

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:	For further information contact:
Committee room 4 Tŷ Hywel and video Conference via Zoom	Marc Wyn Jones Committee Clerk
Meeting date: 17 July 2025	0300 200 6565
Meeting time: 09.30	SeneddClimate@senedd.wales

Hybrid

Private pre-meeting (09.15–09.30)

Public meeting (09.30–13.40)

1 Introductions, apologies, substitutions, and declarations of interest
(09.30)

2 Stage 1 scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – Evidence session with environmental organisations

(09.30–10.45)

(Pages 1 – 82)

Ruth Chambers, Senior Fellow – Green Alliance

Annie Smith, Head of Nature Policy and Casework – RSPB Cymru

Alexander Phillips, Policy & Advocacy Manager – WWF Cymru

[Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill: consultation responses](#)

Attached Documents:

Research brief – Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill



Legal note – Advice to Members on the requirement to “have regard” to specified factors

Paper – Green Alliance

Paper – RSPB Cymru

Paper – WWF Cymru

Break (10.45–10.55)

3 Stage 1 scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – Evidence session with public bodies

(10.55–11.55)

(Pages 83 – 96)

Mary Lewis, Head of Natural Resource Management Policy – Natural Resources Wales

Neil Parker, Team Leader, Biodiversity Policy & Strategy – Natural Resources Wales

Beth Stoker, Director of International Evidence and Advice – Joint Nature Conservation Committee

Attached Documents:

Paper – Natural Resources Wales

Paper – Joint Nature Conservation Committee

Lunch break (11.55–12.40)

4 Stage 1 scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – Evidence session with the Future Generations Commissioner for Wales

(12.40–13.40)

(Pages 97 – 101)

Derek Walker – Future Generations Commissioner for Wales

Rhiannon Hardiman, Policy Lead Climate, Nature, Economy and Food – Future Generations Commissioner for Wales

Attached Documents:

Paper – Future Generations Commissioner for Wales

5 Papers to note (13.40)

5.1 Pre-appointment hearing: Chair of Natural Resources Wales

(Pages 102 – 103)

Attached Documents:

Response from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair in relation to the Committee's report: Pre-appointment hearing: Chair of Natural Resources Wales

5.2 Inter-Ministerial Group for Environment, Food and Rural Affairs

(Page 104)

Attached Documents:

Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair of the Legislation, Justice and Constitution Committee in relation to the Inter-Ministerial Group for Environment, Food and Rural Affairs

5.3 Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

(Pages 105 – 111)

Attached Documents:

Letter from the Chair to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

6 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of this meeting

(13.40)

Private meeting (13.40–14.30)

7 Consideration of evidence received under items 2, 3 and 4

8 Bus Services (Wales) Bill – Consideration of the Committee's Stage 1 draft report

(Pages 112 – 198)

Attached Documents:

Draft Stage 1 report – Bus Services (Wales) Bill

9 Consideration of draft report on the UK–EU implementation review of the Trade and Cooperation Agreement

(Pages 199 – 306)

Attached Documents:

Draft report on the UK–EU implementation review of the Trade and Cooperation Agreement

10 Consideration of the Committee's forward work programme – Autumn 2025

(Pages 307 – 312)

Attached Documents:

Forward work programme – Autumn 2025

Document is Restricted

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Evidence from: Ruth Chambers, Senior Fellow, Green Alliance

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

We strongly support the general principles of the bill: to enshrine environmental principles in Welsh law and place duties on Welsh Ministers and public authorities to take account of them in policy making; to establish a new governance body to hold Welsh Ministers and public authorities to account on compliance with environmental law; to create a framework to set legally binding biodiversity targets, with a duty to bring forward targets in priority areas and a duty on Welsh Ministers to deliver the targets.

While the principles of the bill are welcome, there are ways in which some of its provisions could be clarified or strengthened, as we set out below.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ **Part 1 - Environmental objective and principles (sections 1 to 7)**

The bill will embed four important and longstanding international environmental principles into Welsh law, along with duties on Welsh Ministers and Natural Resources Wales to have "special regard" to these principles and to integrate environmental protection into their policy making (sections 2 to 4).

The four environmental principles are:

- the precautionary principle so far as relating to the environment
- the principle that preventative action should be taken to avoid environmental damage
- the principle that environmental damage should as a priority be rectified at source
- the polluter pays principle

The bill also places duties on certain public authorities to have regard to environmental principles and integrate environmental protections when carrying out their functions in connection with the assessment of plans and programmes, known as Strategic Environmental Assessment (section 5).

The provisions on environmental principles will underpin the new environmental governance system in Wales, ensuring that environmental considerations inform ministerial and public authority policy making.

The Welsh Government has clarified that policy making includes proposals for legislation and developing, adopting or revising policies but that individual regulatory, planning or licensing decisions made by the Welsh Ministers are out of scope of the duty (section 4).

Welsh Ministers will be required to consult on and publish an environmental principles and integration statement, to clarify and explain how the environmental principles are to be interpreted and applied (section 6).

The bill introduces an environmental objective to guide the application and implementation of the duties on environmental principles and integration.

Comparison with the existing legislative frameworks in England, Northern Ireland and Scotland highlights that the Welsh Government has sought to build on the approaches taken by the other governments.

It has introduced a stronger standard for the duties on Welsh Ministers and Natural Resources Wales ("special regard" vs the "due regard" standard used in the other countries), which means that they must attach considerable importance and weight to the principles when making policy. It has opted to apply the duty directly to the principles rather than the more indirect - and less helpful - approach taken by the UK government of attaching the duty to a policy statement.

However, there are some areas where the bill needs clarifying or strengthening, as we highlight below.

Scope of the duty in section 3

The environmental principles duties in other legislation in the UK cover all policy making, with some exceptions for fiscal and defence policy. The Welsh Government has instead opted for what appears to be a narrower approach in which only policy “that has, or could have, any effect on the environment” will be covered by the duty. This allows future Welsh Ministers to exclude policy from the duty if they determine it would not have any effect on the environment.

While we note the Cabinet Secretary’s insistence that all relevant policy will be caught by the proposed scope of the section 3 duty, we are concerned that considerable discretion will be placed in the hands of future Welsh Ministers to decide whether policy has, or could have, any effect on the environment. There is no requirement for them to seek advice on this, nor to publish the criteria that they will use to decide whether policy is in scope of section 3.

Impact on the integration of environmental protection into policy making

The integration principle derives from international law and seeks to ensure that environmental protections are embedded across all fields of policy, not just those obviously related to the environment. While we welcome the Welsh Government’s decision to elevate the integration principle to a legal duty binding on Welsh Ministers and some public authorities, the scope of the section 3 duty frames, and potentially undermines, the way in which the duty to integrate environmental protection into policy making will be carried out.

The use of “such” in section 3(1)(b) clearly limits the application of the integration duty to policy which has, or could have, any effect on the environment, instead of its accepted and longstanding application to all policy. While we believe this is not the Welsh Government’s intention, it is the result of the way in which this subsection has been drafted. This should be corrected.

Recommendations

The Welsh Government should reconsider the scope of the environmental principles duty and, for the sake of legal clarity, apply it to all policy making not just that which has or could have an effect on the environment.

Section 3(1)(b) should be amended to clarify that the duty to integrate environmental protections must apply to all policy.

Welsh Government officials explained to the Legislation, Justice and Constitution Committee in the oral evidence session on 30 June that public authorities will only be required to have regard (and not special regard) to environmental principles, because the strategic environmental assessment regulations already focus on environmental impact. Further clarity on this would be welcome.

Wording of the environmental objective

We welcome the introduction of an environmental objective in relation to the environmental principles and integration duties, although have reservations in relation to its application to the Office of Environmental Governance in Wales, as we explain in our response to question 3.

The inclusion of a reference in Section 1(1)(a) to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 would, however, dilute the environmental objective's focus away from its primary aim of the attainment of a high level of environmental protection and environmental improvement, due to the goals' very broad focus.

Timetable for publishing and reviewing the environmental principles statement

The bill requires Welsh Ministers to consult before publishing the statement and enables them to review it "from time to time" (section 6(5)). The explanatory memorandum suggests that the Welsh Government wants to progress the statement ahead of commencement of the bill's provisions, which would be welcome (para 3.1444).

The duties on Welsh Ministers, NRW and public authorities on environmental principles and integration will come into force six months after Royal Assent, which would be in October 2026.

It would be helpful if Welsh Ministers could be asked to confirm the timetable for consulting on and publishing the first statement, so that consultation can be undertaken with sufficient time for meaningful engagement, bearing in mind the forthcoming pre- and post-election periods.

We suggest that it would be beneficial for the statement to be reviewed on a regular basis, rather than "from time to time", for example once during each Senedd term, to ensure that it keeps pace with developments in international environmental protection legislation and provides up to date guidance to ministers and public authorities.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

We welcome Part 2 of the bill, which establishes a new statutory environmental oversight body, the Office of Environmental Governance Wales (OEGW).

This is long overdue, as since Brexit, Wales has been without a statutory body to monitor and enforce breaches of environmental law by Welsh Ministers and public authorities and is the last UK nation to introduce legislation to fill this gap. The Office for Environmental Protection (OEP) and Environmental Standards Scotland (ESS) perform a similar role in England, Northern Ireland and Scotland.

While an interim arrangement, the Interim Environmental Protection Assessor for Wales, has been put in place, it lacks resourcing and has no statutory powers. Given the delays, a clear timetable and process for the establishment of the OEGW is needed, as we set out in our response to question 5.

Independence of the OEGW

The Welsh Government recognises that the independence of the OEGW “is of paramount importance to its effective operation” (para 3.165, Explanatory Memorandum).

However, there are no legal safeguards in the bill to protect the body's independence. While welcome, words of positive intent from the current administration do not amount to long term legal certainty.

We note that the Cabinet Secretary argued in his oral evidence to the Committee on 26 June that the independence of the OEGW would be assured because of measures that had not been included in the bill. For example, the Welsh Government has not sought a power to issue guidance to the OEGW akin to that of the Secretary of State in relation to the OEP in [section 25](#) of the UK Environment Act 2021 and has empowered the OEGW to decline to provide advice to Welsh Ministers if requested.

While we welcome the decision not to seek such a guidance power, the absence of any explicit legal safeguards on OEGW independence leaves the body vulnerable to the political whims of future ministers, who may be less well

disposed to the OEGW, especially once it has started to ask difficult questions about any potential lack of compliance with environmental laws.

