

Fifth Senedd Legacy Report

March 2021



The Welsh Parliament is the democratically elected body that represents the interests of Wales and its people. Commonly known as the Senedd, it makes laws for Wales, agrees Welsh taxes and holds the Welsh Government to account.

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March 2021



About the Committee

The Committee was established on 28 June 2016. Its remit can be found at:
www.senedd.wales/SeneddCCERA

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Welsh Labour

Current Committee membership:



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Welsh Conservatives



Llyr Gruffydd MS
Plaid Cymru



Neil Hamilton MS
UKIP Wales



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Welsh Labour



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1. Overview

Policy scrutiny

1. During this Senedd term, we undertook 20 policy inquiries, as well as several one-off sessions. These are listed in the chapters that follow according to subject area. We also held regular general scrutiny sessions with Ministers and Deputy Ministers whose portfolios fell within the remit of the Committee.

Legislation

2. During this Senedd term, the Committee considered one Welsh Bill, 14 Legislative Consent Memorandums and several pieces of subordinate legislation. The Committee also undertook statutory scrutiny of the National Development Framework (see Chapter 8).

Covid-19 and ways of working

3. Following the outbreak of the Covid-19 coronavirus pandemic, the Committee has focused on the impact of the virus on areas within its remit.. This has included monthly scrutiny sessions with Minister for Environment, Energy and Rural Affairs, and regular sessions with key stakeholders in sectors that have been affected.

4. As a result of the Covid-19 pandemic, the Senedd's Committees have been working remotely for the last year of the Senedd term. The Committee believes that there are advantages in using technology to facilitate the work of committees, particularly evidence gathering with witnesses. This new approach has meant that the Committee can hear from witnesses from across Wales and beyond, without the usual constraints of time and travel. An approach that lessens the need to travel long distances is useful, given the climate emergency.

Engaging with the people of Wales

5. During the Fifth Senedd, the Committee has sought to include the voices of individuals with lived experience to inform its scrutiny process.

6. The Committee's inquiry into low carbon housing explored the significant challenges Wales faces in meeting its climate change commitments. As part of its scrutiny, the Committee captured the views of individuals across Wales through a

survey and a series of one-to-one interviews which sought to test public attitudes to low carbon housing.

7. As part of its Stage 1 scrutiny of the Wild Animals and Circuses (Wales) Bill, the Committee gathered the views of people across Wales via an online discussion forum and during education sessions with schools and youth groups. It also gathered the experiences of people across Wales on fuel poverty, during a series of focus groups.

8. One disadvantage arising from the remote working approach is the lack of face to face contact and conversations in the margins of meetings. There have also, inevitably, been fewer opportunities to meet members of the public and stakeholders in their environment, which the Committee considers can be of great value and which was a key part of its approach in the first half of the Senedd term.

Expert advice

Academic fellowships and special adviser

9. The Committee utilised the Senedd's academic fellowship scheme to draw on the expertise of several academics in the areas of climate change¹, Bovine TB², the National Development Framework³, and post-Brexit policies, including environmental governance⁴ and a successor to the EU emissions trading scheme⁵.

10. The Committee engaged the services of an expert adviser, Dr Graeme Purves, for its two pieces of scrutiny work relating to the National Development Framework.

¹ Dr Filippos Proedrou, a Research Fellow in International Affairs of the University of South Wales prepared research for the Committee on "Addressing the climate policy gap in Wales".

² Dr Gareth Enticott, School of Geography and Planning, Cardiff University prepared research for the Committee on "Bovine Tuberculosis: Learning from Social Research. Brexit, Risk-Based Trading and Governance."

³ Ludi Simpson, Professor of Population Studies, University of Manchester prepared research for the Committee on "Demographic projections and planning: a collaborative partnership".

⁴ Dr Victoria Jenkins of the Hillary Rodham Clinton School of Law prepared research for the Committee on "A New Perspective on UK Common Frameworks: the opportunities for the Sustainable Management of Natural Resources in Wales".

⁵ Joshua Burke, Grantham Research Institute on Climate Change and the Environment, London School of Economics and Political Science prepared research for the Committee on potential replacements for the EU emissions trading scheme.

Climate Change Expert Reference Group

11. In October 2016, the Committee agreed to establish a Group to support it in its scrutiny of climate change policies, action and progress. The Group held four meetings between February 2017 and February 2018, which included presentations and discussions of relevant issues with the Office of the Future Generations Commissioner and Baroness Brown, Chair of the Committee on Climate Change Adaptation sub-Committee. This work informed the Committee's first annual report on climate change.

Joint-working with other legislatures

12. As part of its Brexit scrutiny work, the Committee held several meetings with Committees in other parts of the UK. These are set out in more detail in the next Chapter.

13. On 4 February 2021, the Committee held an informal joint meeting with the House of Lords EU Environment Sub-committee to consider matters arising from the UK's trade arrangements with the EU and COP26.

14. On 15 March 2021, the Committee participated in a joint meeting with representatives from several parliamentary committees from the House of Commons and the devolved legislatures. The purpose of the event was to consider the UK's participation in COP26.

Matters for the 6th Senedd

Conclusion 1. Our successor Committee should continue to use technology to meet remotely where it is advantageous, not least because of its environmental benefits.

Conclusion 2. Our successor Committee should consider how the opportunities arising from technology can be used to increase the diversity of participants in its work.

Conclusion 3. Our successor Committee should make full use of the expertise and advice that is available in Wales and beyond, through the use of Expert Advisers and external academic research.

Conclusion 4. Our successor Committee should seek opportunities to work with other Senedd Committees, particularly on cross-cutting issues, where that would strengthen scrutiny.

