

Senedd Cymru
Y Pwyllgor Newid Hinsawdd,
Amgylchedd a Materion Gwledig
Gwaith gwaddol
CCERA(5) LW05
Ymateb gan Cymdeithas Cadwraeth
Forol

Welsh Parliament
Climate Change, Environment and Rural
Affairs Committee
Legacy work
CCERA(5) LW 05
Evidence from Marine Conservation
Society

Thank you for providing the Marine Conservation Society (MCS) with the opportunity to deliver feedback on the environmental legacy of the 5th Assembly term.

MCS is the UK's leading marine charity. We work to ensure our seas are healthy, pollution free and protected. Our vision is for seas full of life where nature flourishes and people thrive. We have actively been working in Wales to improve the health of Welsh seas for the past 13 years.

We are primarily providing feedback to the 2019 MPA inquiry and the 2019 Plastic Pollution and Packaging Waste inquiry. We have set out our response to each recommendation separately, with a text box that includes key recommendations for the 6th Assembly and future Government.



Marine Protected Areas inquiry, Nov 2019

Summary

We would like to thank the Committee on the production of their report into the [Welsh Government's management of Marine Protected Areas in Wales](#) (November 2019) and for all of their support in trying to raise the profile of marine and fisheries management throughout the 5th Assembly term.

Although we feel there is still a long way to go in getting resources and priority for marine management within Government, we can positively reflect of the fact that since the start of this Assembly term, **we now have a Marine Plan, Marine Area Statement**, and have begun the process of identifying MCZs in Welsh waters. We would like to thank the Committee for their part in pushing the marine agenda, through their various inquiries and follow up reports.

That said, **there is still much work to do** if we are to achieve "[safe, healthy and biologically diverse seas](#)"; a requirement of the Marine and Coastal Access Act, 2009. For instance, we still need:

- Greater priority given to implementing sustainable fisheries management: **Fisheries consultations and regulations are already severely delayed**, compounded further by the

equally pressing need to work on Welsh and joint UK future fisheries policy, now that we are no longer part of the European Union. □ Better management of pressures and threats on marine wildlife: Our marine biodiversity remains under pressures from numerous sources. NRW's most recent Indicative Feature Condition Assessments for European Marine Sites (EMS) highlight that **almost half of MPA features remain in unfavourable condition**, and in 2019, it was determined that 11 out of 15 indicators for healthy seas are failing to achieve Good Environmental Status.

- Greater effort to tackle marine pollution: Marine litter continues to blight Welsh beaches, water quality issues continue to persist, and **action (not words or more strategies!) is desperately needed** if we are to turn the tide on pollution.

If people living in, and visitors to, Wales are to continue to benefit from the goods and services that our marine environment provides, **we must start to fully invest in our seas' recovery** before it is too late to do so.

We hope that the future Committee will continue to raise the importance of marine and fisheries to Wales, highlight management issues, and the need for adequate resourcing of the Marine and Fisheries Division and legal capacity for fisheries enforcement in Welsh Government.

Updates to the 2019 report on Management of Marine Protected Areas (MPAs) in Welsh Waters

The report outlined some excellent recommendations for the Minister, principally the **need for greater leadership, resources and changes to existing ways of working** if the Welsh Government is to secure effective management of their internationally important Marine Protected Areas in Welsh waters.

Back in 2013, the then Environment and Sustainability Committee highlighted similar concerns within their [Inquiry into Marine Policy in Wales](#), their [Marine Policy follow up reporting in 2015](#), and again in the [Committee's Turning the tide? Report of the inquiry into the Welsh Government's approach to Marine Protected Area management](#) in 2017.

With that in mind, MCS were disappointed that in her response to the Committee's 2019 report, the Minister for Environment, Energy and Rural Affairs **failed to address some key ongoing concerns** of the Committee. As a result of this, her response did not recognise the need to prioritise and fund recommendations appropriately.

In light of COVID-19 and Brexit, we are happy to provide an update to the Committee on how we feel their recommendations have progressed since 2019.