The Welsh Government should amend the bill to introduce a duty on Welsh Ministers to respect the OEGW's independence, like that in [Schedule 1](#) of the Environment Act 2021, which has been very helpful in relation to safeguarding the independence of the OEP. This duty is far from a mere declaratory statement; it would act as a potential backstop should future ministers be less favourably disposed to the OEGW, but its greater significance lies in how it would inform decisions about funding and appointments. It would also provide a frame for the sponsorship relationship, helping to ensure that the OEGW is "differently independent" to other public authorities, as we believe is the Welsh Government's policy intention.

The bill could also be amended to clarify that Welsh Ministers have no power of direction in relation to the OEGW, like [Schedule 1](#) of the Scottish legislation.

Review of compliance notices

The bill currently enables public authorities to ask the OEGW to undertake an internal review of a compliance notice and to require the OEGW to pass the decision on notices over to a 'review committee', which will include people appointed from a list maintained by Welsh Ministers. That review committee would be able to confirm, withdraw or vary the compliance notice. This would weaken the OEGW's governance and enforcement authority. It would also create a perceived lack of independence, especially in relation to compliance notices relating to Welsh Ministers.

Para 10 of Schedule 1 of the bill specifies that the composition of the committee must include at least 2 people co-opted from a list maintained by Welsh Ministers. Placing the fate of compliance notices, which are designed to be the OEGW's principal vehicle to bring about compliance with environmental law, in the hands of a potential majority of external persons, would weaken its governance and enforcement authority.

Experience from the other jurisdictions in the UK highlights that public authorities do not always agree with the findings of the relevant environmental oversight body, so the review process is likely to be used on a regular basis. These provisions should be rethought so that the OEGW retains control over its enforcement decisions. It would be possible, for example, to build independence and objectivity into the review process without requiring the OEGW to cede its enforcement authority.

Resourcing of the OEGW

The bill provides no safeguards on the process for deciding the resourcing of the OEGW, which is set out in Paragraph 16 of Schedule 1. The UK government took a different approach and [recognised](#) the importance of providing the Westminster Parliament with the means to scrutinise the adequacy of resources provided to the OEP and the need for financial independence.

It committed to provide the OEP with a ring-fenced five-year indicative budget and empowered the OEP to highlight any under-resourcing to the Westminster Parliament by publishing a Sufficiency Statement (Paragraph 14(3), [Schedule 1](#) of the UK Environment Act 2021). In his oral evidence to the Committee on 26 June, the Cabinet Secretary appeared unconvinced by the merits and mechanics of such a statement. We suggest the Committee could ask the Office for Environmental Protection for its views on the Sufficiency Statement.

Board appointments

A greater oversight role for the Senedd should be considered in the appointment of the OEGW's board members.

Schedule 2 requirements for OEGW strategy

Schedule 2 sets out a long list of requirements which the Welsh Government is proposing must be included in the OEGW's strategy. While some of these are helpful – for example, providing clarity on how the OEGW plans to work with bodies such as the Auditor General for Wales – the list is overly prescriptive.

In his oral evidence to the Legislation, Justice and Constitution Committee on 30 June, the Cabinet Secretary said that the Welsh Government had taken “a hands off” approach to the OEGW's strategy, with no constraints. Analysis of Schedule 2 does not wholly chime with this. The list of requirements should be reduced, to avoid giving the impression in law that the OEGW's strategic direction and priorities are being set by Welsh Ministers.

Clarity of purpose for the OEGW

We welcome the introduction of an environmental objective in section 1 in relation to the environmental principles and integration duties but have serious reservations about its application to the general purpose of the OEGW (section 9).

The OEGW will replace the role played by the European Commission and Courts in monitoring and overseeing compliance with environmental law. It will be a

strategic oversight body with specific legal functions and responsibilities, all of which relate to environmental law.

There are many examples of public authorities under-delivering because of a lack of clarity in their strategic purpose and founding legislation.

We recommend therefore that the general purpose of the OEGW is rethought and simplified to focus on what the public expects its role to be: environmental protection and the improvement of the natural environment.

Ensuring that the OEGW has sufficiently robust enforcement powers

We agree that the OEGW should adopt an escalatory approach to enforcement, working collaboratively with public authorities to resolve compliance concerns before resorting to formal action. This mirrors the approach taken in other countries in the UK. However, for this approach to be effective, the system must include a sufficiently robust deterrent. We have questions in this regard about the proposed High Court review (section 19) and the absence of an explicit power for the OEGW to intervene in proceedings brought by other parties.

The Cabinet Secretary appeared to suggest that the OEGW could make use of its broad ancillary power to apply to intervene in such proceedings. We are concerned that the absence of an explicit power in the bill could potentially weaken the OEGW's standing before the court, which may understandably ask why the other UK governance bodies have an explicit power to intervene, but the OEGW does not.

Ensuring access to environmental justice

It is of serious concern that there is no provision in the bill for people to make formal representations to the OEGW if they feel an environmental law has been broken, nor on how the OEGW would handle such representations. This is a major oversight and would represent a regression from the position that existed when the UK was a member of the EU.

We note that Schedule 2 will require the OEGW's strategy to set out how it intends to enable persons to make representations to it about matters relating to environmental law, but this is not the same as including a legal right for people to make representations on the face of the bill.

While we agree that the OEGW should be allowed to develop its own systems and approaches, the ability for people to make representations to it on breaches of

environmental law should be clearly enshrined in legislation given its public importance.

The bill should therefore be amended to include the ability for people to make a representation to the OEGW if they believe that a public authority has failed to comply with environmental law. The bill should also set out the broad process that will be followed, for example to mirror the approach taken by the UK Government in [section 32](#) and [section 34](#) of the UK Environment Act 2021.

Co-operation with other environmental governance bodies

No provision is made in the bill for the OEGW to co-operate with other environmental governance bodies across the UK, despite those bodies having a requirement to cooperate with the OEGW. For example, [section 27\(4\)](#) of the UK Environment Act 2021 requires the OEP to consult other environmental governance bodies where relevant, and [section 23\(3\)](#) of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 places the same requirement on Environmental Standards Scotland. This should be added.

Accountability gap for some public authorities

Section defines a public authority as a person which is a devolved Welsh authority (as per [157A](#) of the Government of Wales Act 2006) or listed in paragraph 9(2) or (6) of [Schedule 7B](#) of that Act.

The OEGW will therefore have oversight of public authorities whose functions are exercisable only in relation to Wales and are wholly or mainly functions that do not relate to reserved matters.

In addition to Welsh public authorities such as Natural Resources Wales, this includes the following bodies: Electoral Commission; the Food Standards Agency; the Water Services Regulation Authority; the Joint Committee on Vaccination and Immunisation; the Human Tissue Authority; the NHS Business Services Authority; NHS Blood and Transplant; the Open University; the Controller of Plant Variety Rights; a water or sewerage undertaker; the Consumer Council for Water; and the Chief Inspector of Drinking Water for Wales.

This potentially leaves an accountability gap as public authorities exercising reserved functions in Wales will not be within the OEGW's oversight. The Welsh Government should clarify which public authorities fall within this accountability gap, and how it plans to address it.

We think it would include bodies which have a potentially significant interaction with Welsh environmental law and would welcome clarification on whether the following bodies would be within the oversight remit of the OEGW:

- Crown Estate
- Marine Management Organisation
- National Grid
- Network Rail
- Ministry of Defence

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

Section 6B(1) provides Welsh Ministers with a welcome power to set targets through regulations in respect of any matter relating to biodiversity in Wales.

The explanatory memorandum notes that the legislation makes provision that “aims to respond effectively and with urgency to these fundamental [nature and climate] crises”. We welcome this intent but question whether the absence of timescales in the new target setting framework is commensurate with the Welsh Government’s aim of tackling the nature crisis with urgency.

Just as the Global Biodiversity Framework describes both 2030 targets and longer-term 2050 goals, the bill should ensure that Welsh Ministers are accountable for delivering legally binding interim and long-term targets, with at least one long-term and one short-term target required for each priority area.

The bill is silent on the duration of targets and our current reading is that it would be possible to bring forward only short-term targets, for example.

Furthermore, the timescale set by section 6C(5) for Welsh Ministers to exercise the power in section 6B to set a target in respect of at least one matter within four specified priority areas does not reflect either the urgency needed to address the alarming declines in Welsh nature nor the calls from [Senedd Cymru](#) and [Audit Wales](#) for action to be at a pace that reflects the scale of the nature crisis. This timeframe means that targets will not be required until 2029.

Wales’ first suite of biodiversity targets should be required within 12 months of the bill receiving Royal Assent. This timeframe was applied in the UK Environment Act

2021 and targets under that Act were published within 13 months. We consider that the Welsh Government should adopt a more ambitious statutory timeframe for publishing and adopting targets, particularly because work towards developing the targets is already underway.

We agree that biodiversity targets should be set via regulations, rather than on the face of the bill, provided those regulations are passed via the affirmative procedure, which we believe will be the case under [section 25\(3\)](#) of the Environment (Wales) Act 2016.

However, we consider there would be value in including an additional requirement in the bill for Welsh Ministers to set a target to reverse the decline in species abundance by 2035. This would follow the precedent set by the UK Environment Act 2021, which required the Secretary of State to set a target, through regulations, to halt the loss of species abundance by 2030. This would act as a 'North Star', capturing and embedding the ambition and commitment of the current Welsh Ministers and Senedd to respond to the nature emergency and galvanising action from the outset. Its value is heightened by the fact that implementation of the duties included in the bill will be in the next Senedd term.

The absence of a requirement for a review of targets to be undertaken regularly differs from the approaches taken for England and Scotland. The bill enables ministers to review a target "from time to time", or in specific circumstances when it appears that a target would not be met. We suggest that a regular review of targets would be useful to ensure that the right targets are in place to significantly contribute to halting and reversing biodiversity loss.

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 4 - General (sections 39 to 45 and Schedule 4)

Schedule 4 - consequential amendments

We note that Paragraph 3 of Schedule 4 brings the OEGW within scope of the Well-being of Future Generations (Wales) Act 2015 by adding it to the list of public bodies specified in section 6 of the Act and requiring it to comply with the well-being duty in section 2 of the Act.

The Act is a long standing and important feature of the Welsh policy landscape. The OEGW and the Future Generations Commissioner will need to work together given their different but complementary roles. However, we question whether it is appropriate to require the OEGW to comply with the well-being duty in the way the bill proposes.

The purpose of the OEGW is to monitor and enforce compliance with environmental law. Its job will be demanding as it will be assuming its functions after a lengthy absence of statutory oversight, and at a challenging time for public finances and a perilous moment for the Welsh environment, much of which is declining or in a very poor condition. It will therefore need to focus on delivering its statutory functions to ensure that environmental law in Wales is effectively monitored and enforced.