Our work during the Fifth Senedd



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COMMITTEE
REPORTS



23

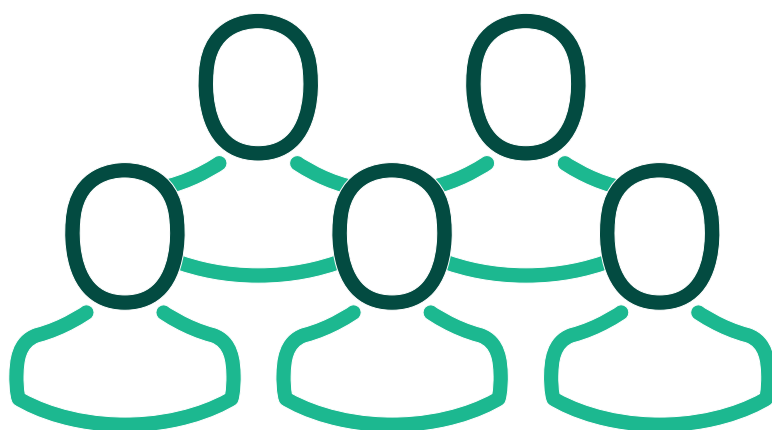
INQUIRIES

1 BILL
CONSIDERED



316

WITNESS
APPEARANCES



COMMITTEE
MEETINGS



131

14

LEGISLATIVE
CONSENT
MEMORANDA
CONSIDERED



2. Brexit

Given that the Committee's remit covers agriculture, fisheries and the environment, it was inevitable that Brexit would be the overarching theme of the Committee's work during this Senedd term. Indeed, Brexit impacted almost all subject areas the Committee considered.

The Committee's approach

15. In March 2018, the Committee agreed on a strategic approach to considering matters arising from the UK's departure from the EU. This consisted of three elements: horizon scanning; prioritisation and focus; and building relationships.

Horizon scanning

16. The Committee received regular updates from the Senedd Research Service on matters relating to Brexit. Having sufficient information about the latest developments enabled the Committee to prioritise and determine the areas on which it wishes to focus.

17. The Committee utilised the services of academics on several Brexit-related matters.

Prioritisation and focus

18. The Committee agreed to ensure there was sufficient flexibility within its forward work programme to respond to issues relating to Brexit, particularly legislation. Given that the Committee would not have sufficient time or resources to be able to consider all matters relating to Brexit, it agreed to prioritise post-Brexit legislation and proposed UK frameworks, as these areas were where its input could have the greatest impact.

Building relationships

19. The Committee agreed to build relationships with counterpart committees in other legislatures to share information and good practice. During the Fifth Senedd, the Committee has met representatives from the Scottish Parliament's Environment, Climate Change and Land Reform Committee, and Rural Economy and Connectivity Committee; the House of Commons Environmental Audit

Committee; the House of Lords EU Energy and Environment Sub-Committee; and the House of Lords EU Environment Sub-Committee.

20. In May 2018, Committee members visited the UK Parliament to meet the then Secretary of State for Environment, Food and Rural Affairs and the Minister of State for Agriculture, Fisheries and Food. The purpose of the visit was to discuss proposed arrangements for environmental governance arrangements after the UK leaves the EU; future funding arrangements for agriculture and access to overseas markets for British food producers.

Legislation

21. The Committee determined to focus on the legislative vehicles that would be used to put in place new arrangements following the UK's departure from the EU. In practice, this constituted scrutiny of proposals in three key areas – agriculture, fisheries and the environment. Further details on each of these subjects are included in the relevant chapter of this report.

UK common frameworks

22. The Committee determined to focus on common frameworks that would be necessary after the UK had left the EU.⁶ In 2018, the Committee undertook initial work in this area to develop a clearer picture of the policy areas which would require legislative frameworks or non-legislative frameworks.

23. Delays in the development of the frameworks limited the Committee's ability to scrutinise the majority in depth. However, the Committee considered the Hazardous Substances Planning Common Framework and undertook initial work on the UK Emissions Trading Scheme Common Framework.

Matters for the 6th Senedd

Conclusion 5. The UK's relationship with the EU will continue to be a key issue during the next Senedd term. Developing new arrangements will demand much of the focus of Ministers and civil servants. Our successor Committee should continue to build relationships with equivalent parliamentary

⁶ The Joint Ministerial Committee (European Negotiation) (JMC EN) agreed that common frameworks would be established where they would be necessary to (amongst other things) enable the functioning of the UK internal market. Where it is decided that a common approach is essential, UK legislative frameworks will be developed. Where commonality is only desirable, Memorandums of Understanding or more informal arrangements, such as information sharing, may be established.

committees across the UK to share intelligence and strengthen scrutiny of the actions of governments under the post-Brexit arrangements.

Conclusion 6. Our successor Committee should keep under review trade agreements arising as a result of the UK's exit from the EU. Food and offshoring carbon are areas that will need detailed consideration as they may have a significant impact on Wales and the Welsh Government's policies.

3. Agriculture and food

The Committee spent much of this Senedd term considering the implications of Brexit on agriculture and food policy in Wales. The Committee's first report was on this subject and was published in March 2017, the same month that Article 50⁷ was triggered by the then Prime Minister.

Policy inquiries and legislation

- Inquiry into the future of land management in Wales (March 2017)
- Inquiry into Rethinking Food in Wales: Public Procurement of Food (May 2018)
- The risks and opportunities of an outcomes-based approach to the Welsh Government's proposed Public Goods scheme (November 2018)
- Legislative Consent Memorandum in relation to the UK Agriculture Bill (January 2019)
- Supplementary Legislative Consent Memorandum for the Agriculture Bill (June 2019)
- Inquiry into Rethinking food in Wales: Food: Branding and processing (June 2019)
- Legislative Consent Memorandum for the Direct Payments to Farmers (Legislative Continuity) Bill (January 2020)
- Legislative Consent Memorandum in relation to the UK Agriculture Bill (May 2020)
- Supplementary Legislative Consent Memorandum for the Agriculture Bill (July 2020)

⁷ Article 50 is the mechanism included in the Lisbon treaty for a member state of the European Union (EU) to leave and sets out the steps a country needs to go through to withdraw from its treaty obligations.

Future agriculture policy

24. For over 40 years, farmers had operated within various iterations of the Common Agriculture Policy ('CAP'). In the immediate post-Brexit period, legislation would be needed to enable financial support to continue to be provided to the sector under the existing CAP schemes. Without legislation, financial support could not continue beyond 2020. Legislation would also be needed to underpin any new agricultural policy for Wales, including any new system of financial support.

25. The Welsh Government decided that it would be appropriate to use the UK Government's proposed Agriculture Bill as a legislative vehicle to give effect to these changes. It would seek the Senedd's Legislative Consent at the appropriate time. The Committee believed that ensuring continuity for the sector in the immediate post-Brexit period should be the priority and, as such, agreed that there was a case for using the UK Bill to legislate for this narrow purpose.

