected body that represents the interests of Wales and its people, makes laws for Wales and holds the Welsh Government to account.

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Committee membership

Committee member	Party	Constituency or Region
Alun Ffred Jones AM (Chair)	Plaid Cymru	Arfon
Mick Antoniw AM	Welsh Labour	Pontypridd
Jeff Cuthbert AM	Welsh Labour	Caerphilly
Russell George AM	Welsh Conservatives	Montgomeryshire
Llyr Gruffydd AM	Plaid Cymru	North Wales
Janet Howarth AM	Welsh Conservatives	North Wales
Julie Morgan AM	Welsh Labour	Cardiff North
William Powell AM	Welsh Liberal Democrats	Mid and West Wales
Jenny Rathbone AM	Welsh Labour	Cardiff Central
Joyce Watson AM	Welsh Labour	Mid and West Wales

Committee remit:

The Committee was established on 22 June 2011 with a remit to examine legislation and hold the Welsh Government to account by scrutinising expenditure, administration and policy matters encompassing: the maintenance, development and planning of Wales's natural environment and energy resources.

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Introduction

Throughout this Assembly, a priority for us has been to ensure that we give voice to the concerns and interests of our stakeholders; be it in holding the Welsh Government to account; making laws; or ensuring stakeholder views are heard by decision-makers in Wales, London and Brussels.

We have taken the same approach to our legacy work. Rather than reflecting on the work we have done, we decided to ask our stakeholders about the progress that has been made in Wales during the past five years and, more crucially, what they see as the challenges and opportunities ahead.

To gather these views, we held four workshops during January and February 2016. We spoke to around 80 stakeholders and this report presents the headline issues that we believe our successor committee (or committees) will need to consider when formulating a work programme for the Fifth Assembly.

We aimed to cover as much of our remit as possible during the course of these workshops, with one notable exception: energy policy. This is because our views on future energy policy are set out in our **A Smarter Energy Future for Wales report** that was published on 8 March 2016.

Some common themes emerged from these workshops. Perhaps most prominent was a general level of apprehension around how the complex web of legislation passed during this Assembly will be implemented and what impact this legislation will have. To reflect the importance placed on this, we address this under a separate heading in the body of this report.

The priorities that follow are not intended to be a record of the workshop discussions. They represent our understanding of the main priorities identified by stakeholders and we have adapted them to reflect what we believe a future committee will need to consider. There are undoubtedly other areas of policy that merit consideration by a future committee. We have restricted our report to the priorities identified at the stakeholder workshops with a view to this being an important, but not the only input into the work planning process for a future committee; it is not intended to be an exhaustive list.

Those of you that have been involved in our work will have heard this before, but it is important that we reiterate it here: our work relies on the evidence we receive from stakeholders. We hope that our successors recognise the importance of establishing a strong relationship with their stakeholders and that they benefit as much as we have from the strength this brings to their work.

The Environment and Sustainability Committee



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Implementing legislation

During the Fourth Assembly, we have scrutinised three key Bills that have become (or are soon to become) Acts of the Assembly. They were the:

- Well-being of Future Generations (Wales) Bill;
- The Planning (Wales) Bill; and
- The Environment (Wales) Bill.

We consistently heard from stakeholders during our workshop sessions that they are unclear about the interrelationship between these three laws and how they will be delivered on the ground. A coherent and coordinated approach to delivery of the range of plans, policies, statements, indicators and reports that these laws create will be essential to delivering the policy aspirations they are meant to support. If delivered in a coordinated way these new laws will present an opportunity to work in partnership with stakeholders to develop new, ambitious and potentially transformative approaches for Wales.

It is clear that stakeholders believe that ongoing scrutiny of how these laws are implemented (“post-legislative scrutiny”) should be a priority for a successor committee in the Fifth Assembly.

This should include a monitoring of Government performance against the indicators and goals established by the Well-being of Future Generations Act.

Scrutiny of the Future Generations Commissioner, established by the Well-being of Future Generations Act, should be included in a future committee’s work programme.



