



Ein cyf/Our ref MA-P-LG-2821-17
Mike Hedges AM
Chair
Climate Change, Rural Affairs and Environment Committee

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7 September 2017

Dear Mike

Thank you for your letter of 31 July following my attendance at Committee on 20 July.

Marine Management

Members requested further information about funding available to Natural Resources Wales (NRW) in relation to marine management. In the current financial context, it is important to note NRW is fulfilling its statutory duties within its funding allocation. Financial pressure on the entire public sector across the UK is an inescapable challenge. With regards to marine monitoring, my Department is working with NRW and the Joint Nature Conservation Committee to develop a risk-based, prioritised, consistent and affordable marine biodiversity monitoring programme for Wales.

Full minutes of the Wales Marine Stakeholder Advisory Group and Wales Marine Fisheries Advisory Group have not been published online, however, they are always available on request. An outline of discussions recorded at meetings is captured. The intention is to publish these on the Welsh Government's Marine and Fisheries website page in future with immediate effect. Following each Wales Marine Advisory and Action Group (WMAAG) meeting, a summary of discussion points presented is produced through a Key Messages document for publication on the Welsh Government website:

<http://gov.wales/topics/environmentcountryside/marineandfisheries/stakeholder-engagement/wales-marine-strategic-advisory-group/?lang=en>

Copies of original minutes and workshop reports are available on request. Notes of the Marine Planning Stakeholder Reference Group can be published on request. These would provide a summary of discussions held. Notes were recorded at the Whelk Task and Finish Group meetings. These have not been published online, but again are available on request. All requests should be directed to: **marineandfisheries@wales.gsi.gov.uk**

Exiting the European Union

In terms of the implications of leaving the European Union (EU), our White Paper, *Securing Wales' Future*, sets out our position on the need for new inter-governmental machinery to support the agreements freely entered into by the three Devolved Administrations and the UK Government. Our further paper, *Brexit and Devolution*, stresses the need for new arrangements for engagement, joint decision making and joint delivery.

I have consistently emphasised to the UK Government our commitment to ensuring the protections and standards, which benefit Welsh citizens and the well-being of society as a whole, are not eroded.

In terms of the current standards, it is important to note many of the standards reflected in EU law derive from international obligations, which will continue to apply post EU withdrawal. Wales is already recognised globally as having integrated best practice in these areas through the Well-being of Future Generations (Wales) Act and the Environment (Wales) Act. We have put in place a clear foundation to help deliver on the UN Convention on Biological Diversity, the Paris Agreement and the UN Global Goals. Importantly, current standards are also a key part of the reputation for high quality we have and will be important for our future ability to compete within international markets.

Ministerial Quadrilateral meetings with the Devolved Administrations and Defra have been established to discuss EU transition and the opportunities and challenges it raises. In my engagement with the UK Government, I have highlighted the need for any UK position to reflect the needs of Wales and not merely reflect the context and policies in England. I have reiterated the role devolution has played in enabling us to develop policies, regulations and programmes tailor-made for Wales' unique context and needs. A further meeting with my counterparts in Defra and other Devolved Administration is scheduled for 25 September, the first since the appointment of the new Defra Secretary of State. I also had a bilateral meeting with the Defra Secretary of State at the Royal Welsh Show on 24 July.

To support the Ministerial-level discussions, monthly meetings of the Senior Officials Group are held involving representatives from Defra and the Devolved Administrations, supported by seven policy themed working groups. Whilst these groups have enabled my officials to actively reflect the needs of Wales, unfortunately, substantial progress is still to be made. Detailed information on the progress being made by the UK Government has not been provided.

In addition, there has been substantially less engagement from other Whitehall departments. However, my officials are liaising with the Department for Business, Energy and Industrial Strategy (BEIS) via its newly established Devolved Administrations EU Exit Forum. The forum agreed to establish arrangements for establishing topic level working groups, one of which will cover Climate Change and Energy which is currently being established.

Post EU exit, breaches of environmental legislation by individuals or organisations will be addressed as currently by the appointed regulator taking the necessary action as provided in the legislation.