26. However, the Committee was concerned that the Welsh provisions in the UK Bill extended beyond enabling the continuation of current policy in the immediate post-Brexit period. Instead, they provided extensive executive powers which would enable the Welsh Ministers to introduce a new agricultural policy in Wales with limited Senedd involvement or scrutiny. The Committee concluded that the most appropriate way to legislate on a subject as significant as the long term future of agriculture in Wales would be through a Senedd Bill. The provisions in the UK Bill were subsequently removed.

Food policy

27. The Committee published two reports concerning food policy during this Senedd term under the banner of 'Rethinking food in Wales'.

28. The Welsh Government's approach to food policy during this Senedd term has been set out in '[Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-20](#)'.

29. In its first report, [Public Procurement of Food](#) (May 2018), the Committee concluded that there was a need for a strategic vision for the Welsh food sector which makes connections between different policy areas, such as health, wellbeing and sustainability, alongside economic growth. This would be particularly important in the light of Brexit.

30. At the time of publication of the first Report, the most recent official figures had estimated public sector food and drink procurement spend to be £74.4

million per year in Wales. The Committee concluded that this public funding, which was being used to provide food in Welsh schools and hospitals, should be thought of as an investment in the health and wellbeing of the Welsh people. The Committee concluded that public procurement of food should form a central part of the Welsh Government's post-Brexit food strategy.

31. Shortly after the publication of the Committee's report, the Minister announced that the Food and Drink Industry Board was commencing work on a new Action Plan "to provide strategic direction for the industry beyond 2020".⁸ A year later, the Welsh Government and the Food and Drink Industry Board consulted on joint proposals for a "strategic plan to further advance the food and drink sector in Wales for the period 2020-2026".⁹ However, the final plan has yet to be published.

32. In an update to the Committee in January 2021, the Minister said she was committed to the long-term ambitions set out in the strategic plan. She stated the Welsh Government would publish the plan "when the timing is right".¹⁰

Matters for the 6th Senedd

Conclusion 7. The Welsh Government published a White Paper for the anticipated Agriculture (Wales) Bill in December 2020. This Committee decided that scrutiny of the White Paper proposals and the subsequent Bill would be best left to a successor Committee. The Committee's work has highlighted the extent of the challenge for the Welsh Government if it is to develop and implement a scheme based on its timetable. Modelling, impact assessments and the establishment of pilot schemes, will be necessary in the early part of the next Senedd and will be of interest to our successor.

Conclusion 8. Our successor Committee will wish to consider the next iteration of the Welsh Government's food policy. We strongly believe there is a need for a holistic food strategy, which takes into account the wellbeing of the people of Wales and environmental concerns alongside economic benefits. This is

⁸ [Welsh Government's response to the Committee's report on Public Procurement of Food, August 2018](#)

⁹ [Welsh Government's consultation paper, Our ambition to further develop Wales' food and drink sector, July 2019](#)

¹⁰ [Correspondence from the Minister for Environment, Energy and Rural Affairs, dated 29 January 2021](#)

particularly the case given the impact of the Covid-19 pandemic and Brexit on this policy area.

Conclusion 9. Our successor Committee should consider how horticulture features in a future food policy and should consider Welsh Government policies relating to horticulture more broadly.

Conclusion 10. We concluded in our report on food procurement that the extent to which EU regulations constrained procurement practice had been exaggerated over many years. However, our successor Committee may wish to consider the approach to food procurement in Wales to ensure that it complements the Welsh Government's food strategy. It may also wish to consider how the Welsh Government's approach can maximise the way that public funds are spent in support of Welsh producers and companies.

4. Fisheries

Future fisheries policy will be fundamentally affected by the UK's exit from the EU. During this Senedd term, the Committee focused on seeking to influence the emerging thinking in this policy area.

Policy inquiries and legislation

- The impact of Brexit on fisheries in Wales (October 2018)
- Legislative Consent Memorandum in relation to the UK Fisheries Bill (February 2019)
- Legislative Consent Memorandum for the UK Fisheries Bill 2019-21 (May 2020)
- Supplementary Legislative Consent Memorandum for the UK Fisheries Bill 2019-21 (September 2020)

Future fisheries policy

33. For decades, fisheries policy in Wales was governed by international agreements including, most notably, the Common Fisheries Policy ('CFP'). The Committee published its first report on fisheries post-Brexit in October 2018. The Committee hosted a stakeholder workshop in Milford Haven to inform this initial work. The Committee concluded that to ensure that future policies can meet the challenges arising from Brexit, three core components need to be in place.

34. First, there needs to be a regulatory framework for the UK, to replace current EU agreements. This needs to be underpinned by a new relationship between the constituent nations of the UK, to consider matters of common interest. This will be vital to ensure the fair and effective internal UK management of fisheries matters, such as quota share. Second, the UK needs to build new relationships with the EU and other countries. This is vital to ensure that the Welsh fisheries sector does not lose access to markets and has appropriate access to waters. Finally, there is a need for the Welsh Government to develop a focused and ambitious strategy for the future direction of fisheries in Wales.

35. The Welsh Government consulted on post-Brexit marine and fisheries policies ('Brexit and our Seas') between May and August 2019.

36. During this Senedd term, the Committee considered LCMs in relation to two UK Fisheries Bills. The primary purpose of the UK Bills (which were largely similar) was to establish a framework for fisheries management in the UK once it had left the CFP. The Minister said that the powers being taken in the UK Bills are “transitional” and that she “fully intended” to introduce a Welsh Fisheries Bill before the end of the Fifth Senedd. Since then, the Welsh Government has changed its position and committed to bringing forward a Welsh Fisheries Bill in the Sixth Senedd.

Export problems resulting from Brexit

37. Since the end of the Brexit transition period, Welsh seafood businesses have reported exports being delayed due to new border rules, resulting in protests by the wider UK industry. Since 1 January 2021, shellfish known as wild-harvested live bivalve molluscs (LBMs), that are caught in the UK but are not ready for human consumption have been barred from entering the EU.

38. On 19 January 2021, the UK Government announced a £23 million support fund for fishing businesses that export to the EU, to be administered by the Marine Management Organisation (MMO) across the UK on behalf of Defra. The UK Government said it is “working with the devolved administrations on [the] eligibility criteria” for the support fund.