We therefore suggest that Paragraph 3 of Schedule 3 is removed and that the OEGW and Future Generations Commissioner should instead agree how they will work together once the OEGW has been set up. This could be articulated in the OEGW's strategy, which Schedule 2 of the bill requires should set out how the OEGW intends to avoid overlap with the Future Generations Commissioner in the exercise of their respective functions.

Section 44 - coming into force

The long delay in establishing the OEGW is regrettable as it has left Wales without a statutory system of environmental oversight and compliance for several years. While we note that some provisions relating to the OEGW will come into force two months after the day the Act receives Royal Assent, the majority will not, and it will therefore fall to the next government to commence most of the provisions relating to the OEGW.

The explanatory memorandum states that Royal Assent will be in April 2026, which means that Sections 8, 9, most of Schedule 1, Section 28 and Schedule 3 will come into force in June 2026, after the Senedd elections. This will establish the OEGW as a legal entity, and enable detailed work on its establishment, including possible staff transfer and the appointment of interim board members.

But the provisions that give the OEGW its powers will come into force at some unknown future date. The Cabinet Secretary told the Committee on 26 June that he expected the OEGW to be fully operational within 18 to 24 months but provided no detail on the phasing of this.

The lengthy delays experienced to date suggest that it would be prudent for a more detailed timetable to be published so that the next Senedd and civil society can hold future Welsh Ministers to account on the establishment of the OEGW.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

A lack of clarity in the legislative framework, reflecting the Welsh Government's apparent preference for implicit rather than explicit legislation, could lead to delayed or ineffective implementation and legal uncertainty for those affected by the bill.

This submission discusses the importance of providing constitutional independence for the OEGW through explicit provisions in the bill. However, there are other aspects of independence, including those that will arise through decisions on the design and operation of the OEGW. Some of these will be very significant in terms of ensuring sufficient operational independence for the OEGW, for example the location of its office (which should be in a location that will facilitate the recruitment of suitably expert staff), the importance of independent communications, human resources and procurement functions and the need to avoid any 'back office' sharing that would compromise its independence.

In his oral evidence to the committee on 26 June, the Cabinet Secretary suggested that the OEGW could share 'back office' functions with the Disused Tips Authority for Wales. We understand why this may at first appear an attractive option, given the two bodies are being set up in similar timescales.

However, it would not be appropriate for the OEGW, charged as it will be with ensuring compliance of public authorities with environmental law, to share systems or services with a public authority which will be responsible for monitoring and potentially taking action to address tip safety to protect human health and avoid environmental damage. Any 'back office' sharing should be strictly limited to organisations which are not likely to fall within the oversight of the OEGW nor have any significant interaction with Welsh environmental law. More transparency and engagement on the Welsh Government's plans for establishing the OEGW would be welcome.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

Section 29(4) - meaning of environmental law

This section relates to the meaning of environmental law and gives Welsh Ministers the power to amend this by regulation, which the statement of intent and explanatory memorandum explain is “to ensure the definition of environmental law can be future proofed and updated with the latest developments in respect of international and domestic policy”.

We note that the UK Environment Act 2021 provides the Secretary of State with a similar power in section 46(5). However, [section 46\(6\)](#) of the UK Act also requires the Secretary of State to undertake consultation before making regulations, including with the Office for Environmental Protection, which is important given the meaning of environmental law shapes its oversight remit.

The meaning of environmental law in section 29(4) of the bill will perform a similar role for the OEGW (the statement of intent notes that it “effectively sets the scope of the OEGW’s functions” while the explanatory memorandum notes that it “has a substantial bearing on the scope of the Office of Environmental Governance’s oversight powers”). It is concerning, therefore, that no consultation requirement has been included in section 29 in relation to the OEGW. This should be added.

8. Are any unintended consequences likely to arise from the Bill?

9. What are your views on the Welsh Government’s assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

EPGBTWB 12 - Evidence from: RSPB Cymru

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[Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee](#)

[Bil yr Amgylchedd \(Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth\) \(Cymru\) | Environment \(Principles, Governance and Biodiversity Targets\) \(Wales\) Bill](#)

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

This legislation is vitally needed.

Primary legislation is needed to reinstate the influence of the core environmental principles on Welsh policy, and to establish a new body to provide independent oversight of our environmental laws – thus delivering on long-standing Welsh Government commitment that environmental standards will be upheld – if not strengthened, following the UK’s exit from the EU.

However, as the Explanatory Memorandum (EM) makes clear, the evidence – including the 2023 State of Nature Wales [report](#) – shows us that simply maintaining existing standards is not enough. We need action at scale and pace to deliver nature’s restoration and recovery, and as argued in our 2021 report [Putting Wales on a Path to Nature Recovery](#), the existing legislative framework is not adequate to secure this. An ambitious framework of legally binding targets must ensure that action for biodiversity is mainstreamed for the long term, to enable Wales to deliver on global commitments and see nature restored and thriving by 2050.

We therefore warmly welcome the tabling of the Bill. As set out in our evidence, however, we believe that it should be clarified and strengthened in parts to ensure it provides the ambition, accountability and enforcement to secure a healthier environment and restore nature in Wales.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

Part 1 - Environmental objective and principles (sections 1 to 7)

We welcome the introduction of an overarching environmental objective and the embedding of core environmental principles together with a duty to integrate environmental protection. However, we are concerned that aspects of the drafting could undermine the application and impact of the principles, and we recommend some changes, as set out below.

Environmental Objective

We welcome a headline overarching objective, aimed at achieving a high level of environmental protection and improvement of the environment, providing a core statutory purpose for the application of the environmental principles.

However, we are deeply concerned by reference (in clause 1(1)(a)) to contributing to achieving the well-being goals as part of the objective itself. The goals are not limited to the environment but also address economic, social and cultural aspects of sustainable development. We are concerned this will undermine and weaken the application of the environmental principles.

We also consider this particularly problematic given that the environmental objective provides the general purpose for the new Office for Environmental Governance Wales (OEGW). We fear this has the potential to compromise the OEGW's ability to uphold environmental law.

We therefore recommend that clause 1(1)(a) should be deleted.

Environmental Principles

We welcome the approach taken in the Bill on the role and application of environmental principles to replace their function under the Treaty on the Functioning of the European Union (TFEU). However, there are some areas where the bill needs clarifying or strengthening, as we highlight below.

The Duty

The duty on Ministers (clause 3) and NRW (clause 4) to have "special regard" to the principles and to integrate environmental protection is a welcomed strengthening compared to the equivalent requirements in other countries. It should mean that environmental principles should underpin the new environmental governance system in Wales, ensuring that environmental considerations inform ministerial and NRW policy making (which includes

proposals for legislation and developing, adopting or revising policies¹) from the outset.

We also welcome the decision to apply the duties directly to the principles rather than the more indirect – and less helpful – approach taken by the UK Government of attaching the duty to a Principles Policy Statement. The Welsh Government should also be commended for avoiding the carve-outs for fiscal and defence policy, which the other governments included in their legislation.

Scope

However, we are extremely concerned that the duty to have special regard to the four principles is limited by only applying to policy that “*has, or could have any effect on the environment*” as set out in clause 3(1)(a), with the use of the word “such” in clause 3(1)(b) meaning the same qualification applies to the integration duty. This clearly limits the application of both the integration duty and the environmental principles. Their application is not limited in this way in England, Northern Ireland or Scotland.

We note that, in his evidence session with the Committee on 26 June, the Deputy First Minister emphasised that the principles would have to be applied in relation to all policy making; this point is also stressed by the EM. However, we consider the current drafting would allow future Welsh Ministers to exclude policy from application of the duty if they determine it would not have any effect on the environment.

The integration principle derives from international law, particularly the Rome Treaty, and seeks to ensure that environmental principles are embedded across *all* fields of policy, not only those obviously related to the environment. To ensure it fulfils its vital role, it would be preferable to have the integration duty requirements first in clause 3(1)(a), with the environmental principles consideration applied for all policies thus “scoped in”, second both in time and within the Bill.

Public Authorities’ Duties (clause 5)

The Bill places a requirement on certain public authorities to integrate environmental protections and “have regard” to the environmental principles when carrying out their assessment of plans and programmes (known as Strategic Environmental Assessment (SEAs)) functions (clause 5). It is not clear why this requirement is limited to only their SEA functions, or is a lesser duty than that placed on Ministers and NRW. We further note that SEA already substantially includes consideration of the environmental principles’ aims and objectives and we are keen to understand how this new duty (and the associated guidance) will secure additional benefit. We would encourage the Committee to seek further clarity on these matters.

Environmental Principles and Integrating Environmental Protection Statement

¹ As clarified in clause 3

We support publication of this statement to support the application of the principles and integration of environmental protection duties. Clause 6(5) allows the Welsh Ministers to review the statement from time to time. We suggest the Bill should require the Statement to be reviewed regularly, e.g. once per Senedd term, to ensure that it keeps pace with developments in environmental protection legislation and provides up to date guidance to ministers and public authorities.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

We welcome the creation of the Office for Environmental Governance Wales (OEGW). This new body will have an unique and critical role in ensuring effectiveness and implementation of environmental law in Wales.

Whilst we are broadly supportive of the remit and functions set out for the OEGW there are several matters of concern which we consider must be remedied to provide effective environmental governance.

1. Ensuring Independence

The OEGW will only be effective in carrying out its purpose if truly independent from government. We welcome the Deputy First Minister's recognition that the independence of the OEGW is crucial to its operations²; this is also reflected in the Explanatory Memorandum (e.g. para 3.165). However, we consider it vital that the independence of this new body is clearly stated on the face of the Bill. The Welsh Government should amend the bill to introduce a duty on Welsh Ministers to not only respect the OEGW's independence but also to be clear there is no ability to influence the Body. There are examples of this approach in existing legislation:

The Environment Act 2021, Schedule 1, para 17 duty is very powerful and frames the relationship between the OEP and Defra: "*In exercising functions in respect of the OEP, the Secretary of State must have regard to the need to protect its independence*". The application of this requirement covers any decisions including appointments and funding.

The independence of Environmental Standards Scotland is also protected through the Continuity (Scotland) Act, Schedule 1, para 1 "*In performing its*

² <https://www.senedd.tv/Meeting/Live/3e9ce200-e633-4f72-b46e-159ebf905b2a>, several examples including at 43:53

functions, [ESS] is not subject to the direction or control of any member of the Scottish Government”.

We recommend that explicit wording protecting the independence of OEGW be added to the Bill.