Waste management

In line with what we found in our Recycling in Wales report, stakeholders were broadly pleased with the progress that has been made in Wales over the last five years, particularly with regards to municipal waste and recycling. This was attributed in part to a consistent policy approach from the Welsh Government.

Stakeholders identified a number of challenges and priorities for the next five years which need to be addressed if Wales is to continue to make progress in reducing, reusing and recycling waste.

Priority areas

Developing a circular economy: A future committee will need to consider how a circular economy is being developed in Wales. This could include greater focus on reducing waste (including packaging), re-use, the development of markets for waste and the production of quality recyclate that can be used in Welsh manufacturing.

Reviewing waste targets: Statutory weight-based recycling targets for municipal waste have contributed to the achievement of high recycling rates in Wales but weight-based targets can lead to perverse outcomes. Statutory climate change targets may present an opportunity to consider carbon based targets for waste collection. This continued use of weight-based targets is an issue that a future committee may wish to consider.

Financial mechanisms: The future funding of waste services should be considered and whether payment for them via council taxes and Welsh Government support is viable in the long-term. A more targeted approach to Welsh Government support could include; pay-as-you-throw (or use) mechanisms; treating waste as a utility service like electricity or gas; and using levies on packaging and non-recyclable waste to fund litter and waste collection services.

Public awareness: A future committee will need to monitor how the public is engaging with waste management and whether the level of behavioural change that will be necessary to meet future challenges is being achieved. This could include a focus on efforts to encourage reducing the quantity of waste produced and on educating young people about these issues as a key part of the National Curriculum.

Agriculture and land management

Maintaining a focus on the implementation of the current Common Agricultural Policy ('CAP') in Wales whilst beginning to prepare for the next CAP will be important considerations for a future committee when constructing its work programme. Stakeholders also identified a number of specific issues, such as the future of the Bovine TB eradication programme; providing opportunities for young farmers and new entrants to farming; and knowledge transfer should also be considered.

The important role of the forestry sector should not be side-lined in the consideration of land management issues in Wales.

The outcome of the referendum on the United Kingdom's future membership of the European Union will have a significant impact on this area of policy.

Priority areas

Scrutiny of the Rural Development Programme ('the RDP'): It will be important to scrutinise the delivery of the RDP at an early point in the next Assembly, and to maintain a rolling programme of scrutiny that involves an on-going dialogue with stakeholders. Reviewing the impact and effectiveness of Glastir as part of the wider scrutiny of the RDP was identified as being essential.

Forestry: Forestry stakeholders felt that the contribution of forestry to Wales can sometimes be forgotten in discussions on agriculture. A focus on forestry, woodland planting and on-farm woodland was recommended as a priority area for a future committee. In particular, there is insufficient planting of softwood species to meet the demand of future markets.

New entrants and skills: Support for new entrants and young farmers is an important area for many stakeholders. A review of the local authority farm estate and its role in providing access to land for young farmers and new entrants was identified as being a potential area of work for the next Assembly. Consideration of the Farming Connect model, knowledge exchange between research institutes and providing the right skills and opportunities for the industry were highlighted as important parts of developing a sustainable land management sector. Following-up on our report into *Sustainable Land Management* would cover many of these issues.

The future of farming in Wales and the Common Agricultural Policy: A future committee will need to understand what Wales wants from the CAP after 2021 and then consider how it can best engage with stakeholders and the European institutions to influence the reform process. An inquiry into the future of farming in Wales was suggested by some stakeholders.

On the future of direct support to farmers, it will be important to consider the sustainability of rural communities, their place in the food supply chain and the future of the traditional family farm within the wider rural economy.

Bovine TB eradication: A review of the bovine TB eradication strategy for Wales was identified as a priority area for an in-coming committee.

Food and drink production: With current volatility in agricultural markets, climate change impacts and the vulnerability of some rural businesses, stakeholders identified the food supply chain as a priority. Key areas identified were the balance of power between retailers and farmers in the supply chain; the need to diversify and add-value to Welsh farm products; the need to develop new markets for agricultural produce; the role of public procurement, and processing capacity in Wales.