Recommendation 1: The Welsh Government should bring forward as a matter of urgency an ambitious strategy for MPAs.

We are disappointed that the Minister rejected this recommendation, referencing the existence the MPA Network Management Framework and Action Plan as the justification for doing so.

MPA Network Management Framework

The current Framework, which is set for 5 years, was not consulted upon and the majority of marine stakeholders did not have access to it until it was finalised and published. As this was developed by the Steering Group (including the management authorities who would have to deliver on any changes), it was not subject to adequate scrutiny and is very much a continuation of existing practices. These existing practices demonstrate a lack of ambition and radical thinking, which is required to overhaul historic mismanagement of MPAs, and bring them back to favourable conservation status.

One way to do this would be to include **milestones** and **targets for recovery** of those features currently in unfavourable conservation status and for the whole network. **We would urge the next Government to adopt such an approach.**

In order for the Marine and Fisheries Division to apply the Wellbeing Ways of Working (a requirement of the Wellbeing of Future Generations Act) future decisions taken on the framework should be **collaborative, involve a wide range of stakeholders and should improve on funding decision transparency.**

MPA Network Management Action Plan

The Action Plan itself retrofits, in many cases, already-existing projects in Wales to demonstrate the work being carried out on MPAs (only as far as existing funding will allow). Many of the **actions are investigatory** in nature (i.e. actions focussed on gathering more evidence, rather than taking a precautionary approach and putting in place actions to resolve mismanagement).

One huge drawback of the Action Plan is that 'actions' are limited to being network-wide, meaning that there is no clear way to collate and identify funding for actions that will directly improve the condition of individual MPA features. Where there are local actions (individual MPA actions in the Plan), these tend to be 'ad hoc' and again reflects only what is already taking place. Many actions also **rely on delivery via external grant sourcing.**

Although we recognise the importance of actions at network level are required to manage the network as a whole, **we find the current Action Plan to be restrictive** and limits the much-needed improvements to individual MPAs. We strongly feel that this is a contributing factor to why so many features are in unfavourable conservation, compounded by the lack of funding for the site officers, which results in ad hoc and piecemeal actions being taken only where external funding could be secured.

Whilst we welcome the recent opportunity from the Welsh Government to suggest new actions for the 202122 Action Plan, the criteria for acceptance of these actions is very narrow and funding is not transparent nor guaranteed.

What is really needed is a plan that looks at, regardless of funding, **what needs to be done to improve the condition of features of Wales's MPAs**, rather than listing predominantly pre-existing strategic projects - hence the need for a new overall plan to supplement the strategy.

We recommend that, in the 6th Assembly term, the Framework and Action Plan should be revised collaboratively with stakeholders. A full investigation into what actions needs to be taken at a network and local level to improve the condition of MPAs is needed. These should then be actioned and prioritised, including the additional resources and funding that may be required to make that happen.

We recommend that, as part of this exercise, the next Government should be held accountable of setting **milestones** within ocean recovery **targets** to help achieve this goal.

Recommendation 2: The Welsh Government should discuss with the MPA Management Steering Group how it can receive input from a broader stakeholder base and additional management authorities.

In her response to the inquiry, the Minister accepted this recommendation and suggested this is already in hand based on the creation of the Marine Resilience Sub-group. However, this is misleading.

The Marine Resilience Sub-group of the WMAAG was originally set up for different reasons than inferred in the Minister's response. The Sub-group came about from requests by WMAAG members that there was insufficient opportunity to discuss biodiversity and recovery within the time-limited meetings of WMAAG, given the scope of ongoing issues. **The Resilience sub-group was not set up as a way of involving wider stakeholders in Steering Group decisions.**

Firstly, the Resilience Sub-Group does not provide a mechanism for wider stakeholders to engage directly with discussions and decisions made on the Steering Group. Secondly, membership to the Steering Group **remains closed** and both agendas and papers are not available prior to meetings. Thirdly, minutes from these meetings are intentionally high-level only and lack detail on how decisions were reached and what issues were considered. Attempts for even observer status from the NGO community have been denied. This type of non-transparent working goes directly against the Wellbeing Ways of Working.