Sufficiency of resources and funding

The Bill currently says very little about the funding of the OEGW, with paragraph 16 of Schedule 1 simply giving Ministers the power to make payments to the body. Adequate resourcing will be essential in providing the security and independence needed for the OEGW to fulfil its functions and purpose, and we consider safeguards on this must be included within the Bill. This could follow the example of the Environment Act 2021 which requires (Schedule 1, para 14) that:

“(3) A statement of accounts must include an assessment by the OEP of whether, in the financial year to which the statement relates, the Secretary of State and the Northern Ireland Department provided it with sufficient sums to carry out its functions.”

We also strongly recommend the Body should receive a 5-year indicative budget.

The OEGW’s Strategy

It is essential to the OEGW’s independence that the new Body has complete discretion in the development and publication of its Strategy. Although it is beneficial to include some elements on the face of the Bill, for example the requirement for an enforcement policy, the overly prescriptive nature of Schedule 2 is of concern.

Despite such full coverage, we note there are some omissions for example reference to the important need to consider the existing work of the Climate Change Committee and ensuring not only collaboration but also no overlap with the functions of this important body.

2. Functions and powers

General purpose.

The OEGW’s general purpose (as set out in clause 9) is to contribute to the environmental objective in clause 1. As discussed above, we welcome the first part of the environmental objective: *the attainment of a high level of environmental protection and an improvement of the environment*, we are concerned by the link to the well-being goals in clause (1)(1)(a). We strongly believe this would weaken the body’s vital environmental focus.

We therefore strongly recommend the OEGW’s purpose be re-stated to focus solely on environmental protection and improvement of the natural environment.

As noted in our response to Part 4, we do not agree that the OEGW should be subject to the Well-being duty in s3 of the Well-being of Future Generations Act, and as such this should not be referenced in Schedule 2.

Main Functions

The effectiveness of the OEGW's provision of environmental governance depends on the following definitions:

Meaning of "environmental law" (clause 29)

We strongly recommend it is made clear that the OEGW is able to review and scrutinise all legal and policy areas (including interpretative guidance) which may impact the environment, including for example economic, transport, social and health policies as well as consideration of international law particularly those conventions, protocols and agreements which lead to our domestic environmental protection legislation.

Currently clause 29 defines environmental law "As any devolved provision to the extent that it - wholly or mainly relates to environmental protection....". We are concerned this may have unintended limitation on the OEGW's scope to only legislation wholly or mainly concerned with the environment. Simply adding the word "legislative" before "provision" would make it clear that even a single section or regulation would be enough to pass this definition.

Meaning of "public authority" (clause 30)

Clause 30 refers to an existing list of authorities as well as to a definition in the Government of Wales Act 2006. We are concerned this approach omits some reserved bodies that undertake devolved public functions in Wales - for example, The Crown Estate. It is not clear that the devolved functions of these bodies fall under the auspices of the OEP either - leaving an accountability gap. The Welsh Government should clarify which public authorities fall within this accountability gap, and how it plans to address it.

We would prefer an approach which would ensure public functions undertaken by private entities are included in the scope of OEGW's governance. For example, section 31(3) of the Environment Act 2021 includes a definition that covers both public authorities and public functions:

(3) In this Part "public authority" means a person carrying out any function of a public nature...

Subject to the above issues, overall we welcome the functions set out in clauses 11 to 22, but there is one key exception - Review of Compliance Notices - and a major gap - the ability for people to make representations to the OEGW.

Review of Compliance Notices (clause 18)

This allows any public body that has received a OEGW Compliance Notice, including an Urgent Compliance Notice, to request that it be reviewed. Such a request appears to be able to include process and well as substantive issue points,

and following the review the Notice can be varied or withdrawn. The review is to be undertaken by the OEGW's Review Committee.

Schedule 1, para 10 makes clear the Review Committee must include at least two "external" persons, selected from a list maintained by the Welsh Ministers. We are deeply concerned that such an influential role could be passed to "externals" ultimately weakening the OEGW's authority.

In addition there appears to be a significant undermining of the reasons for and therefore purpose of an Urgent Compliance Notice, by also enabling internal review of them with no specified timeframe attached.

We urge the Committee to seek clarity on these matters including serious consideration being given to an alternative process without possible "external" interference and without the ability to request a review of urgent compliance notices.

Representations

The ability for citizens to make representations to the OEGW regarding implementation of, compliance with and effectiveness of environmental law is critical to reinstating the rights we enjoyed prior to the UK's departure from the EU. This ability is provided, in relation to the OEP, by s32 of the Environment Act 2021.

It is equally important that there is a requirement for the Body to keep those who submit representation informed. The Environment Act 2021, section 34, includes this important duty:

"(1) Where a person makes a complaint to the OEP alleging that a public authority has failed to comply with environmental law, the OEP must keep the complainant informed about its handling of the complaint."

S34(2) sets out specific requirements for the various stages if the complaint leads to an investigation.

It is important that these fundamental provisions are included within Part 2 of the Bill, not left to be determined within the OEGW strategy.

Further requirements and abilities

We are disappointed that the OEGW does not have a duty to work with its counterparts in the other UK nations, and would like to see this added to the Bill – the OEP (under s27(4) Environment Act 2021) and Environmental Standards Scotland (under the s23(3) Continuity (Scotland) Act 2021) are subject to a duty to consult other environmental governance bodies where relevant. In addition, the Continuity (Scotland) Act 2021 sets out a list of powers for ESS, in exercising its functions (e.g. research, obtaining independent expert advice) which would be valuable for the OEGW.

We are also concerned that the Bill does not provide a power for the OEGW to intervene in proceedings brought by other parties (such as engagements with the

High Court). This is a power that is explicitly provided for the OEP and ESS in their respective founding legislation.

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 3 - Biodiversity targets, etc (sections 33 to 38)

We welcome the target-setting framework introduced by Part 3. It contains many positive elements, but we suggest it needs to be strengthened to avoid leaving the door open for a minimalist approach to implementation. In our evidence we address the need for:

1. Greater clarity on the ambition to halt and reverse biodiversity loss and to restore biodiversity, including a 'north star' target to reverse the decline in species abundance within ten years, to embed urgency and ambition within the Bill.
2. A requirement for both long term, and short term/interim targets relating to key biodiversity measures, to ensure a focus on long-term outcomes drives action for many years to come.
3. A process for reviewing targets regularly to ensure their 'significant contribution' to reversing biodiversity loss holds.
4. Clarity on the requirements on public bodies and government departments, to support mainstreaming of biodiversity actions.
5. Enhanced scrutiny through a role for the OEGW in relation to the evaluation of targets and delivery plans

These points are addressed in more detail below.

1. Greater clarity on ambition

A North-Star target requirement

It is disappointing that the White Paper proposal for a headline target has been dropped, but we recognise the complexity of setting and measuring against such a target. However, we suggest the alternative approach of including a requirement in the Bill for a target to reverse the decline in species abundance by 2035, so that, by that date, abundance is at least at the same level as it is today, and is showing an upward trend. This short-term target, addressing a key biodiversity measure, would act as a 'north star' - giving an indication of the scale and pace of change required to set biodiversity on a path to recovery, and embedding the ambition and commitment of the current Welsh Government

and Senedd as they prepare to hand the delivery of this vital legislation onto the next.

This proposal follows the precedent of the Environment Act 2021 (section 3), which, alongside duties to establish long term environmental targets, includes a specific requirement for a target to halt the decline in species abundance by 2030. Our suggested later deadline here accounts for the extra time it has taken for the Welsh Government to introduce this legislation. The trajectory required to meet this target would mean species decline being halted by 2030, aligning with the UK Government target and Global Biodiversity Framework (GBF).

Condition for targets to meet

6B(2) sets out the condition that targets must meet: the Ministers can only set a target if they are satisfied that meeting it would contribute to halting and reversing biodiversity loss, in particular through one or more of: increasing the abundance of native species; enhancing the resilience of ecosystems, and increasing genetic diversity. These three elements correspond with Goal A of the [Global Biodiversity Framework](#) (GBF), and so this is a positive framing for biodiversity targets.

However, we are concerned that to ‘contribute to halting and reversing biodiversity decline’ is a weak test, and suggest this should be strengthened. As in the GBF, the aim to restore biodiversity as well as halting and reversing decline should be clear, and Ministers should be satisfied that each target will ‘significantly contribute’ to this ambition. We also suggest that Ministers must set out how meeting each target will contribute to 6B(2) in the regulations in 6B(4), to increase robustness and transparency.

As a point of detail we note that 6B(2)(c) refers to increasing genetic diversity whereas Goal A refers only to maintaining genetic diversity. We would be interested to hear the reasoning behind this change.

Targets duration

As expected, 6B(4)(b) requires that each target set must have a date specified by which the standard is to be achieved. However, in contrast to other legislation - e.g. the Environment Act 2021 and the Environment (Air Quality and Soundscapes) (Wales) Act 2023, which both stipulate and define ‘long term’ targets - there is no general requirement as to minimum duration. We are concerned that it would be possible, particularly with the weak ‘contribute’ test, for all of the targets brought forward to be short in duration, whereas in reality, restoring biodiversity is a long-term goal and action will need to be driven through

numerous Welsh Government terms. Legally binding shorter term, or interim, targets are also important to ensure that action cannot be delayed and that successive Governments are held to account.

Target setting process (new section 6D(1))

We welcome the requirement in the new 6D(1) for the Welsh Ministers to seek advice from persons they consider to be independent and to have relevant expertise, and the accompanying requirement in 6D(2) for Ministers to publish a summary of such advice. It is important that this independent advice is also applied to the consideration Ministers must make as to whether a target would contribute to halting and reversing biodiversity loss (which, as outlined above, we suggest should also be addressed in the Regulations under 6B).

6D(4) requires that the Welsh Ministers must be satisfied, before making or amending a target, that the target or amended target can be met; we would expect this to be considered in the independent advice sought under sub-clause (1). The transparency and accountability provided for by this section would be improved if the requirement to publish advice addressed this matter also.

Whilst the requirement to publish a summary of the advice will provide some transparency as to whether that advice has been followed, we note there is no requirement in 6D(1) for Ministers to take account of the advice received - this should be added (for comparison, the Natural Environment (Scotland) **Bill** (clause 1(3) 2E in the Bill as tabled) requires Ministers to seek, *and have regard to*, scientific advice when setting or amending targets).

The duty in new section 6E, for Ministers to ensure the targets are met, is very welcome, and a vital part of this framework.

Review of targets (new section 6G)

There is no requirement to review targets regularly - only a power to do so from time to time, unless specified circumstances apply (i.e.: Ministers must review a target if it appears to them that it may not be met, or that it may no longer be appropriate; and must review the full suite of targets if one target has not been met).