Driving forward sustainable agriculture and land management



Dylan Morgan from NFU Cymru tells us about his experience of working with the Environment and Sustainability of the National Assembly for Wales during the Fourth Assembly (2011 – 2015). He also tells us what policies his organisation would like the next Assembly Committee to concentrate on.

View online: <https://youtu.be/evrzZZkLBOE>

Marine and fisheries

Whilst some progress has been made, the recommendations in our *Marine policy in Wales* report remain only partially met. This is reflected in the priorities identified by stakeholders. Following-up on recommendations we made would be a good starting point for future scrutiny.

There is a concern that marine policy is not given the priority it should attract within the Welsh Government and the 'and marine' mentality persists..

The Wales National Marine Plan should be completed in the early part of the next Assembly. Scrutinising this plan, and its implementation should be considered.

Fisheries make an important contribution to many local economies in Wales and it is an industry with scope for further development. This merits more consideration.

Priority areas

Prioritisation of the marine environment across Welsh Government: A new committee will want to ensure that the marine environment is given sufficient priority by the Welsh Government.

The Marine and Fisheries Action Plan: The Marine and Fisheries Strategic Action Plan needs to be revised. Stakeholders called for it to be published on a rolling 12-month basis to allow them to align their work programmes and resources to the marine priorities for that year. Organisations stated this would enable them to identify where they could help Welsh Government deliver its marine objectives.

Completion and implementation of the Wales National Marine Plan: The Wales National Marine Plan is due to be completed in the early part of the next Assembly. Scrutinising this plan, and its implementation should be considered. The need for the plan to link into plans and policies being developed as part of the Environment Bill is seen as important to its success.

Evidence and data collection: Stakeholders would like to see prioritisation of marine data and evidence. There was agreement that a precautionary approach to development can often be taken in the absence of data and that more effective data collection could help to overcome this problem. Stakeholders welcome the creation of a marine data portal but argue that a strategy is needed for its continued development and maintenance. Encouraging stakeholders to get involved in the closing of evidence and data gaps will be an important task for a future committee.

Greater focus on fisheries: A greater focus on the contribution of fisheries to the Welsh economy was seen as important. Whilst its contribution to the economy as a whole is accepted as small, stakeholders emphasise its economic importance to the communities in which it takes place. A strategy for developing the sea fisheries sector and the completion of the review of fisheries byelaws by the Welsh Government were identified as important issues. Increasing the amount of Welsh seafood that is processed and consumed in Wales will be important when considering the development of the sector.

Managing Marine Protected Areas ('MPAs'): The management of protected sites, and the collection of data, were identified as priorities for the next five years. Stakeholders highlighted the unfavourable condition of many protected sites and there is concern about the lack of a strategic plan to improve their management.



Animal welfare

A range of different laws and policies were introduced or modified in relation to animal welfare during the past five years. The message received from stakeholders was mixed in terms of the approach that has been taken and there was a general concern about the resources available to support these changes.

A future committee will need to consider implementation of these changes and ensure that stakeholders are being meaningfully involved in both the implementation of existing policy and legislation as well as the development of new policies and legislation in this area.

Priority areas

Development of an animal welfare strategy: Scrutiny of the Welsh Government's Animal Health and Welfare Action Plan should be included in a future committee's work programme, and could include consideration of whether a stand-alone animal welfare strategy should be developed.

In the past, some have seen Welsh Government reviews of animal welfare and legislation as ad hoc. A future committee might want to assess how legislation and policy in this area is reviewed and developed and whether a structured process for stakeholder engagement is in place.

A future committee might also wish to assess the merit of establishing animal welfare indicators to track progress against animal welfare priorities and legislation.

The RSPCA report on responsible dog ownership has yet to be published. This report should be an important consideration for a future committee.