We remain concerned about the closed nature of this decision-making group and would ask that the next Government **review the group's ToR** and look to **widen its membership** to marine stakeholders to better support transparency and the Wellbeing Ways of Working.

Recommendation 5: The Welsh Government should consider how the Marine and Fisheries Division will, in discussions with the five Welsh Relevant Authority Groups (RAGs), develop a more integrated approach to working with RAGs.

We welcomed the agreement from the Minister in her response to the report to write to the Chairs of the marine Relevant Authority Groups and request their attendance at the Resilience Sub-group.

However, Welsh Government is also a Relevant Authority, yet there is no accountability or scrutiny of their actions to undertake their duties.

We would suggest that the Committee follow up with the uptake at the Resilience Sub-Group with the Minister as a result of her letter.

We would recommend some investigatory work into the attendance of the Relevant Authorities Groups to the MPA Steering Group to ensure that the Minister's letter is having traction.

We would also like to see transparency in statutory duties and accountability with milestones and targets.

Recommendation 11: The Welsh Government should ensure that MPA evidence gaps are addressed through the implementation of the Marine Evidence and Fisheries Evidence Plans.

Published in September 2019, the [Wales Marine Evidence Strategy 2019-25](#) outlined Welsh Government's key marine evidence gaps and their plans to address these. Whilst this is a positive

first step to understanding and filling marine evidence gaps, there are several issues with the strategy.

Firstly, the Strategy reads like a **list of evidence gaps which are driven by policy prioritisation**, rather than wider evidence gaps in our understanding of marine ecosystem functioning. This is likely to be, in part, a consequence of limited stakeholder engagement and in-house development of the Strategy. It instead would have benefited from a truly collaborative approach.

Secondly, the focus on the four key strategic policy goals (marine renewable energy, ports and shipping, aquaculture and coastal tourism) is driven by Welsh Government's blue growth ambitions, without first understanding what gaps need to be filled in our understanding of ecosystem resilience and recovery. That notwithstanding, the precautionary principle should always be applied over perceived insufficient evidence.

Lastly, greater emphasis needs to be placed on supporting a collective understanding of the role that a healthy, functioning ecosystem can bring to the wellbeing of people in Wales.

We would welcome any further correspondence between the Committee and the Minister on this matter and recommend that the next Government review the Evidence strategy to incorporate **marine ecosystem** evidence gaps.

Recommendation 12: The Welsh Government should report back on the progress of the work of the

Task and Finish Group established to identify potential MCZs. The Welsh Government should ask the Task and Finish Group to bring forward proposals for consultation as soon as possible, but no later than February 2020.

Work has now begun by Government on the identification of Broad Areas of Search in the Irish Sea and Western Channel, which are based on the identification of nationally important species and habitat shortfalls that require immediate protection. We welcome the Welsh Government's more inclusive approach to the identification of these areas through the MCZ Task and Finish Group.

That said, we are disappointed that the process by which **targets have been reached** for the area required to cover shortfalls in habitats was not discussed with stakeholders. As it currently stands, the Welsh Government is likely to only designate the bare minimum of area required to meet national targets, rather than take a more aspirational approach to MCZ site designation. This is

especially needed in the offshore area of Wales, which currently has next to no protection from damaging activities.

A word of caution for the next Government - sites are yet to be discussed in any detail with the wider public (expected Spring/summer 2021). We would **strongly emphasise** a need for a well-funded, transparent and well-facilitated public awareness campaign from the Welsh Government in the 6th Assembly, in order to avoid repeating the disastrous consequences of the 2012-13 MCZ process.

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We would like to take this opportunity to update the Committee on other areas of marine and fisheries that are likely to be of importance for the 6th Assembly term:

Recommendation 3: The Welsh Government should explore whether duties for Welsh Ministers, similar to those placed on English Inshore Fisheries and Conservation authorities (IFCAs) under the Marine and Coastal Access Act (2009), should be introduced in Wales and should report back to the Committee on this matter.