39. In evidence to this Committee the Minister said that the Welsh Government “had not worked on any part of that exporters scheme”:

“We hadn't seen the text. We just knew nothing about that scheme. So, you must remember, in all this, fisheries is wholly devolved and so any funding that's coming in any scheme should be for—. I should get my share and I can decide how we support our fishers. I think the fishers need support, the aquaculture sector needs support, the processors need support as well as the exporters. So, the scheme that DEFRA brought forward was only for exporters and I think that's wrong.”¹¹

40. On 21 February 2021, Defra announced that it had “listened to concerns from fishing businesses” and expanded the eligibility criteria to target catching and shellfish aquaculture businesses. Further to this, the Prime Minister committed to a £100 million fund to help modernise fishing fleets, the fish processing industry, and to rejuvenate the UK fishing industry.

¹¹ Record of Proceedings, para 141, 4 February 2021

41. On 11 March 2021, the Minister for Environment, Energy and Rural Affairs announced a £2.3m resilience funding for fisheries, aquaculture and coastal communities. This funding was in addition to the UK Government’s Seafood Response Fund, which the Minister said: “only provides partial support for our Welsh fisheries and aquaculture businesses”.

Matters for the 6th Senedd

Conclusion 11. Given the early indications that the UK-EU trade agreement has had (and will continue to have) a severe impact on the export of Welsh fish and aquaculture products, we believe our successor Committee should keep this under review in the early part of the next Senedd term.

Conclusion 12. Welsh (and UK) fishers were promised an increase in quota as a result of the UK’s exit from the EU. This Committee has argued that a fair increase for Wales will not materialise unless the allocation of quota under the 2012 UK Fisheries Concordat is reformed. Our successor Committee should continue to press for these reforms.

Conclusion 13. The Welsh Government has said that a Welsh Fisheries Bill will be brought forward during the next Senedd term, and we anticipate that our successor Committee will scrutinise the Bill. In the meantime, the common framework for fisheries set out in the UK Fisheries Act 2020 will be bedding in. The Joint Fisheries Statement, provided for in the UK Fisheries Act, will need to be published before November 2022. We believe there is merit in keeping the implementation of this legislative common framework and associated provisions under review.

Conclusion 14. We believe that the next Welsh Government should bring forward an ambitious strategy for fisheries and aquaculture, which ties in with the overall food strategy. Our successor Committee should consider whether such a strategy should be included as a requirement in a Welsh Fisheries Bill.

5. Climate change and energy

Policy inquiries and legislation

- Annual Report on Climate Change 2018: The Welsh Government's progress on climate change mitigation (May 2018)
- Inquiry into Low Carbon Housing (August 2018)
- The Climate Change (Wales) Regulations 2018 (November 2018)
- Annual report on the Welsh Government's progress on climate change, 2019-20 (December 2019)
- Inquiry into Fuel Poverty in Wales (March 2020)
- UK Emissions Trading Scheme: Common Framework (September 2020)
- Inquiry into Flooding in Wales (December 2020)
- The Climate Change (Wales) Regulations 2021 (March 2021)

Climate change policy and scrutiny

42. At the start of the Fifth Senedd, climate change was already rising rapidly up the political agenda, both globally and nationally. There was growing momentum and international commitment towards decarbonisation, demonstrated by the adoption of the **Paris Agreement** in December 2015. In Wales, a new statutory framework for tackling climate change was established under the **Environment (Wales) Act 2016** ('the 2016 Act'). This included the introduction of statutory carbon emissions reduction targets and carbon budgeting. In May 2019, the Welsh Government became one of the first nations in the UK to declare a 'climate emergency'.

43. It is against this background that the Committee identified climate change as one of its strategic priorities. In December 2016, the Committee agreed its approach to climate change scrutiny, which included:

- annual scrutiny sessions with the Welsh Government to monitor progress in tackling climate change;
- ad hoc scrutiny of sector specific policies that contribute to the decarbonisation agenda; and

- post-legislative scrutiny to coincide with key implementation milestones for Part 2 of the 2016 Act.

44. To support the Committee's early work on climate change, it established the Climate Change Expert Reference Group. The Committee also developed a positive working relationship with the Climate Change Committee ('CCC'), the UK's independent adviser on tackling climate change, which our successor Committee should look to continue.

45. During this Senedd term, the Committee has concentrated on:

- monitoring progress made by the Welsh Government in setting new carbon targets and budgets, and developing Wales' first low carbon delivery plan ;
- scrutinising climate change regulations;
- scrutinising the extent to which the Welsh Government's budget adequately funds the cross-portfolio issue of decarbonisation; and
- reviewing progress towards targets using the CCC's progress reports as the basis for this work.

46. The Committee's work has highlighted several weaknesses within the statutory framework for carbon emissions reduction. In particular:

- there is limited opportunity for scrutiny of climate change regulations;
- there is no dedicated Senedd scrutiny procedure for low carbon delivery plans; and
- there are insufficient reporting requirements in relation to progress towards targets, carbon budgets and implementation of low carbon delivery plans.

47. The Committee has sought to address the above in various recommendations to the Welsh Government, for example, by seeking a commitment to consult on draft regulations and delivery plans. The Welsh Government has been unwilling to do this, pointing out that its approach meets the requirements set out in Part 2 of the 2016 Act.

48. In its recent [report on the Climate Change Regulations 2021](#), the Committee concluded that a review of the statutory framework is needed to introduce more

rigorous scrutiny procedures, improve transparency and strengthen accountability arrangements.

Housing

49. Wales cannot achieve its carbon targets without a strong policy in key sectors, including housing. Making Wales' existing and new housing stock energy efficient is essential not only to reduce emissions but to help tackle fuel poverty, which remains at an unacceptably high level.

50. In September 2017, the Committee began its inquiry into low carbon housing. The Committee's overarching recommendation was for the Welsh Government to prepare and publish a ten year low carbon housing strategy, which would deliver:

- the retrofit of all houses in fuel poverty in Wales to zero carbon in operation standards;
- all new build houses in Wales to be built to zero carbon in operation standards;
- a complimentary planning and building system with low carbon and energy efficiency at their centres, and supported by rigorous, independent inspection regimes;
- financial incentives to encourage buyers and owners to buy low carbon housing and invest in retrofit measures;
- funding interventions that maximise the impact of Welsh Government investment in low carbon housing; and
- a fully trained workforce, ready to construct and improve homes using the latest technologies.¹²

51. In its response to the Committee's report, the Welsh Government said it was already developing "a new programme of action which will decarbonise homes in Wales by 80% by 2050". The programme would be informed by the work of the Decarbonisation of Homes Advisory Group, which was due to report in summer 2020. The Welsh Government told the Committee "the challenge of [delivering

¹² Climate Change, Environment and Rural Affairs Committee report on Low Carbon Housing: the Challenge, August 2018

low carbon] new homes will be dealt with through Building Regulations”, which were being reviewed.