Control of horses: Further post-legislative scrutiny of the Control of Horses (Wales) Act 2014 is needed. In addition to looking at the Act, a future committee should consider whether the derogation from the equine identification and microchipping rules for ponies on some commons should be removed. The issue of ponies on common land is in need of further investigation.

Resources for delivery: A review of the resources available to deliver animal welfare legislation was identified as a priority by stakeholders. A future committee may wish to reflect on the effective enforcement of animal welfare legislation across Wales.

Nature conservation

The most important issues identified by stakeholders was the coherent implementation of the Environment Bill and the Well-being of Future Generations Act. Stakeholders believe that the successful roll-out of these pieces of legislation, in coordination with the Planning Act, offers opportunities to make progress against our nature conservation goals and ambitions to halt biodiversity loss.

Scrutiny of these new laws are seen as an essential part of a future committee's work programme and should provide a future committee with the opportunity to consider progress being made. In addition to this overarching piece of work stakeholders identified three specific strand of work for a future committee to consider.

Priority areas

Annual scrutiny of Natural Resources Wales ('NRW'): A future committee should continue with annual scrutiny of NRW. This is important to Stakeholders. Sessions should be focused on NRW's frontline delivery of services to customers.

Nature Recovery Plan and biodiversity: Monitoring progress to tackle biodiversity loss and the implementation of the Nature Recovery Plan were highlighted as priority areas by stakeholders. The relationship between this work and the new duties in the Environment Bill will be important, as well as their contribution to meeting European targets by 2020.

Water quality: The impact of water quality (both inland and marine) on nature conservation and biodiversity was identified by several organisations as a key priority for a future committee. The opportunities for innovative ecosystem services schemes should be considered as part of this work. In addition to the benefits improved water quality would bring to nature conservation and biodiversity, the benefits to the fishing industry and tourism should be considered. The funding and action profile for meeting the requirements of the Water Framework Directive could also feature.

Driving forward sustainable agriculture and land management



Katie-Jo Luxton from RSPB Cymru tells us about her experience of working with the Environment and Sustainability of the National Assembly for Wales during the Fourth Assembly (2011 – 2015). She also tells us what policies her organisation would like the next Assembly Committee to concentrate on. View online: <https://youtu.be/csvUp3pmvOM>



Access to land

The issue of access should be addressed by a future committee. Although this can be a contentious issue, there is a general consensus that it needs to be tackled if the economic, social and well-being benefits of access to environment and green spaces are to be realised.

Priority areas

Access to land: Stakeholders agreed that progress needs to be made on addressing rights of access to land in Wales. A future committee would be well placed to undertake a balanced inquiry into this issue.

Information and education on existing access rights: Stakeholders broadly agreed that greater priority should be given to informing and educating people about existing access rights, the health benefits of outdoor recreation, their responsible use, and opportunities for disadvantaged communities to access green spaces and the countryside. This can be linked to work around halting biodiversity loss and restoration and should form part of any inquiry.

Designated landscapes: Building on the review of designated landscapes, stakeholders suggested that an inquiry to consider the economic and social benefits of designated landscapes to visitors; landowners; and businesses. A future committee may also want to consider the call for a more formal role for the Assembly in the scrutiny of national parks.

Climate change

We have been clear that we see tackling climate change as the most significant issue facing Wales, and that all other policy considerations need to be assessed through this prism.

Wales has established a legal framework for addressing this, and has set greenhouse gas emissions reduction targets.

A future committee will need to ensure that progress is being made against these targets and that the framework is being implemented effectively across all policy areas.

Climate change is not an issue for a future environment committee alone, but should be a consideration for all Assembly committees when approaching their work programmes. Where opportunities exist, joint working between Assembly committees should be considered.

Our report on ***A smarter energy future for Wales*** highlights additional energy and housing priorities. A future committee should consider the *A smarter energy future for Wales* alongside this legacy report when determining its work programme.

Priority areas

Strategy: Currently, there is no overarching strategic delivery plan for climate change across all sectors. A future committee should to assess the overall strategy for addressing climate change and the case for an overarching strategic delivery plan. It should also monitor progress towards meeting emissions reduction targets. This should include annual scrutiny of progress as there is no formal process for annual reporting against targets.