The review and dissolution of the inshore fisheries groups by Welsh Government removed a level of stakeholder engagement for fishers, with the national level Wales Marine Fisheries Advisory Group (WMFAG), now the only means of stakeholder engagement.

Unlike England, stakeholders no longer have a local authority body (previously Sea Fisheries Committee) to enable delivery of actions and to address local pressures and threats.

An independent review of the decision to take the duties of the Sea fisheries committee in-house and accountable by Welsh Ministers concluded that it had not delivered on the proposed benefits.

Currently, there are no direct conservation actions to improve MPAs within the WMFAG. It is focussed around target/quota species management. The IFCAs have a conservation remit that to date has not been apparent within the actions undertaken by Welsh Ministers.

With the passing of the UK Fisheries Act, Section 134 provides the ability to make orders to conserve marine flora and fauna or marine habitats from fishery resource exploitation. We would recommend that the future Government make use of this new power as a matter of urgency.

Recommendation 4: The Welsh Government should develop proposals, in consultation with the MPA Management Steering Group, for an area-based approach that would see management authorities put in an amount of money to the pot which is proportionate to the protected area for which they have responsibility.

This matter has not progressed since the CCERA made its recommendation. MCS remains concerned that in denying financial support for individual MPAs, funding to reduce local scale pressures will continue to be piecemeal, short-term and inconsistent across sites.

We recommend that the Minister encourage the Steering Group to re-consider their decision on adopting an area-based approach if the condition of MPAs in Wales are to improve. The next Government should consider how it can promote **fair and consistent financing of MPAs** in Wales, including that of MPA site officers and actions within MPA management plans.

Recommendation 6: The Welsh Government should identify the specific number of staff in the Marine Conservation branch of the Marine and Fisheries Division and report back to this Committee.

Since publication of the CCERA report, there has been a high numbers of Marine and Fisheries Division staff moving on from their posts. This, combined with the recruitment freeze within the Welsh Government's civil service, has resulted in the recruitment of staff with limited specialist technical knowledge and expertise that is required for some of the more complex marine and fisheries work. This, in conjunction with COVID-19 staffing impacts, has resulted in the significant delay in proposed pieces of work being taken forward by the marine ecosystems team.

Ideally, external recruitment of staff with technical specialist knowledge in marine fisheries and management would support the timely delivery of policy implementation and management of the Marine and Fisheries Division.

Recommendation 9: The Welsh Government should explain why management has not yet been implemented as a result of the Assessing Welsh Fishing Activities (AWFA) assessments for high risk activities, which were published in 2017

To date, no action has been undertaken to prevent continued or potential damage in Wales. The Welsh Government have had ample time to progress this. The current lack of legal

capacity to progress this now (as highlighted by the Minister in the CCERA draft budget scrutiny this month) demonstrates that it is purely a lack of prioritisation and financial resources that have delayed its delivery.

The Assessing Welsh Fisheries Activities does what it says; it assesses the risk of fishing gear impacting and damaging protected marine features, whether they are animals, plants or habitats. This is a legal requirement of the Habitats Directive (Article 6). The Welsh Government is in breach of this article by continuing to allow potentially damaging activities to continue within protected sites.

The next Government must provide the legal expertise required to take forward the consultation on AWFA as a matter of urgency. The longer this continues not to be acted upon, the greater the chance of nationally important wildlife and species being damaged, perhaps irrevocably.

Recommendation 10: The Welsh Government should explore the desirability of making the production of site-level feature condition reports and the collection of relevant monitoring information a statutory requirement.

NRW have produced 'indicative' site condition assessments, however these cannot be used for Article 17 reporting and are prefaced by the disclaimer:

'The views and recommendations presented in this report are not necessarily those of NRW and should, therefore, not be attributed to NRW.'

This leads to the conclusion that NRW do not have high confidence in their assessments of MPAs. As the Statutory Nature Conservation Body, we rely upon their judgement and advice in developing management plans. If this is in question, due to lack of data and good quality data, then why are they not advocating the use of the precautionary and preventative principle for future management of these sites?