52. Since the Committee's report, there have been several developments within this policy area. In March 2019, the Welsh Government published its first low carbon delivery plan, which includes policies and proposals for reducing emissions in buildings and residential housing. In July 2019, the Decarbonisation of Homes Advisory Group published its report, which included a series of wide-ranging recommendations. In its report, the Group concluded:

“It is vital that the Welsh Government focusses on action to tackle the difficult issues around the decarbonisation of homes, beginning with an immediate 10-year programme. Demanding and ambitious targets are necessary to ensure consistency across tenures and to establish and normalise a standard for 2030-50.”

53. The Welsh Government accepted the Group's recommendations in principle but said that further work was required to assess the cost implications.

54. In the Minister's January 2021 update, she said “there is considerable activity taking place on low carbon housing to meet the key issues identified by the Committee”. This includes a new fuel poverty strategy; “a roadmap setting out the timeline and milestones in transitioning from traditional build methods to building net-zero carbon affordable homes”; and proposed changes to Part L of the building regulations to improve energy efficiency in new homes.¹³

55. In its December 2020 progress report on emissions reduction in Wales, the CCC noted that “despite policy progress in several areas, there is no coherent, long-term strategy for heat and energy efficiency in Wales' homes and other buildings.” It identifies building efficiency and heat as a priority sector moving forward.

Fuel poverty

56. The Welsh Government had a statutory target to eradicate fuel poverty in Wales by 2018, which it failed to meet. According to 2018 estimates, 155,000 households in Wales, the equivalent to 12% of all households, were still living in

¹³ Correspondence from the Minister for Environment, Energy and Rural Affairs, dated 29 January 2021

fuel poverty. The Committee undertook an inquiry to explore the reasons for this and to shape the Welsh Government's next fuel poverty strategy.

57. In its [report](#), the Committee set out lessons to be learnt from the 2010 Fuel Poverty Strategy and called for “a comprehensive new strategy that aligns with other key priorities, including the decarbonisation of Wales’ housing stock”. The report included 21 recommendations. Of these, the Welsh Government accepted 19 in full and 2 in principle.¹⁴

58. The Committee called on the Welsh Government to introduce new statutory fuel poverty targets, including interim targets, that are both challenging and realistic. It also called for the establishment of a robust monitoring framework to oversee progress in delivering the new strategy and targets. The Committee suggested this framework should include: the publication of annual fuel poverty estimates; an Advisory Board on Fuel Poverty; and a commitment to regular reporting by the Welsh Government on progress towards targets.

59. The Committee raised concern that Nest and Arbed schemes could not deliver home energy efficiency improvements at the scale and pace required to tackle fuel poverty within an acceptable time frame. It made a series of recommendations to improve the schemes, including changes to Nest’s eligibility criteria and better targeting of Arbed.

60. In March 2021, the Welsh Government published a [new fuel poverty plan](#) (‘the Plan’) rather than a strategy. The Plan includes 10 short term actions to be delivered between 2021 and 2023. It gives effect to many of the Committee’s recommendations, either in full or part.

61. The Plan includes the Welsh Government’s new fuel poverty targets for 2035¹⁵. It also sets out the Welsh Government’s intention to consult on the next iteration of the Warm Homes Programme before the end of 2021.

¹⁴ [Welsh Government’s response to Climate Change, Environment and Rural Affairs Committee’s Report on Fuel Poverty in Wales](#)

¹⁵ The new fuel poverty target is that by 2035: no households are estimated to be living in severe or persistent fuel poverty as far as reasonably practicable; not more than 5% of households are estimated to be living in fuel poverty at any one time as far as reasonably practicable, and the number of all households “at-risk” of falling in to fuel poverty will be more than halved based on the 2018 estimate.

62. The Welsh Government has committed to reviewing the Plan's actions as part of its biennial review and report on fuel poverty. The first review will be undertaken in 2023.

Flooding

63. In February 2000, Wales was hit by the worst flooding in more than 40 years, which had a devastating and long-lasting impact on communities. The Committee agreed to undertake a short inquiry to examine the Welsh Government's response to the flooding.¹⁶ The Committee's report, **Flooding in Wales** (December 2020), provides a snapshot of the response and highlights potential areas for improvement. It also touches on wider matters related to flood risk management, including investment levels.

64. In its report, the Committee highlighted the on-going threat of flooding to communities across Wales. It concluded a more substantial piece of work is needed to examine the effectiveness of the Welsh Government's new National Strategy on Flood and Coastal Erosion Risk Management ('the new National Strategy').

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Conclusion 16. The 2020s is a crucial decade in the fight against climate change. For Wales to achieve net-zero by 2050, the Welsh Government must take bold and decisive action to deliver significant cuts in emissions across all sectors of the Welsh economy. We believe our successor Committee should scrutinise the delivery of climate action across Government and monitor progress towards the new, more ambitious statutory targets, and sector-specific targets. It should seek ways to engage other Senedd committees with this work. Our successor Committee may wish to consider how best to balance its climate change scrutiny with its wider policy and legislative scrutiny work.

Conclusion 17. The Committee has made clear to the Welsh Government that its successor Committee must be allowed to consider a draft of the next low carbon delivery plan before it is finalised in November 2021. Given the timelines involved, our successor Committee may wish to pursue this matter with the

¹⁶ The Committee's inquiry into the February 2020 floods was due to commence in March 2020. The inquiry was postponed until the autumn term following the temporary suspension of Senedd Business due to the Covid-19 coronavirus pandemic.

incoming Welsh Government at the first available opportunity, and prioritise work on the draft delivery plan.