At present, the implementation of EU law at a Member State level is overseen by the EU Commission and the European Court of Justice. The UK Government has not indicated there will be a replacement of this supervisory role but as currently, the public will still be able to hold governments and public authorities to account through the courts.

Whilst courts are a non-devolved matter, our *Brexit and Devolution* paper also sets out our views on the need for a new relationship between the administrations on areas of inter-connected competence, to develop a more sophisticated approach within these areas, in the interests of better governance and delivery for citizens. Our paper proposes new governance arrangement including the need for an independent adjudication mechanism to address any disputes arising about the implementation of agreed standards.

In terms of the scale of the workload we have scoped the 1,100 pieces of EU derived legislation related to environment and rural affairs. Work is on-going to scope the extent of the amendments required to ensure the legislative framework will be effective on day one of exiting the EU. This includes the development and design of a programme of subordinate legislation to deliver these amendments. This is a significant piece of work, which cannot be underestimated. Officials are working on the work necessary for day one readiness and are in communication with counterparts in other Devolved Administrations and UK Government to scope out the legislative programme.

Community energy

Turning to your comments about non-domestic rates, I welcome the contribution community energy schemes make to our energy ambitions and to local economies. We are committed to supporting community energy projects because of these decarbonisation and local economic benefits. We are supporting community and local renewable energy projects through our Local Energy service which provides financial and technical support to help social enterprises and SMEs across Wales to develop their own renewable energy schemes.

Hydropower schemes have been disproportionately affected by the non-domestic rates revaluation, partly because of some of the assumptions made in the methodology. We have supported a number of hydropower schemes through the Local Energy service. They have seen their profits fall as a result of the non-domestic rates revaluation, money which would otherwise be re-invested in the local community. The impact of the non-domestic rates revaluation was one of the areas identified for action by the Hydropower Task and Finish group which submitted its report to me earlier this year.

I am keen to ensure consistency across Welsh Government in relation to decarbonisation. I am committed to finding a solution to the impact of the non-domestic rates revaluation on hydropower projects and I am working with the Cabinet Minister for Finance and Local Government on this issue.

Air quality

As regards our measures to improve air quality, in the course of the last year, I have run a 12-week public consultation on how to make the system of local air quality and noise management in Wales more efficient and effective and bring it into step with the ways of working in our Wellbeing of Future Generations legislation.

Informed by the consultation responses, I issued new statutory policy guidance to Local Authorities in Wales on Clean Air Day, on 15 June, outlining my expectations of them. On 6 July, in the wake of the recent Local Government elections, I wrote to the Leader of every Local Authority administration, drawing to their attention the new guidance and the importance of working across transport, planning and public protection departments to implement effective action plans and achieve public health outcomes.

The Welsh Government will be issuing guidance on air quality to health professionals in NHS Wales in the Autumn. This will highlight the role they can play in preventing the adverse health effects of air pollution. We will also be taking forward further public education and awareness-raising on the subject.

Feedback received during our public consultation and in meetings between my officials and air quality officers from Local Authorities across Wales is now feeding into a comprehensive re-draft of our national planning policy, Planning Policy Wales.

Furthermore, in our contribution to the new UK air quality plan on nitrogen dioxide, we have committed to developing the detail of a Clean Air Zone framework for Wales. A further public consultation will be held specifically on this. My Department's Brexit roundtable sub-group on air and climate will enable a wide range of stakeholders to help shape this work over the course of the next few months.

Energy efficiency

The 2014 changes to Part L (Conservation of fuel and power) of the Building Regulations included an 8% increase in the energy efficiency of new homes compared to the previous 2010 requirements. It takes approximately 2-3 years before changes to the Building Regulations achieve full impact. This is primarily due to buildings having been designed and approved under previous regulations being built out.

Research has also identified a performance gap with new homes. A performance gap arises from the difference between the efficiency standard which the building is designed to achieve and the as built energy efficiency standard. This can be due to changes to the specification of materials or workmanship issues.

I recently announced a review of Part L (Conservation of fuel and power) of the Building Regulations which will commence in September with a meeting of the Building Regulations Advisory Committee for Wales.

Regards

A handwritten signature in black ink, appearing to read 'Lesley', with a stylized flourish underneath.

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig
Cabinet Secretary for Environment and Rural Affairs