Significantly more investment into site level monitoring and management is needed if we are to understand how best to manage these nationally and internationally important sites for nature. The next Government needs to sufficiently fund site level monitoring of MPAs.



Plastic Pollution and Packaging Waste inquiry, June 2019

Summary

Within legislation terms, there has been no further policies to reduce microplastics by Welsh Government since June 2018. In addition to this, despite the cross-party support, public support and urgent need, this Government term has seen a very slow pace and projections to address macroplastic. It has been stated that some required legislation will not come into effect until 2023. For the EU Single Use Plastic Directive (SUPD), this would be 2 years after the legal deadline. We outline our recommendations to the Committee for the 6th Assembly term below.

Recommendation 1: More research is needed to address knowledge gaps in relation to nano and microplastics in Welsh waters. The Welsh Government should explore how such research can be supported, so that its policy interventions are informed by the latest knowledge.

In June 2018, a UK ban on **microbeads** in cosmetics and personal care products came into effect. This is the **only piece of legislation to reduce plastic pollution at source** that has been passed during this Government term. Whilst we welcome this, the legislation is **too limited** and needs to include items such as sun creams, make-ups and general cleaning products that are used every single day.

Microbeads that are currently restricted under Welsh legislation only make up a small proportion of microplastics. Analyses by ECHA cites (across the EU) emissions of microbeads, i.e. from rinse-off containing microbeads cosmetics, make up only 107 tonnes per year whereas cosmetics in total emit 9300 tonnes/year. In addition, other sources of emissions include detergents (9700), agriculture (23500), paints (5,200) and medicinal (2,300). Therefore, **restrictions implemented by REACH should be invoked as a minimum.**

We recommend that existing microplastic legislation is broadened to include all other products containing microbeads. For further information, please see our work on the ban of microbeads in additional products, [here](#).

Microfibres are a key microplastic pollutant. It is believed that over 700,000 microfibres are released into our waters with each clothes wash. There are simple measures that can be taken to reduce this.

We would greatly welcome legislation that will see washing machine manufacturers fit microfibre filters in all new domestic and commercial machines by law by 2023 and retrofitted in commercial machines by 2024.

In addition, the next government could work with water companies to supply low-income families with a microfibre-catching bag (such as a guppybag). These currently retail at £25, which is beyond the means of many people.

REACH

REACH stands for the Registration, Evaluation, Authorisation and Restriction of Chemicals (2007). This is an EU regulation that came into effect on 1 June 2007. Chemicals can potentially pose a threat to humans and the environment. REACH provides the regulations that help reduce these and covers both industrial and domestic products including cleaning products. This includes cleaning products, furniture, paints and clothes – hence, **microplastics are included under REACH**.

Any product that contains intentionally added microplastics is by definition a single use plastic as the plastic is too small to be recovered. As the UK exits the EU, we are also leaving REACH, which is consulting on restricting the use of intentionally added microplastics. ECHA's (European Chemicals Agency) committee for Risk Assessment (RAC) supports the proposal to restrict the use of microplastics that are intentionally added to products on the EU/EEA market, in concentrations of more than 0.01% weight by weight.

In the first instance, we would like to **re-join REACH or negotiate for a closer relationship**. At an absolute minimum, we want to see UK REACH keep pace with EU REACH on all the current and future proposed restrictions.

We therefore recommend that the next Government continue to be part of REACH and to implement further legislation to reduce microplastics from entering the waterways from both industry and domestic sources.

Recommendation 6: The Welsh Government should prepare and publish a 10-year, comprehensive and ambitious strategy aimed at reducing plastic pollution. The 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.

The move from a focus on recycling (evidenced by the new waste plan, Beyond Recycling) to that of a circular economy within Welsh Government is greatly welcomed.

That said, MCS and other stakeholders have provided extensive evidence to the Welsh Government on the topic of plastic pollution reduction over the course of this Assembly term, and we are disappointed to note that there have been no legislative changes to reduce macroplastic.