Adaptation: A focus on adapting to climate change, in addition to taking action to mitigate and reduce emissions, was a key issue for stakeholders. In particular, inquiries into flooding, sustainable urban drainage, coastal protection, and the extent to which the planning process supports adaptation measures are important areas of work for a future committee.

Transition to a low carbon economy: Scrutiny of progress towards a low carbon economy should be considered by a future committee. Specific areas for consideration include: low carbon heat, regulation of land use, access to finance for community energy and heat projects; and the adoption of carbon budgets across all government departments.

Low carbon transport: Reducing greenhouse gas emissions from transport will be essential in efforts to meet national emissions reduction targets. A future committee should consider transport policy from this perspective, including the development of integrated transport systems and the decision to invest in new motorway infrastructure.

We need to transition to a low carbon economy



Jess McQuade from WWF Cymru tells us about her experience of working with the Environment and Sustainability of the National Assembly for Wales during the Fourth Assembly (2011 – 2015). She also tells us what policies her organisation would like the next Assembly Committee to concentrate on. View online: <https://youtu.be/zlOIC15dxkg>

Delivery is the key word



Haf Elgar from Friends of the Earth Cymru tells us about her experience of working with the Environment and Sustainability of the National Assembly for Wales during the Fourth Assembly (2011 – 2015). She also tells us what policies her organisation would like the next Assembly Committee to concentrate on. View online: <https://youtu.be/8lpD63cvQxw>

Our work during the Fourth Assembly

A list of the Committee's work by year (not including follow-up work, or routine sessions such as Ministerial scrutiny and the budget round).

'Legislative Consent Memorandum' is abbreviated as 'LCM'.

Year	Work
2011-12	<ul style="list-style-type: none">– Energy and planning policy in Wales– Common Agricultural Policy– Common Fisheries Policy– The Business Case for a Single Environment Body– LCM The British Waterways Board (Transfer of Functions) Order 2012
2012-13	<ul style="list-style-type: none">– Glastir– Coastal Protection in Wales– Draft Natural Resources Body for Wales (Functions) Order 2012– Draft Natural Environment Body for Wales (Establishment) Order 2013– Marine Policy in Wales– Agricultural Wages Board– Horsemeat contamination of meat products– Draft Control of Dogs (Wales) Bill– Local Development Plans and population numbers– Water policy in Wales– LCM - Growth and Infrastructure Bill– LCM - Energy Bill– LCM - Enterprise and Regulatory Reform Bill - Green Investment Bank– LCM - Enterprise and Regulatory Reform Bill - Water industry
2013-14	<ul style="list-style-type: none">– Control of Horses (Wales) Act 2014– Coastal protection– Environment Bill White Paper– Invasive non-native species– Draft Planning (Wales) Bill– Climate Change

Year	Work
2013-14	<ul style="list-style-type: none"> – Sustainable Land Management – The Welsh Government’s proposals for the M4 around Newport – LCM - Infrastructure Bill – LCM - Criminal Justice and Courts Bill – LCM - Marine Navigation (No.2) Bill – LCM - Water Bill
2014-15	<ul style="list-style-type: none"> – Public forestry estate in Wales – Biodiversity – Recycling in Wales – Well-being of future generations (Wales) Act 2015 – Planning (Wales) Act 2015 – European Commission proposals for the prohibition of driftnet fisheries – European Commission proposals in relation to organic production and labelling of organic produce – Animal Welfare – Control of Horses (Wales) Act 2014: Post-legislative scrutiny – Energy efficiency and fuel poverty – Agricultural issues – Annual scrutiny of Natural Resources Wales – Water quality in Wales
2015-16	<ul style="list-style-type: none"> – Environment (Wales) Bill (due to become an Act in March 2016) – A smarter energy future for Wales – Draft Wales Bill – Supplementary LCM - Planning and Housing Bill – Compulsory purchase – Fourth Assembly Legacy