The EM (3.354) suggests that a target may no longer be appropriate, and should trigger a review, if it has been set too low/ is not ambitious enough. We think the Bill should make this clearer, and could do so by explicitly linking 6G(2)(b) to the s6B requirement for Ministers to be satisfied that a target will contribute to halting and reversing biodiversity loss.

Regularity of review and 'significant improvement test'

The absence of a requirement for a review of targets to be undertaken regularly differs from the approaches taken for England and Scotland.

The Natural Environment (Scotland) Bill (as tabled) requires a review of the targets set, and the topics for targets that are set out in the Bill, to be undertaken once every ten years.

The Environment Act 2021 requires targets to be reviewed to consider whether the 'significant improvement test' is met. This is to consider whether the full set of targets set under that Act, together with relevant targets set under other legislation, would significantly improve the natural environment in England. The first of these reviews was required by a deadline of 31 January 2023, and the Act requires subsequent reviews to be undertaken every 5 years. We would emphasise though, that the provisions for the Significant Improvement Test are not ideal and we would not want to repeat them wholesale – the main problem being that the test is a subjective one undertaken by the Secretary of State.

It is not clear why the Welsh Bill does not include a requirement for a regular review of the targets, nor a test as to whether, as a set, the targets in force at the time of a review are sufficient to make a significant contribution to halting and reversing biodiversity loss (as per 6B(2)). A regular review requirement, with a requirement for independent advice to be transparently applied, would enable the Welsh Government to ensure a sufficiently ambitious suite of biodiversity targets is established and maintained in the long term. This would provide a further safeguard against a minimal approach being taken under this Part.

Power to revoke or lower a target (6H)

As noted above, 6H limits the Welsh Ministers' power to revoke or lower a target to prescribed circumstances. We question the reference to 'disproportionate costs compared to benefits' of meeting a target, as set out in 1(c) and referenced in 6H(2)(a); how will this be assessed, in particular ensuring the benefits of meeting a target are properly taken into account?

We note there is no requirement, if a target is revoked, that it should be replaced with an alternative target – this is in contrast to the Natural Environment (Scotland) Bill which requires that if a target is revoked through a Regulation, a new target should be set via the same Regulation (section 2C(1) of the Bill as tabled). This provision appears to provide a safeguard against biodiversity targets simply being dropped.

Statement about targets (6I)

The process set out in 6I is broadly as we would expect but we are concerned that under 6I(3), in the event that a target has not been met, Ministers are given 12 months to publish a report explaining why not, and setting out the steps to be taken. 12 months seems an unduly long time for this stage, particularly given that, if a target has not been met, there is likely to be an urgent need for remedial actions to be taken. We recommend this timeframe should be reduced to 6 months.

2. Requirement for long term and interim targets covering key measures to be introduced as soon as possible

As noted above, we propose that there is a requirement for at least one *long-term* target to be set in each priority area, in addition to a requirement for legally binding shorter term or interim targets.

Priority Areas

6C requires Ministers to set a target (using the 6B power) in respect of at least one matter under each of four priority areas. We welcome the inclusion of priority areas on species – the building blocks of biodiversity; ecosystems; and pollution – one of the main drivers of biodiversity loss; but please see further comments on priority areas (a) and (b) below.

While we agree that the subject of priority area 6C(2)(d) - quality of and access to evidence - is important, we feel we need more information to understand the role that targets will play in this area, as opposed to a specific duty for Welsh Ministers – e.g. s16 of the Environment Act 2021 places a specific monitoring duty on the Secretary of State.

The RSPB views four matters as priorities for target setting because of their importance as measures of biodiversity - species abundance, species extinction risk, habitat extent, and habitat condition.

Priority area (a) – reducing the risk of the extinction of native species – could be read as focusing only on extinction risk, rather than wider species measures. It is vital that this framework seeks to drive the recovery not only of threatened species, but also species that are widespread but declining, as well as keeping common species common (this is in keeping with Target 4 and Goal A of the GBF). In spite of the connection to ‘increasing abundance’ in 6B(2), we think the current framing could be limiting. We would prefer to see this priority area drafted more broadly – e.g. ‘improving the status of native species’.

Priority area (b) – effective management of ecosystems – makes a welcome connection to both the ecosystem restoration target (target 2) and the 30 by 30 target (target 3) of the GBF. We recognise that the priority areas must be read in conjunction with the components in 6B(2)(a-c), which includes enhancing the resilience of ecosystems. However, we would emphasise the importance of targets addressing both extent and condition of ecosystems – rather than only considering management as an action-based proxy for these. We also consider targets specifically related to protected areas (terrestrial/freshwater and marine) are vital, given their vital role in biodiversity protection and recovery.

As indicated, we consider that a single target in these priority areas would be insufficient – the requirement to set *at least one* target in each priority area is therefore important, but we would welcome clarification that thinking will not be limited to seeking one target only. As well as targets needing to address multiple parameters of biodiversity, it will be necessary to have specific targets for marine, terrestrial and freshwater environments.

The EM states that the framework allows for both outcome-based and action-based targets. We see a role for action-based targets, particularly as short-term or interim targets, but would like to emphasise that we consider long-term biodiversity outcome targets as essential for securing ministerial accountability for the state of nature, which we see in turn as critical for ensuring a commensurate response. For example, interim targets of securing effective management (management plans in place and actions on track) of terrestrial/freshwater and marine protected areas would provide a valuable milestone towards achieving longer-term condition-based targets.

Statutory deadline for bringing forward priority targets

Currently, Welsh Ministers are required by 6C(5) to bring forward the first set of targets within three years of Royal Assent. This is an unacceptably long timeframe for the setting of targets, given the nature emergency that Wales currently faces. As work has already started on developing targets and identifying suitable indicators, we suggest that the first set of targets should be set within 12 months of Royal Assent.

3. Clarity on the requirements on public bodies and government departments, to support mainstreaming of biodiversity actions.

Designation of public authorities (new section 6F)

New section 6F empowers the Welsh Ministers to designate a public authority in relation to a target set under 6B. A public authority so designated is required,

under s6(2A) to take action to contribute to the target in relation to which it has been designated. We welcome this approach, as it should both push and support public bodies to prioritise biodiversity delivery, and better mainstream it into wider functions. As the recent Wales Audit Office [report](#) on the section 6 found, the nature emergency is not currently given high enough priority.

However, we are concerned that 6F refers to ‘a public authority’ in the singular, and would welcome clarification that Ministers may designate multiple public bodies in relation to any individual target. Since the targets will be strategic in nature, we think it is very likely that multiple public bodies will have a role to play in relation to any one of them – e.g. all Local Authorities and National Park Authorities.

Biodiversity planning and reporting requirements (clause 35 inserting new s6(6A))
Welsh Ministers’ plans for meeting the biodiversity targets are integrated into the existing planning requirements under the s6 Biodiversity and Resilience of Ecosystems Duty. It is welcome that new sub-clause 6(6A) requires the plan prepared by the Welsh Ministers to set out the action they propose to take to meet targets, and when they propose to take it.

It is disappointing that the Bill does not stipulate that the Welsh Ministers’ plan for meeting the biodiversity targets must address the areas of responsibility of all of the Welsh Ministers. Wording for this could be based on s39 of the Environment (Wales) Act, which states that the Welsh Ministers’ report for each carbon budget period ‘*must set out proposals and policies covering the areas of responsibility of each of the Welsh Ministers*’.

This is particularly important given the key finding of the [Wales Audit Office report](#) on implementation of the s6 duty: There is evidence of some integration of the strategic approach to biodiversity with wider Welsh Government policy but there has been far less national focus on biodiversity than on decarbonisation. Snapshot analysis of the Welsh Government’s budget presented in the Future Generations [Report](#) backs this up, with the finding that only 8.7% of the budget is likely to positively impact the ‘Resilient Wales’ Goal, and a shocking 50.4% could be harmful to it.

4. Enhanced scrutiny through a role for the OEGW in relation to the evaluation of targets and delivery plans

Evaluation report (clause 37/new section 6A)

This new report must set out the Ministers’ assessment of the impact and

effectiveness of the proposals set out in their biodiversity plan. This is welcome, but we do not consider that placing this responsibility on Ministers alone is adequate.

We note that the Environment Act 2021 (s28) places a specific duty on the OEP to monitor and report on environmental improvement plans and targets, and to publish an annual report, to which the Secretary of State must respond. The OEP's reports under this duty have been very robust in challenging the UK Government and pushing for greater clarity as to how its environmental targets will be met. This has contributed to the UK Government's decision to undertake a review of its Environmental Improvement Plan (this is still ongoing).

Given the challenges biodiversity is facing and the inadequacy of actions to date to address the nature emergency, we suggest a similar role should be set out for the OEGW in evaluating the effectiveness of Ministers' plans and actions for biodiversity.

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

Part 4 - General (sections 39 to 45 and Schedule 4)

Paragraph 3 of Schedule 4 brings the OEGW within scope of the Well-being of Future Generations (Wales) Act 2015 by adding it to the list of public bodies specified in section 6 of the Act and requiring it to comply with the well-being duty in section 3 of the Act. We do not agree that this is appropriate, given the specific environmental oversight role and functions of the OEGW.

We suggest that Paragraph 3 of Schedule 3 is removed and that, instead of being subject to the requirements of the Act the OEGW, once set up, works with the Future Generations Commissioner to agree how they will work together. This should inform the preparation of the OEGW's strategy (Schedule 2 requires the strategy should set out how the OEGW intends to avoid overlap with the Future Generations Commissioner in the exercise of their respective functions).

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

The Bill leaves 'unfinished business' in terms of the public bodies that are covered by various duties and by the oversight of the OEGW. The current limitation to devolved public authorities not only has a limiting effect on the impact of the duty to have regard to the environmental principles and the ability for Ministers to designate public authorities in relation to biodiversity targets, but leaves gaps in coverage of environmental oversight in relation to Wales, since neither OEGW nor the OEP will have the remit to consider the delivery of devolved environmental law by reserved bodies.

Linked to this are limitations – we believe – in the Bill's application to the marine environment. Part 1 (s3(3)(c)) applies the environmental principles duty to policy affecting the offshore area for policies relating to fishing, fisheries and fish health. In Part 2 (s12(6)) states that the OEGW's power to advise Ministers on environmental law applies in the same way. We do not believe there is any reference to the marine environment in Part 3 and we assume therefore that as per Part 1 of the Environment (Wales) Act 2016 this Part extends only to inshore waters.

Perhaps the greatest challenge in terms of implementation of the Bill is that, to a very significant degree, it will not be delivered by the current Welsh Government and Senedd, but by their successors. There is no guarantee that the shared commitment to robust governance and high ambition and accountability for biodiversity, as set out in the declaration of a nature emergency by the Senedd in 2021, will be maintained.