There have been delays with the implementation of major waste legislation, namely; the introduction of a Deposit Return System (DRS), Extended Producer Responsibility (EPR) and the EU Single Use Plastics Directive. **The next Government must make new waste legislation a matter of priority.**

The Welsh Government's 2010 Towards Zero Waste plan is still yet to be updated. The update must include long-term commitments and highlight the funding available to achieve outlined targets, milestones and continuous stakeholder engagement.

Stakeholder collaborations within this area have already begun to be established. We were very pleased with the creation of the Wales Clean Seas Partnership, which draws together relevant stakeholders and experts that all commonly seek to eliminate plastic pollution. The group has already developed a Marine Litter Action Plan 2020-23, which outlines 4 key themes;

1. Prevention of litter at source
2. Support and connect the community and volunteer led responses
3. Promote, support and connect behaviour change initiatives
4. Communicate and measure impact

Whilst we welcome the formation of this group, as with many of these partnerships, they are to some extent 'talking shops'. Whilst stakeholders volunteer their time and expertise to effectively identify key areas of work, there is no funding associated with the work identified.

We would welcome further information surrounding how the new waste strategy would be developed alongside stakeholder input and how complete representation from relevant stakeholders is to be ensured e.g., involvement of large retailers, environmental NGOs, government departments, existing plastic pollution stakeholder partnerships, etc.

The next Assembly must introduce new waste legislation on DRS, EPR and SUP as a matter of priority.

In developing the Towards Zero Waste Strategy, the next government must ensure that a wider range of stakeholders are consulted upon and directly involved.

We recommend that the Welsh Government adopts SMART targets and ambitious yet practical milestones that are legally binding. Further funding to implement these changes is required and needs to be made accessible to relevant stakeholders.

Recommendation 8: The Welsh Government should explore the potential for introducing Welsh legislation to reduce plastic waste and pollution, based on the model for emissions reduction in the Environment (Wales) Act 2016. The Welsh Government should report back to this Committee within 6 months of the publication of this report.

As touched upon in our response to Recommendation 6, we would greatly welcome the implementation of 3 key legislations surrounding plastic pollution and waste reduction. These are; introduction of a DRS, Extended Producer Responsibility and adopting the Single Use Plastics Directive. In addition to the list of Single Use Plastic products outlined in the Directive, we recommend the additional inclusion of the following Single Use Plastic items:

1. **Plastic cigarette filters:** In 2019 on Welsh beaches, 32.6 cigarettes butts were found on average for every 100m surveyed. It was the third most prevalent litter type found. Comparison of cigarette data across Wales shows that compared to 1994, there has been over a 1000% increase. While Extended Producer Responsibility should also be applied, a ban on plastic filters would bring both environmental and health benefits.
2. **Single use sachets:** Single use sachets and other applications which have multilayer, multimaterial should be banned. This material is not fit for the circular economy of the future.
3. **Plastic tampon applicators:** Plastic tampon applicators should be banned. Similar to plastic cotton bud sticks, this item is regularly miss-flushed and ends up on our beaches.

We additionally would recommend the inclusion of the below in Extended Producer Responsibility legislation:

1. **Packets and wrappers:** Packets and wrappers were uncovered to be a top 10 item (number 5) in the MCS 2019 Beachwatch survey. 20.9 packets per 100m were found on Welsh beaches. We therefore recommend that these should be considered under EPR. In particular, they need to show feasible economical recyclability. If they cannot meet this criterion, the material should be removed from the market.
2. **Tethered lids:** The EU Directive has highlighted the issue of separate lids and will require by 2024 that all drinks lids are tethered. We believe this is an important addition as it would ensure that drinks containers would include their lids when recycled (and if returned under a Deposit

Return Scheme). In Wales, 14.8 lids on average were found per 100m of beach, with caps and lids being the 8th most prevalent item found in 2019.

3. **Balloons and sky lanterns:** Balloons should also be subject to EPR and awareness raising. Sky lanterns, while typically made of paper, are a single use item that causes environmental harm as well as posing a fire safety threat and the potentially required intervention of vital emergency services. We suggest that Welsh government legislates to ban mass sky lantern and balloon releases.