Conclusion 18. Our successor Committee may wish to pursue with the Welsh Government the potential for reviewing Part 2 of the 2016 Act, to introduce more rigorous scrutiny procedures, improve transparency and strengthen accountability arrangements. As a starting point, the review could consider whether lessons can be learnt from other legislatures, in particular the Scottish Parliament which has recently amended its comparable legislation. Any such review should be undertaken as a matter of urgency.

Conclusion 19. The UK is hosting the 26th UN Climate Change Conference of the Parties (COP26) in Glasgow in November 2021. This Committee has participated in several discussions about how the event can be used to accelerate action on Climate Change and the role that Wales can play in the conference. Our successor Committee will wish to consider how it can play a role in COP26.

Conclusion 20. Good quality housing is a policy area that, if delivered effectively, can deliver benefits across multiple other policy areas including wellbeing, decarbonisation and reducing poverty. The Welsh Government has commissioned independent analysis in this area, which has made ambitious recommendations in areas such as retrofit of houses. However, Welsh Government action has not met that ambition yet. Our successor Committee may wish to consider this early in the next Senedd term.

Conclusion 21. Our successor Committee may wish to consider scrutinising the progress made by the Welsh Government in delivering the Fuel Poverty Plan's actions and towards the new fuel poverty targets.

Conclusion 22. Our successor Committee may wish to consider examine the effectiveness of the Welsh Government's new National Strategy on Flood and Coastal Erosion Risk Management in reducing flood risk in communities. Natural Resources Wales is required to report on the application of the new National Strategy in 2022. Our successor Committee successor may wish to consider this when planning its future programme of work.

6. Nature recovery and biodiversity

Alongside the climate emergency, the Committee believes that one of the greatest challenges we currently face is the decline in biodiversity. Arresting and reversing that decline has been a focus for the Committee.

Policy inquiries and legislation

- One-off session on the State of Natural Resources Report (SoNaRR) (October 2016)
- Branching out: an inquiry into forestry and woodland policies (July 2017)
- Turning the tide? Inquiry into the Welsh Government's approach to Marine Protected Area management (August 2017)
- Feedback on the Welsh Government's draft Welsh National Marine Plan (April 2018)
- Inquiry into environmental governance arrangements and environmental principles post-Brexit (June 2018)
- Common frameworks for the environment after Brexit (July 2018)
- Legislative Consent Memorandum for the Rivers Authorities and Land Drainage Bill (April 2019)
- Inquiry into policies and proposals relating to plastic pollution and packaging waste (June 2019)
- Follow up inquiry into environmental principles and governance post-Brexit (October 2019)
- Inquiry into the Welsh Government's proposed Sustainable Farming Scheme: restoring biodiversity (October 2019)
- Follow-up inquiry into Welsh Government's progress on Marine Protected Area management (November 2019)
- Legislative Consent Memorandums for the UK Environment Bill (July 2020 and February 2021)

- One-off session on Biodiversity and rewilding in Wales (November 2020)

Forestry and woodland policy

65. In early 2017, the Committee held an inquiry to consider the lack of progress in delivering the Welsh Government’s then 50-year strategy for woodland and trees, *Woodlands for Wales* (2009). The Committee was concerned that since the launch of the strategy in 2010, Wales had managed to plant just one-tenth of its target of 35,000 ha.

66. The Committee recommended urgent action to address this shortfall, starting with a refresh of the *Woodland for Wales* strategy. This was to be followed by specific actions to address barriers to increasing planting, including by examining the potential for adopting a presumption of approval for applications in areas identified by the *Woodland Opportunities Map* as having high suitability for woodland.¹⁷

67. In an update in January 2021, the Minister recognised that “tackling the climate change emergency will require woodland creation on a greater scale than at any point in the past 50 years.” She told the Committee that the Welsh Government was “working to improve the process for funding and approving new woodland plans, including extending the period of time allowable to undertake the work.” She explained that these changes would be reflected in the design of the new proposed Sustainable Farming Scheme.

68. In that update, the Minister also referred to the Welsh Government’s policy for a National Forest. She told the Committee that work had begun and that in time, the National Forest “will form a connected network running throughout Wales, which will bring social, economic and environmental benefits.” She explained that further areas of the National Forest and a long-term approach to delivering the Forest would be developed during 2021.¹⁸

Marine policies

69. The Committee carried out two inquiries into Marine Protected Area (MPA) management. The first inquiry aimed to identify opportunities to maximise the benefits of MPAs and considered the implications of Brexit. The resulting report,

¹⁷ [Climate Change, Environment and Rural Affairs Committee, *Branching out: a new ambition for woodland policies*, July 2017](#)

¹⁸ [Correspondence from the Minister for Environment, Energy and Rural Affairs, dated 29 January 2021](#)

Turning the tide?, made the key recommendations that the Welsh Government should provide the necessary political priority, leadership and funding to enable action nationally and locally.

70. In September 2018, the Committee undertook follow up work to assess the progress made by the Welsh Government in taking forward the recommendations in the Committee's first report, and in delivering the 2018-19 MPA Network Management Action Plan, which had been published alongside an MPA Network Management Framework for Wales 2018-2023.

71. This second report again recommended that the Welsh Government “should bring forward as a matter of urgency an ambitious strategy for MPAs”, and made several recommendations regarding the identification and designation of Marine Conservation Zones (MCZs).

Environmental governance

72. Following the outcome of the EU referendum, there was widespread concern across the environmental sector about gaps in environmental principles and governance arising from the UK's departure from the EU.¹⁹ The Welsh Government committed to maintain and enhance environmental standards, and “take the first proper legislative opportunity to enshrine environmental principles into law and close the governance gap”.²⁰

73. The Committee has sought to influence the development of future environmental governance arrangements from an early stage. In June 2018, it published a **preliminary report**, which included high-level recommendations. The Committee called on the Welsh Government, amongst other things:

- to bring forward legislation to enshrine the EU environmental principles in law;
- to clarify its position on the establishment of a new environmental governance body; and
- to explore the potential for interim governance arrangements if such a body is not established before the UK exits the EU.

¹⁹ The EU develops environmental policies and laws and acts as a watchdog to ensure that Member States comply with them. The EU can take action against governments that fail to comply, which can eventually lead to significant financial penalties. At the end of the Brexit Implementation Period, the EU system of environmental governance ceased to apply in the UK.