This uncertainty has sharpened our focus on seeking to ensure the Bill does not leave room for doubt as to the scale and pace of change required to restore the health of Wales' environment and biodiversity.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

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8. Are any unintended consequences likely to arise from the Bill?

In our evidence we have made recommendations for increased clarity within the Bill. Our position differs from that of the Welsh Government in some instances in relation to the importance and value of stating matters on the face of the Bill, rather than depending on their inferral from what is absent.

One key example of this is the current absence of a specific provision protecting the independence of the OEGW.

Another is the absence of a power for any person to make a representation to the OEGW, and a requirement on the body to set out key elements of the process for receiving, handling and acting in relation to such representations.

The absence of a specified 'long term' duration for biodiversity targets – with the risk that this could lead to only short term targets being brought forward – is another.

As a final example, the Bill requires important reviews – of the Principles and Integration of Environmental Protection Statement, and the biodiversity targets – 'from time to time'. This presents a risk that weak or inadequate products remain in place in the long term.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

Evidence from: WWF Cymru

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

- WWF remains strongly supportive of this legislation and what it is seeking to achieve. We have been pressuring Welsh Government to bring forward this legislation since the EU Referendum given the central and essential role environmental principles, and EU regulatory bodies have played in protecting and seeking to improve the Welsh environment over several decades.
- Given this it remains regrettable that it has taken longer to get to this point than other parts of the UK. We hope that delay can be turned into an advantage by Welsh Government seeking to learn from and improve upon more developed approaches elsewhere. To this end, we have made several references in this evidence to where approaches by Scottish and HMG appear stronger than the Bill as currently drafted.
- We would have welcomed more ambition from Welsh Government to update and improve upon Wales' existing biodiversity framework in the form of the Environment (Wales) Act 2016. As we have made clear in previous Committee submissions, this legislation, and particularly the concept of the Sustainable Management of Natural Resources (SMNR) have thus far shown themselves to be poorly articulated (in both legislation and policy); deficient to global progress (such as the distinction between 'maintain and enhance' and 'restore'); poorly understood by Government itself and wider public authorities; and have not resulted in sufficiently strong implementation or measurable results over the past decade.

- It remains regrettable that rather than seeking to improve this substantially, Welsh Government's view is that the problem is not with the framework legislation itself, but rather with all those trying to implement it. After this amount of time, and failure to produce the desired results, we would suggest that further reflection and improvements are worthy of consideration.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 1 - Environmental objective and principles (sections 1 to 7)

- WWF is concerned about the scope of the environmental principles duty to apply only to policy that has an effect on the environment. This is different to the approach taken by the UK and Scottish Governments which instead applies the principles to all policy making.
- That said, HMG does then take the step to carve out some policy areas (notably defence). In effect these differing approaches could amount to the same result, yet it is something which should clarify as the Bill develops.
- WWF's view is that the best approach would be to apply the principles to all policy making without any carveouts. This would avoid the situation where impacts on the environment are missed, because the relationship between policy making and the environment is not immediately apparent.
- Furthermore, it would remove the 'freehand' the current wording gives future ministers to decide what is and is not related to the environment. This is a risk in the long-term.
- It is unclear whether budget setting for policy implementation is captured by the Welsh Government's approach. This risks the creation of strong and compliant policy that is then undermined by poor budgetary decisions.
- Equally it risks the opposite, where policies are well funded that don't appear to have a significant environmental impact, but then through that budgetary focus, end up having a detriment impact through a failure to appreciate the wider impact, or the lack of remaining funds for other policies.

- The Bill attempts to deal with this through the application of integration, yet full integration is undermined by the initial clause that limits the principles to policy that has an effect on the environment.
- This is not true integration, which was intended (as set out in the Rome Treaty) to ensure that principles are embedded across all aspects of policy, rather than just those with an obvious link to the environment.
- WWF welcomes the application of ‘special regard’ to Welsh Ministers and NRW. This is the highest iteration of regard and shall hopefully ensure that the principles are properly exercised. Doing so does however highlight that other public authorities need only to have ‘regard’ to them.
- It can be argued that it is appropriate that NRW and Welsh Ministers have a higher regard due to the scope of their work, yet we would recommend stronger, more proactive wording is found for other public authorities – such as the requirement to ‘enact’ the principles in decision making.
- Furthermore, the environmental principles duty only applies to them when carrying out functions connected to Strategic Environmental Assessments (SEA), yet it is unclear what is meant here practically. This is something which needs to be explored as the Bill develops.
- A wider point to be made is the attempt to integrate the principles with the Well-being of Future Generations (Wales) Act 2015. The approach taken in Section 4 of the Bill is problematic as it attempts to place the principles within the scope of the FG Act, despite the reality that the FG Act itself was developed within the context of the principles as they applied in EU law.
- Removing (due to Brexit) and then inserting the FG Act in this way risks confusing and diluting the strength of the principles as their focus on environmental protection and improvement is lessened as they would now also have to account for wider FG Act ambitions. We suggest this reference is removed.
- Finally, the review process for the principles and integration statement is weak with a requirement to only review it ‘from time to time’. This leaves it open for a weak statement to be unchanged for political convenience. We suggest a provision is added to require the statement to be reviewed within 24 to 36 months of a Senedd election.

- Further to this we suggest that as well as being laid before the Senedd, the statement is also subject to an affirmative vote by the Senedd to add democratic legitimacy.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

- WWF strongly welcomes the establishment of the Office of Environmental Governance Wales (OEGW). It has taken the Welsh Government far too long to get to this point.
- The independence of the OEGW is of critical importance, as the body will likely focus most of its monitoring and compliance activity on Welsh Ministers.
- While the Explanatory Memorandum recognises that independence is of 'paramount importance' to effective operation, the Bill itself does not provide sufficient safeguards to define and protect that independence.
- For example, the Bill is silent on the independence of the body and does not include any of the comparable safeguards that the Scottish and UK Governments built into their legislation. Specifically, the Bill should be amended to set out that Welsh Ministers have no powers of direction over the body.
- At present, there is no provision in the Bill to safeguard the body's financial security [resourcing]. This cannot be left to chance, as the goodwill of current ministers does not guarantee independence in the long term. HMG committed to provide the Office of Environmental Protection (OEP) with a ring-fenced five-year indicative budget and also included a power in the Environment Act 2021 to enable the OEP to highlight any under-resourcing to the Westminster Parliament. Similar safeguards should be considered for the Bill.
- The arrangements for appointing the body's Chair and other board members place the power in the hands of Welsh Ministers, with little input from the Senedd. This balance must be reconsidered due to the unique role

the OEGW will play on monitoring and enforcing breaches of environmental law, including by Welsh Ministers.

- WWF would encourage Committee Members to reflect on the level of engagement they would consider appropriate, such as an active and majority role in recruitment panels, rather than a role in the scrutiny of preferred Government candidates.
- The requirements in Schedule 2 on what the OEGW should include in its strategy are overly prescriptive and should be reduced to avoid further undermining the body's independence.
- The Bill does not establish a legal requirement for the body to accept complaints or representations from the public. This is a major gap in what has hitherto been considered a central purpose of a new body. Excluding a specific clause to this effect risks weakening the rights Welsh people had when the UK was a member of the EU.
- Linked to this is the need for OEGW to have the explicit power to intervene in proceedings brought by other parties (such as engagements with the High Court). This is an invaluable tool enjoyed by equivalent bodies in the rest of the UK.
- A further matter of significant concern is that the Bill requires OEGW to cede power on its enforcement decisions to a 'review committee' which will include people appointed by Welsh Ministers. This would undermine the body's governance and should be removed.
- Finally, little information has yet been provided on the timetable for setting up the new body or the transition from the non-statutory Interim Environmental Protection Assessor for Wales. While we wouldn't expect this to be in the text of the Bill, the timetable is critical and the Welsh Government should begin setting up the OEGW now, so that it can be legally established as quickly as possible, avoiding further delay.

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 3 - Biodiversity targets, etc (sections 33 to 38)

- WWF remains disappointed about the lack of a headline, timebound target to reverse the decline in species abundance in line with the international community. This is a key part of biodiversity recovery and should be included in the Bill to give a clear signal of the urgency of action needed.
- Given the excessive time it has taken Welsh Government to bring forward this legislation the prospect of achieving 2030 ambitions is now unobtainable. In response Welsh Government, rather than abandoning a timebound target, should instead commit to a target of 2035. Similar targets have been set elsewhere in the UK, and we are concerned that the current Welsh Government approach fails to learn the lessons of the Environment (Wales) Act 2016, which has thus far failed to deliver the scale and pace of change intended.
- Further to this, the Bill should also set out the timeframe for wider targets, to be set in secondary legislation and make a distinction between short- and long-term targets. The equivalent HMG legislation requires long-term targets, and defines long-term as being at least 15 years. The Bill should adopt such an approach and require interim targets to be set for each Senedd until their attainment.
- Secondary legislation defining the actual targets should be brought forward within 12 months of the Bill's royal assent to ensure the next government does not delay action. If this cannot be achieved for all target areas then it should be limited to the priority areas identified in the Bill. This should be achievable given that work to define priority targets is already underway.
- One priority area defined in the Bill is the reduction of pollution. Welsh Government have ruled out acting on air pollution in this area due to existing legislation. WWF continue to urge Welsh Government to set a clear target to halve excess nutrient loss by 2030 as part of this priority area. This would reflect the COP15 agreement and drive government and public authority action to addressing freshwater pollution which remains rife across Wales.

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ **Part 4 - General (sections 39 to 45 and Schedule 4)**

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

- The principal barrier remains the political unknowns facing Wales beyond May 2026. If this area is not a priority for the new Welsh Government, then the current working of the Bill will be sufficient for that government to produce a weak principles statement; not provide the OEGW with sufficient funding and independence; delay its commencement; and delay/weaken any biodiversity targets proposed.
 - It is for this reason that we make the recommendations contained in the above sections.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

8. Are any unintended consequences likely to arise from the Bill?

- The gap over the lack of specific obligation to accept representations from the public, and for OEGW to intervene in cases brought by others could result in OEGW failing to fulfil its primary purposes. We do not believe that this is the intent of Welsh Government, nonetheless it could occur as the Bill is currently drafted.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

- The costings contained in the EM appear realistic.

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

Please use this template to draft your responses to submit via the online consultation form.

Evidence from: Natural Resources Wales

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

You do not need to answer every question, only those on which you wish to share information or have a view.