4. **Disposable Nappies:** Extended Producer Responsibility on nappies should be used to support reusable nappies and schemes. As the Welsh Government are currently piloting a baby bundles scheme through Swansea Bay University Health board, these bundles should include a focus on reusables. Providing parents with a free starter pack of reusable nappies is likely to improve uptake as it provides the opportunity for consumers to test these reusable products.

Furthermore, additional charges should apply to the following:

1. **Cups (for all beverages, not just “coffee” cups):** A charge should be applied to all single use cups as they are not compatible with a circular economy. “Coffee” cups are difficult to recycle. They require specialist equipment, meaning that very few are recycled. In 2017, the Environmental Audit committee found that only 0.25% were recycled. Industry’s response to this was to set a lowly target of 8% by 2019, which they have so far failed to achieve (reaching only 6%). We would highlight that these products are part of a linear-make-use-throw system. Despite industry setting its own low target of 8%, it was still unable to achieve a basic response recycling rate. In line with the waste hierarchy, reusables need to be encouraged. Research by Cardiff University has showed that charging was considerably more effective than a discount. We therefore recommend a minimum charge of 25p on all single use cups with a target for reduction.

We would also greatly welcome legislation surrounding clear labelling of Single Use Plastic products. Many items are often not clearly labelled and add to consumer confusion for disposal e.g. biodegradable, compostable. This is particularly relevant to sanitary items such as wet wipes and tampons.

We recommend that the single use plastic legislation be expanded to include a wider range of items than those within the Directive, including but not limited to those listed above.

Clear labelling of all items that contain plastic is needed for consumers. Appropriate recycling/disposal pathways also need to be highlighted.

Recommendation 9: Whatever the outcomes of the joint consultation with DEFRA and any subsequent decisions by the UK Government, the Welsh Government should introduce a comprehensive extended producer responsibility (EPR) scheme in Wales. The Welsh Government should use, as a starting point, the report it commissioned from Eunomia.

Introducing comprehensive Extended Producer Responsibility (EPR) legislation is an integral component if the Headline Actions outlined in the Welsh Government's Beyond Recycling Strategy are to be achieved.

Where it is unsuitable or not possible for a Single Use Plastic item to be banned, it should be subjected to EPR. Please see our response to Recommendation 8 for further information.

EPR funds should be used to promote reusable alternatives and support these as they reduce both waste and our national carbon footprint. Wales has already identified period poverty as a significant social issue and allocated funding. Reusables have additionally been identified as part of this solution; they can last a number of years and therefore are cost-efficient but can represent an expensive upfront cost.

EPR on nappies should be used to support reusable nappies schemes. As the Welsh Government are currently piloting a baby bundles scheme through Swansea Bay University Health board, these bundles should include a focus on reusables. Providing parents with a free starter pack of reusable nappies is likely to improve uptake as it provides the opportunity for consumers to test these reusable products.

The next Assembly must implement legislation on EPR as a matter of priority.

Recommendation 10: The Welsh Government should introduce a DRS that applies to the broadest variety of containers, so that no restrictions are placed on the size of containers eligible for the scheme. If the UK Government decides to introduce a scheme with a narrower scope, the Welsh Government should consult on a specific scheme for Wales, with a DRS with the broadest scope as its preferred and recommended option.

We are disappointed that plans to introduce a DRS in Wales have not been acted upon since the DEFRA consultation in February 2019. The majority (69%) of the 672 respondents expressed support for an 'all in' option. The Welsh Government should build upon the overwhelming support from the

public and Members of the Senedd to act on reducing plastic litter as soon as possible. The next Government should prioritize the introduction of an 'all in' DRS.

MCS, as a member of Wildlife and Countryside Link (a national coalition for conservation organisations), drafted a response to DEFRA's consultation. The response recommended the importance of creating a clear, simple system that includes all materials and sizes and avoids confusion to the end user.

We recommend that an 'all in' DRS for all sizes and all material types is implemented by the next Government as a matter of priority.