²⁰ Record of Proceedings, para 409, 21 March 2018

74. In its response to our report (August 2018), the Welsh Government explained it was undertaking a full analysis of the governance gaps in Wales to inform future proposals. It committed to consulting on those proposals before bringing forward a Welsh Bill.

75. A year on, and with proposals having emerged from the Welsh Government and other UK administrations, the Committee agreed to undertake a second inquiry to revisit this issue. During that inquiry, the First Minister reaffirmed the Welsh Government's commitment to legislate on environmental governance. However, there was no Welsh Bill on environmental governance included in the next legislative programme.²¹ This prompted stakeholders to say that Wales faces the prospect of having the "weakest environmental governance arrangements of any western European country".²²

76. In October 2019, the Committee published its second report. It concluded there is "a strong case for a new, dedicated, governance body to deliver a robust and effective system of environmental governance in Wales post-Brexit". However, the First Minister's announcement with no immediate plans for a Welsh Bill, the establishment of such a body was potentially years off. The Committee raised concern about the lack of progress made by the Welsh Government in developing proposals for interim governance arrangements to address the governance gap at the end of the Implementation Period.

77. Since its October 2019 report, the Committee has continued to bring pressure to bear on the Welsh Government to establish robust interim governance arrangements. It has also continued to seek a commitment from the Welsh Government on the timeline for the future Welsh Bill.

78. In February 2021, the Welsh Government appointed an Interim Assessor for Environmental Protection for Wales ('Interim Assessor') to consider concerns raised about the functioning of environmental law. The Interim Assessor will not consider complaints on individual breaches of that law, as originally anticipated. The environmental sector has raised concern that this is a significant step backwards and have called for a Welsh Bill to establish a fully functioning governance body as a matter of priority.

79. It will be a matter for our successor Committee to scrutinise any future Welsh Bill on environmental governance. The conclusions and recommendations in our

²¹ Record of Proceedings, para 191-192, 16 July 2019

²² Correspondence from Wales Environment Link to the Counsel General and Minister for European Transition, dated 12 October 2020

reports in the Fifth Senedd should provide a useful starting point for that work. In the meantime, our successor Committee may wish to consider the effectiveness of the Interim Assessor's role, and matters arising from its work.

Biodiversity and green recovery

80. The Committee has considered the opportunities for a “green recovery” following the Covid-19 pandemic. In January 2021, the Committee heard from members of the Green Recovery Task and Finish Group, which had been mandated by the Minister to identify priorities for action for the Welsh Government's recovery plan from Covid-19, encompassing climate action, inclusive and fair economic growth, and job creation. The Group published its ‘Green Recovery: Priorities for Action’ report on 3 December alongside an independent report examining the stability and resilience of the environment sector in Wales. The independent report made several recommendations, including that Natural Resources Wales (NRW) should be better resourced to take a more active role in supporting the environmental NGO sector.

81. The Committee has raised with the Minister the issue of biodiversity targets on several occasions. The Minister said that she was in favour, in principle, of the introduction of targets for biodiversity restoration.

Plastic pollution policies

82. Plastic pollution is a serious threat to our planet and the public rightly expects governments to take urgent action to tackle this problem.

83. The Welsh Government has been working with the UK government and other devolved administrations to develop Extended Producer Responsibility (EPR) and Deposit Return Schemes (DRS). They consulted in February 2019. The [UK Environment Bill](#) includes powers to introduce regulations for EPR and DRS. More detailed proposals on the design of schemes are expected shortly. The Minister provided an update in [her response](#) to this Committee's 2021-22 draft budget report. Nevertheless, the Welsh Government's progress has been lacking in this policy area.

84. In its report on plastic pollution and packaging waste (June 2019), the Committee recommended that the Welsh Government should prepare and publish a 10 year, comprehensive and ambitious strategy aimed at reducing plastic pollution. This strategy should be developed with stakeholders and include targets and milestones. It must make clear linkages with other policy areas, such as waste management and “green” procurement.

85. The Committee also recommended that the Welsh Government should explore the potential of introducing Welsh legislation to reduce plastic pollution, based on the model for emissions reduction in the Environment (Wales) Act 2016. The legislation should include an overall target for the eradication of plastic pollution and interim milestones.

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Conclusion 23. We believe our successor Committee should keep under review tree planting rates, given the severe lack of progress during this Senedd term. While the National Forest policy is an interesting concept, there has been little demonstrable progress in this area during this Senedd term.

Conclusion 24. Our successor Committee will, no doubt, wish to keep a close watch on the development of Extended Producer Responsibility and Deposit Return Schemes in Wales, to ensure they are sufficiently ambitious.

Conclusion 25. Our successor Committee may wish to consider the effectiveness of the Interim Assessor for Environmental Protection for Wales' role, and matters arising from the Assessor's work. The Committee may also wish to consider the extent of the Senedd's role in the interim and longer-term environmental governance regimes in Wales.

Conclusion 26. This Committee firmly believes that the next Welsh Government should introduce targets to arrest the decline and restore biodiversity. We believe our successor Committee should ensure the Welsh Government prioritises this matter during the first year of the next Senedd term.

Conclusion 27. Our successor Committee should keep under review the next Welsh Government's progress in delivering a "green recovery" and the implementation of the recommendations of the Green Recovery Task and Finish Group. The Welsh Government will need to ensure that its approach to green recovery retains a focus on nature restoration.

7. Animal health and welfare

This was another key theme of the Committee's work. The only Welsh Bill scrutiny undertaken by the Committee during this Senedd term was in this policy area.

Policy inquiries and legislation

- Legislative Consent Memorandum for the Farriers (Registration) Bill (March 2017)
- Inquiry into the Welsh Government's Refreshed TB Eradication programme (May 2017)
- Inquiry into the use of snares in Wales (June 2017)
- Legislative Consent Memorandum for the Animal Welfare (Service Animals) Bill (February 2019)
- Wild Animals and Circuses (Wales) Bill (December 2019)
- Scrutiny sessions on animal health and disease prevention (January 2021)
- Legislative Consent Memorandum for the Animal Welfare (Sentencing) Bill (March 2021)

The Welsh Government's TB Eradication programme

86. Bovine TB continues to have a presence in Wales which the Committee has considered regularly throughout this Senedd term.

87. In its initial report, the Committee recommended that the Welsh Government should set a national target date for Wales to be officially TB free and provide clarity on the process for achieving this. The Committee recommended that the Welsh Government should set interim targets for the eradication of the disease in each of the three TB regions.