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

The Bill provides the necessary legal framework to embed environmental principles consistently and transparently across Welsh public policy. This is critical to address gaps in environmental governance following the UK's exit from the European Union (EU) and respond to the climate and nature emergencies.

While EU derived environmental principles (precautionary, prevention, rectification at source and polluter pays) underpins much of our existing legislative framework, including through the Sustainable Management of Natural Resources (SMNR) duty under the Environment (Wales) Act 2016, the Bill is a necessary requirement to ensure their application is explicit, accountable and provides a statutory requirement across decision-making.

The statement if well designed, should strengthen alignment between environmental principles and other statutory duties, including the Well-being Future Generations Act and the Environment (Wales) Act 2016.

Legislation provides legal status and clarity in applying environmental principles, ensuring consistency and reinforcing the integration of environmental protection into broader decision making.

For the governance body the policy intention has been clearly articulated during the development of the draft legislation and within the areas noted in the policy intention statement. Since leaving the EU, Wales remains the only part of the UK without a statutory body for overseeing the functioning environmental law. Whilst Wales will not be able to fully replicate the setup under the EU, the creation of a new governance body does provide an appropriate level of domestic scrutiny of environmental law. Ensuring the Office of Environmental Governance Wales (OEGW) and its functions are defined in statute provides a robust and appropriate implementation of the policy objectives.

The Bill's provisions features reflect and compliment international commitments such as UN Sustainable Development Goals, Paris Agreement, Ramsar, Bern Convention, UK Climate Change Act and the Global Biodiversity Framework. They are also in line with Welsh Government's sustainable development duty, embodied in the Well-being of Future Generations Act, the UN Ecosystem Approach and the climate objectives, enshrined in the Environment (Wales) Act 2016.2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 1 - Environmental objective and principles (sections 1 to 7)**

We support the provision set out in Part 1 of the Bill and see them as necessary to ensure environmental considerations are embedded into public decision-making in Wales.

Section 1 Environmental objective

We support the inclusion of a high-level environmental objective. This sets the expectation that all subsequent duties and functions under the Bill such as applying the environmental principles, the governance framework and

biodiversity targets must contribute to environmental improvement and not just avoid harm.

Section 2-5 Environmental principles duty. We welcome the extension of the duty to Natural Resources Wales (NRW) as it aligns with our current duties and responsibilities. We advise that Welsh Government (WG) should consider extending the “special regard” duty more broadly to other key public authorities, particularly to those that have significant impacts on land use, infrastructure, planning and economic development. Proportionate application of the principles across all public authorities would enhance delivery through the ability to achieve more integrated policy outcomes. It will enable collective accountability and consistent application across Welsh public bodies.

The duty to have ‘special regard’ to the EU derived environmental principles is welcomed. An existing legal precedent to “have special regard” has been established by the Court of Appeal in several cases such as the Barnwell Manor Wind Energy Ltd v East Northamptonshire District Council (2014) as requiring decision makers to give “considerable importance and weight”. This provides that substantial weight, and priority must be given to the environmental principles.

To deliver the duty’s intended purpose, it must be communicated well to ensure duty holders understand the legal weight and apply the duty correctly and consistently. Without clarity, there is a risk the duty is misinterpreted or applied superficially, and so undermining its intended effect.

We recommend the following to help aid effective implementation:

- That the intended meaning of the term 'special regard' is clearly communicated in s.42 as there is a risk of it being misconstrued as just 'due consideration' which would weaken its legal and practical effect.
- Each principle should be considered deliberately with a requirement to evidence how each has influenced the decision-making process (e.g. mitigation, alternatives, monitoring, compensation and enhancement).
- Recommend clear guidance is provided to address subjective framing and terms such as 'open-minded approach' that risk inconsistent applications and being misinterpreted as a soft or symbolic duty. Clear guidance and illustrative examples should demonstrate ambiguous terms.
- The messaging around terms and weight needs to be effectively communicated to all.

We strongly support including the integration principle as it enhances coherence and aligns duties across policy and legal frameworks. It encourages public bodies to consider how environmental protection supports wider objectives (such as health) which reflects Wales's approach to sustainable development.

Section 6 Environmental principles and integration statement

Publishing a statutory environmental principles statement and integration statement is crucial to provide a practical way to maintain continuity in applying the principles to secure consistent interpretation and implementation across public bodies.

The principles are underpinned by decades of environmental decision making at EU and international scales. An overview of their background context of their legal origins, development, application would help support the continuity of standards and reduce the risk of divergence and weak application to maintain high levels of environmental protection.

The integration duty should be framed proactively, requiring both the prevention of harm and the active identification and pursuit of opportunities to restore, enhance and future-proof the ecosystems and the benefits they provide. This should help shift our cultural approach from risk avoidance to encourage active consideration of opportunities for environmental gain and not just minimise harm.

Given the scale and urgency of the climate and nature emergencies, we support the intention of the environmental objective and principles. It reflects the proactive ethos of the Well-being and Future Generations Act, including delivering improvements to biodiversity. The duty further aligns with the Environment Act and the Agriculture Act to enhance ecosystem resilience and benefits to people, promote long-term thinking and encourages the use of preventative and adaptive approaches.

Section 7 Public authority SEA duty

The requirement for all public authorities to have regard to the environmental principles when undertaking Strategic Environmental Assessments (SEAs) is proportionate. We recommend extending the duty to consider the principles to all public authorities to enable the wider application of the principles at a local and regional level.

3. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

Overall the establishment and functions of the Office of Environmental Governance Wales (OEGW) appear sensible and proportionate to deliver the policy intentions for the oversight of environmental law in Wales. We welcome the establishment of the OEGW as a separate and independent organisation, and our views can be summarised:

- The *general purpose* requirements in s.9 provide a sufficient strategic direction and principles to guide the OEGW's actions, although adding 'and with integrity' to s.9(b) may emphasise the standards required and reflect their importance within the legislative landscape;

- The proposed escalatory nature which the OEGW should take is welcomed. Taking an outcomes-based approach, and operating in-line with the Regulators' Code, will ensure that appropriate action is taken to achieve the best result in an efficient and timely manner.

- The ability for the OEGW to act flexibly and with discretion is of key importance. We would discourage the introduction of mechanisms to restrict the organisations actions (such as on discretion of investigation topics or advisory capacity).

- The provision within Schedule 2 of the Bill requiring the OEGW to set out within their strategy how they will seek to avoid overlap with NRW in the exercise of its functions, is sufficient to reduce potential overlap in our regulatory duties. This is supported by the explanatory memorandum.

- Within Annex 2 of their submission to the Panel Review of Environmental Governance in Northern Ireland, the Office for Environmental Protection (OEP) highlight attributes of effective environmental regulation, many of which are addressed by the Bill. The requirements for clarity of role, access to the right tools, and strategy are clearly stated, although attributes such as the culture of the organisation are non-legislative.

- We agree with the general co-operation duties in section 23. As the environmental regulator for Wales, we may receive requests to provide

significant amounts of information and/or expertise to inform the OEGW's investigations of other public authorities. The OEGW should have appropriate access to expertise to reduce potential unfunded pressures on NRW and increase the independence of the body.

- The provisions within s.20 - 22 are a welcome addition to address systematic issues identified involving multiple public authorities, although where this is the case, it may be worth including the ability for the OEGW to issue linked information notices to authorities under s.14 to inform these investigations.

- We have an outstanding concern in relation to the definition of public authority in section 30. Whilst understandable given the constitutional arrangement, the OEGW will not have remit over *reserved* public authorities, when they're undertaking a *devolved* function within Wales (unless specified within the Government of Wales Act). The OEP's remit within Wales is limited to *reserved* functions only. The OEGW should therefore set out within its strategy how it intends on taking forward investigations where there is a suspected non-compliance by a *reserved* public authority discharging a *devolved* function.

- We note other stakeholders have raised concerns on the independence of the OEGW from Ministers. Whilst we do not express a view regarding how the body is constituted or members appointed, we noted within our response to the White Paper the need for the OEGW to demonstrate independence from both Government and public authorities. Public trust in the new body is linked to the legitimacy of the institution and therefore confidence in the actions it takes – the transparency requirements built in throughout the Bill should help with this.

4. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

We are fully supportive of WG's approach with the proposed Bill, and also their parallel biodiversity targets development work through their independent Biodiversity Targets Advisory Panel.

We see that the Bill and statutory biodiversity targets will positively focus attention on nature recovery and key actions and also galvanise wider interest and support for nature recovery action across other policy interests and sectors.

Statutory targets will make clear how Wales is looking to support international commitments and especially those under the Global Biodiversity Framework (GBF). It will also help put Wales into better alignment with England and Scotland who are also taking a legislative approach, and, through comparison, enable mutual learning with them as well as other nations.

We note climate change targets have provided a very strong foundation for political and public focus for action for that agenda which was previously more disparate in how to deal with it, and so we support statutory biodiversity targets to help similarly provide necessary focus and accelerate essential action. These targets will need to be set carefully in this regard, and consideration also given to avoid potentially diverting attention from other (non-statutory) biodiversity improvement actions.

The four target priority areas seem appropriate and practical for delivering the stated policy intention and targets need to strike the balance between being meaningful and yet achievable. We see the four priority areas being a strong foundation for action now, and also for subsequent iterations to ensure synergistic and positive action regarding future needs as these emerge. In relation to ecosystem management, we note this the most helpful priority target in a marine context, especially in relation to resilience for the Marine Protected Area network.

However, we would like to see on-going discussion about how other GBF targets will be considered and addressed in the future. This is particularly important regarding the enabling and mainstreaming tranche of GBF Targets from Target 14 onwards including how businesses can be more proactively involved, generating the additional financing and capacity needed for nature recovery and crucially, addressing negative and encouraging positive incentives. These 'enabling' targets are critical for accelerating the transformative changes needed to tackle the indirect and direct drivers of biodiversity as detailed in the various Intergovernmental Science-Policy Platform on Biodiversity and Ecosystem Services (IPBES) reports such as the Global Assessment, Nexus Assessment and the Transformative Change Assessment. The 'enabling' targets are also crucial for supporting action for the other GBF targets not currently in scope within the Bill, such as Target 6 relating to INNS management for example.

We support including an action plan to set out how achieving targets will be delivered and resourced. It will be essential to elicit strong cross-departmental agreement with other policy areas to maximise synergies and avoid conflicts or negative unintended consequences arising through other policy delivery mechanisms. We think it will encourage a better balance across policy priorities

to more appropriately incorporate nature improvement requirements and mutually beneficial outcomes. Sometimes other priorities can be seen to override potential biodiversity outcomes and not realise the associated wider benefits that stem from taking nature restoration opportunities.