We would like to comment on the following additional recommendations set out in the Committee's report:

Recommendation 3: The Welsh Government should explore whether legislation can be introduced to restrict access to certain products that contribute to microplastics pollution, through the wastewater treatment pathways, such as non-biodegradable wet wipes. It should undertake this exploratory work and report back to this Committee within the next 6 months, setting out its initial views on this proposal.

Wet wipes (both flushable and non-flushable) are a growing problem from an environmental, pollution and carbon point of view. They additionally do not fit into a circular economy. Across the last 26 years, MCS has found over a 50% increase in the amount of sewage-related debris found on Welsh beaches and a depressing increase of 361% in the number of wet wipes found since wet wipes first started being monitored in 2005.

However, we recognize that a ban of all wipes has the potential to cause issues surrounding health. Therefore, we propose that plastic wet wipes be banned with Extended Producer Responsibility being applied to all other types of wipes. This does not move from a model of make-use-dispose and therefore EPR must be applied to all material types (excluding those banned).

Banning plastic wipes alone will not remove the issue of incorrect disposal of wipes into the sewer system. Consumers are already confused about wipes and their flushability. Welsh Water reported that 25% of flooding was caused by wet wipes in August 2020. Wipes that pass the water industry's 'Fine to Flush' specification (WIS 4-02-06) could have a lower EPR applied. However, 'Fine to Flush' should only be used for products that are expected to come into contact with faecal matter or other

bodily fluids, and should not be applied to wipes with e.g. anti-bacterial applications that should be continued to be disposed of in the bin.

We recommend that the next Assembly act on the following:

- A ban on plastic wet wipes, with Extended producer responsibility (EPR) applied to all other types of wipes.
- Wipes that pass the water industry's 'Fine to Flush' specification (WIS 4-02-06) could have a lower EPR applied.
- Clearer labelling with only those that pass 'Fine to Flush' labelled as such. Non 'Fine to Flush' products should be labelled with 'Do Not Flush' clearly on the front of the packaging, which should be statutory and standardized.

Recommendation 5: The Welsh Government should explore approaches to reduce the amount of fishing gear discarded in the sea and encourage the retrieval of lost fishing gear, including awareness raising measures and the use of geotagging and sonar technology for tracking gear. The Welsh Government should also explore the potential inclusion of fishing gear in a future extended producer responsibility (EPR) scheme.

Fishing litter

Fishing litter makes up over a fifth of litter (21%) found on Welsh beaches and therefore steps need to be taken to address this. Fishing net is the second most prevalent item found on Welsh beaches (behind plastic pieces) with 40.9 pieces per 100m (almost double the average across the UK). EPR for nets as well as ensuring that ports offer a flat fee for port reception facilities, with lockable skips, should be implemented. The current Welsh fleet are mainly potters, although the number and location of pots are currently unknown.

Within future fisheries policy, all pots should be registered and traceable, similar to American and Canadian schemes. This would allow for pot recovery and better fisheries management. With the possible expansion of the existing offshore pelagic and demersal fleet, all opportunities should be investigated to support Welsh fisheries to adopt a more circular approach to fishing gear.

We recommend that the future Government take action on the following:

- All pots and nets should be registered and traceable.
- All pots should include escape hatches to reduce ghost fishing from abandoned or lost gear.

- Extended Producer Responsibility for nets should be applied, as well as ensuring that ports offer a flat fee for port reception facilities, with lockable skips.

Recommendation 11: We welcome the funding that has been made available for the Circular Economy Fund. The Welsh Government should clarify how the fund will be monitored; how it will assess the fund's impact and effectiveness; and how it will assess whether the fund has provided value for money.

A request for an update from the current Minister on this point would be very welcome, alongside a review of what benefits have been achieved from the current fund and lessons learnt.

The circular economy fund should be focussing on progressing the zero waste targets and should be adequately funded with accountability and criteria for return on investment.

Thank you for the opportunity to provide feedback on the environmental legacy of the 5th assembly term. We hope you find our feedback and recommendations for the future helpful. If you would like to discuss any points in further detail, please do get in touch.