88. The Welsh Government provided an update on this matter in January 2021. The Minister told the Committee that Welsh Government targets aims "to see

Wales become officially TB free by 2041. Interim targets, covering consecutive six-year periods, have been set for each of the TB Areas”.²³

89. The end of the first six-year period is at the end of 2023. Our successor Committee may wish to consider progress against the first interim target.

The use of snares in Wales

90. On 25 September 2015, the Welsh Government published a ‘Code of best practice on the use of snares in fox control’. It is a statutory code issued under Section 14 of the Animal Welfare Act 2006 and summarises the current legal obligations on those using snares and sets out best practice guidelines that should be followed. The Committee considered several aspects of the Code, including its uptake, compliance and monitoring, since its introduction.

91. The Committee’s key recommendation was that the implementation of the Code should be monitored and that a formal review process should be introduced. That review process should, henceforth, take place annually and a report of the review, including its outcomes, should be published. Further, the Committee recommended that, should the review demonstrate that the implementation of the Code was not working effectively, the Welsh Government should bring forward legislation to regulate or ban the sale and use of snares in Wales.²⁴

92. The Welsh Government provided an update on the Code of Practice in relation to the use of snares in January 2021. The Minister told the Committee that the Welsh Government’s Agriculture White Paper, published in December 2020, includes proposals to include order making powers related to the sale and use of snares through the introduction of an Agriculture (Wales) Bill during the sixth Senedd term. The Minister said that how Welsh Government decide to use this power will be determined in discussion with stakeholders. Our successor Committee should consider these matters at the appropriate time.²⁵

²³ Correspondence from the Minister for Environment, Energy and Rural Affairs, dated 29 January 2021

²⁴ Climate Change, Environment and Rural Affairs Committee, Report on the use of snares in Wales, June 2017

²⁵ Correspondence from the Minister for Environment, Energy and Rural Affairs, dated 29 January 2021

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Conclusion 28. Our successor Committee will want to keep under review the Bovine TB situation in Wales. In particular, the Committee may wish to consider progress against the first interim target for TB, which is due at the end of 2023.

Conclusion 29. Our successor Committee may wish to consider the outcome of the latest review of the Code of Practice in relation to the use of snares. The Committee will wish to consider whether provisions relating to the use and sale of snares in the forthcoming Agriculture Bill are appropriate and proportionate.

Conclusion 30. At the end of the Fifth Senedd, the Committee undertook a short piece of work to explore key issues in relation to animal health and disease prevention, including antimicrobial resistance. Our successor Committee may wish to keep these issues under review and undertake a more substantive piece of work in this policy area in due course.

8. Planning

- Inquiry into the draft National Development Framework (December 2019)
- Report on “Future Wales: The National Plan 2040” (November 2020)

Policy inquiries and legislation

Scrutiny of the 2019 draft NDF

93. The Committee scrutinised the 2019 draft NDF in late 2019. The CCERA Committee’s report contained 50 conclusions in several policy areas. The Welsh Government was generally receptive to the views of the Committee. 22 of the conclusions were accepted in full and 25 were accepted “in principle”. As a result of the Committee’s work, gaps in policy coverage were addressed, improvements were made to the national and regional strategic diagrams, additional maps and diagrams were added to illustrate key policy issues, and the graphic presentation of the document was improved.

Scrutiny of Future Wales: The National Plan 2040

94. The Committee’s report included 26 further recommendations. All but two were fully accepted by the Welsh Government. The overarching challenge the Welsh Government faces is to ensure that this 40-year planning framework is resilient enough to be able to respond to the three biggest challenges we currently face – Covid-19, Brexit, and the effects of Climate Change.

95. One of our key concerns was around Strategic Development Plans or SDPs. Future Wales will be the highest level of strategic plan, providing a national planning framework. Strategic Development Plans will fit between the national development framework and the local development plan. The mechanism set out in the Local Government and Elections (Wales) Act 2021 for the development of SDPs is the establishment of a “corporate joint committee” consisting of representatives of more than one local authority. The development of SDPs should be progressed at pace, and we support in principle increased cooperation between local authorities to achieve this. However, this must not result in an unintended reduction in accountability to local communities.

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Conclusion 31. The Planning (Wales) Act 2015 is a significant piece of Welsh legislation. It includes provisions for matters including Strategic Development Plans, Developments of National Significance, and planning policy on the Welsh language. It would be timely for our successor committee to undertake post-legislative scrutiny of the Act.

Conclusion 32. Our successor Committee may wish to keep the implementation of the first National Development Framework under review and will wish to consider the second iteration of the Framework in due course.

9. Other work

Future Generations Commissioner

96. On 10 January 2019, the Committee held a general scrutiny session with the Commissioner. The Committee subsequently wrote to the Commissioner about several matters that were raised during the session.

97. The implementation of the Wellbeing of Future Generations (Wales) Act 2015 and its impact has been of particular interest to the Committee during this Senedd term. The way that the wellbeing goals are incorporated into the Welsh Government's budget prioritising has been an area of focus. This has improved over recent years, but we continue to believe that more needs to be done to ensure that the goals are embedded in ways of working and that the outcomes are demonstrable.

Natural Resources Wales

98. The Committee held regular scrutiny sessions with Natural Resources Wales (NRW) during this Senedd term. The Committee has repeatedly expressed concern during draft Budget scrutiny that NRW is being asked to do more without a commensurate increase in funding. In fact, the trend has been towards a reduction in funding.

99. For the first time in recent years, NRW's funding was not reduced in 2020-21, it will have a "flat-line" budget. Again, the Welsh Government will expect NRW to deliver more, in the form of the new national forest policy, and the restoration of peatlands and some Natura 2000 sites. NRW has repeatedly told the Committee that a decreasing budget is impacting its ability to deliver services and take on new duties.

Public appointments

100. On 26 September 2019, the Committee held a pre-appointment hearing with Sir David Henshaw, the Welsh Government's preferred candidate for the position of Chair of Natural Resources Wales.

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Conclusion 33. The Committee remains concerned about the sustained reduction in NRW's funding even though the Welsh Government continues to place more duties upon it. The Minister herself has accepted that this is not

sustainable. We believe that our successor Committee should scrutinise the performance of NRW on an annual basis and should keep its funding under review.