To support effective delivery of the pollution target we recommend a preventative approach to support upstream interventions in line with the Sustainable Management of Natural Resources (SMNR) and the Environmental Principles. Any new targets must build on existing legislative obligations and help facilitate and focus the management of sources that would benefit from improved regulation rather than duplicating existing targets. As an example, in the case of chemicals, introducing a ban on consumer products containing per- and poly fluoroalkyl substances (PFAS), known as 'forever chemicals' to prevent them from entering the supply chain in the first place. However, ensuring we have the ability to monitor and control the release of PFAS into the water environment by introducing environmental quality standards is also important part of building our evidence and knowledge to address pollution.

The targets must also promote joined-up thinking across policy regimes and make use of the evidence available in the State of Natural Resources Report ([SoNaRR](#)) statutory natural resources assessments to help determine priorities. Due regard must also be given to NRW's Wellbeing objective in our Corporate Plan on minimising pollution and ensuring appropriate resources are available to implement and manage a pollution targets.

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 4 - General (sections 39 to 45 and Schedule 4)

Establishing the OEGW (s.8) is expected two months after the Bill receives Royal assent (s.44). Suitable arrangements should be made for transferring information received by the Interim Environmental Protection Assessor for Wales (IEPAW) during their tenure, including any open investigations.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

Effective implementation must be supported through strong integration across ongoing reforms in planning, agriculture, water, waste, and the future of land management to build support through joint outcomes, prevent siloed action and unintended consequences. This includes the need for alignment across wider strategies and projects such as Nature Recovery Action Plan when this is revised and Net Zero Wales Plan and Adaptation Strategy for Wales.

The effectiveness of statutory biodiversity targets will also heavily rely on appropriate investment in monitoring systems, data interpretation and reporting capabilities to support decision-making and delivery mechanisms regarding habitat management and restoration or other nature recovery actions.

While details for proposed targets are still being developed, effective and affordable monitoring and evidence frameworks are vital to track progress. Effective monitoring and evidence underpins good decision making and enables an adaptive management approach to positively respond to pressures such as climate change and others issues that may become more apparent over time. These frameworks need to be informed by appraising data needs, building on existing good practice and data sets, and identifying future needs. This includes creating better collaboration opportunities, increased citizen science roles and making better use of technological advances. We have been working with WG through the 30 by 30 Monitoring and Evidence Expert Group on how to address these challenges. A key aspect is ascertaining and evaluating the priority steps to take and resolving barriers alongside prioritising existing resources. This process may identify other gaps that could impede progress which may have additional resourcing needs.

Consideration and clarity within other government policy portfolios and across the public authority spectrum about respective responsibilities and associated expectations is essential. This is particularly pertinent to how new targets will integrate with other statutory mechanisms requiring national indicators and targets to be set and delivered. Key examples include s.10(1) of the Well-being of Future Generations (2015) Act regarding National Well-being indicators, as well as s.4 (1) of the Agriculture (Wales) Act 2023, in relation to setting of Sustainable Land Management objectives and targets.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

Throughout the development of the Bill we have had ongoing discussions with WG on the need to ensure sufficient flexibility balanced with the need to reduce ambiguity to ensure the legislation is appropriate and 'future proof'. The Bill includes use of statutory statements and duties, periodic review and reporting requirements, guidance expectations and a duty to consult that promote transparency and accountability.

8. Are any unintended consequences likely to arise from the Bill?

Misinterpretation or dilution of the "special regard" duty.

Under 6F(2) when consulting with public bodies being designated responsibility under the targets, it would be especially valuable to do this in a timely manner to align with respective corporate planning cycles to ensure actions and associated resourcing are considered and appropriately accommodated.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

The Regulatory Impact Assessment (RIA) recognises potential cost implications that would fall on NRW. The full resource implications, particularly for biodiversity targets which have still to be developed, and engagement with the new governance body, cannot yet be fully quantified. While we have not as yet identified specific new resource needs within NRW, we are keeping this under review with WG.

Proper implementation of the principles will require a genuine commitment to further legislative and organisational investment if they are to drive meaningful change - and this should be clearly acknowledged at this stage. For example, further legislative mechanisms in Wales to drive environmental markets based on regulatory compliance could be considered. Similarly, operation of such markets could be steered by legislation to ensure the precautionary principle is appropriately adhered to in addressing market risk. In doing so, the principles could drive high integrity compliance markets in Wales, attracting positive

impact investment and supporting well-being goal outcomes. Organisationally, the appropriate regulator will need resource to develop and oversee such compliance markets. Without such commitment to investment in these areas, the principles could be stymied in their ability to drive real change.

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

There are possible resource implications associated with ensuring alignment with the Sustainable Land Management indicators and the role of the Sustainable Farming Scheme in delivery.

The Bill states that “*Wales*” includes, so far as policy relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea.’ It is important to note the Environment (Wales) Act and Section 7 species list only applies out to 12nm, which could lead to complications if targets are set which relate to Section 7 fish species.

EPGBTWB 09 - Evidence from: Joint Nature Conservation Committee

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

JNCC supports the intention of the Bill, including the stated environmental objective and principles, the provisions to address the environmental governance gap that has emerged following the UK's exit from the EU, and the framework for establishing statutory biodiversity targets.

From the perspective of JNCC's international remit, putting nature targets on a statutory footing has the potential to help Wales match the urgency and challenge of implementing the Kunming-Montreal Global Biodiversity Framework (GBF) and other multilateral environmental agreements.

Embedding environmental principles into legislation is crucial for ensuring Wales responds to the nature emergency with the seriousness and urgency it demands. By placing the application of the environmental principles duty across all policy-making areas, it will help to ensure environmental protection is integrated across all sectors which is essential if we are to meet both international and domestic commitments and address the nature and climate emergencies. By placing these principles on a statutory footing, they become a stronger lever for guiding consistent, accountable and forward-looking decision-making across all sectors.

The proposed legislation signals Wales' clear commitment to addressing the nature and climate emergencies, ensuring that environmental considerations are not sidelined and are instead integrated into policy and practice, delivering a coherent, cross-government response.

JNCC's response focuses on Part 3 of the Bill, which sets out the framework for establishing statutory biodiversity targets.

2. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 1 - Environmental objective and principles (sections 1 to 7)**

3. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)**

4. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

JNCC welcomes the introduction of statutory targets for Biodiversity in Wales. We support the four target areas and their alignment with the wider Global Biodiversity Framework (GBF). We are encouraged to see that the Bill outlines that the GBF targets will guide how Welsh Ministers develop biodiversity targets. Careful consideration should be given to the GBF targets and the commitments set out in the UK’s National Biodiversity Strategy and Action Plan (NBSAP) when setting Wales’ statutory targets. JNCC supports the notion of aligning the monitoring and reporting introduced through this Bill with the monitoring framework of the GBF, allowing for streamlined reporting at both national and international levels.

Statutory targets will, however, succeed or fail on the efficacy of the policies that underpin them. In our cross-UK positioning, JNCC aims to act as a “policy lab” that tracks emerging biodiversity policy and legislation across the four nations, enabled by devolution, and provides the comparative analysis and predictive modelling capabilities to evaluate which approaches produce effective outcomes for

biodiversity. This objective is articulated in our 2030 strategy – ‘Together for Nature’. The emergence of statutory nature targets across Wales, Scotland, and England puts each nation in a position to capitalise on JNCC’s birds-eye view and expertise to learn which frameworks and implementation approaches from across the UK are effective and adapt accordingly.

In support of this, JNCC are working to evolve the UK-level biodiversity indicator suite to enable disaggregation of the data for each nation, where possible, and to be sufficiently sensitive to allow for comparison of the policy outcomes between them. Additionally, JNCC has been an active member of the Biodiversity Targets Advisory Panel, providing evidence to support decision-making around target priority areas. We are working closely with Welsh Government to undertake a gap analysis of biodiversity indicators, to support the production of a monitoring framework for reporting on Wales’ statutory targets. Alongside this, JNCC is undertaking predictive modelling to provide evidence to inform Welsh Government in defining ambitious but feasible statutory targets.

In summary, JNCC welcomes the Bill’s provisions regarding biodiversity targets in Wales, and supports the setting of evidence-based, ambitious targets to drive change and address the nature and climate emergencies.

5. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 4 - General (sections 39 to 45 and Schedule 4)**

6. What are the potential barriers to the implementation of the Bill’s provisions and how does the Bill take account of them?

Monitoring and evaluating progress against environmental targets presents significant challenges, particularly given the complexity and interconnectedness of environmental systems. Traditional status-based indicators, while essential, can lack the responsiveness needed to inform timely adaptive policy interventions. To address this, there is a pressing need for a more comprehensive suite of indicators that includes not only environmental status but also pressures-based and actions-based measures. These can help track the drivers of change and the effectiveness of interventions. Furthermore, effective delivery requires robust local monitoring

and evaluation mechanisms that can capture spatial variation, inform place-based decision-making, and support adaptive management. Strengthening these elements is critical to ensuring that setting biodiversity targets leads to tangible outcomes on the ground.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

8. Are any unintended consequences likely to arise from the Bill?

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

EPGBTWB 16 - Evidence from: Future Generations Commissioner for Wales

Senedd Cymru | Welsh Parliament

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith | Climate Change, Environment, and Infrastructure Committee

Bil yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) | Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill



Llyr Gruffydd MS
Chair of the Climate Change, Environment and Infrastructure Committee
Senedd Cymru

1st July 2025

Dear Llyr

Thank you for this opportunity to provide a response to the Climate Change, Environment and Infrastructure Committee inquiry on the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill.

This written evidence is an outline of my initial reflection on the draft Bill and how it responds to my advice and recommendations on the White Paper. While my work in this space is ongoing, my top line reflections are:

Overall: I support the Bill's intent and would like to see it progress to royal assent in this Senedd term without undue delay.

On the duties: I welcome my role as a statutory consultee on the Welsh Government's proposed statement on the duty. It's important the statement is clear on delivery of the duty, eliminates risk of confusion with WFG Act ways of working and is clear that the duty applies to all areas of policymaking.

On the new OEGW: Its independence, and being seen to be independent, is critical and should be stated on the face of the Bill. However, any opportunity to streamline costs through shared back-office functions with an appropriate other body should be explored given the pressures already on the public sector over recent years.

On the targets: We need a time-bound and future-proof long-term target with interim targets. I would like to see this on the face of the Bill, but in the absence of that the Bill should at least set a timeframe for when such a target or targets would need to be delivered by.

Part 1: The Environmental Principles

The Environmental Objective

Following publication of the White Paper, I wrote to Welsh Government with my expectations of the Bill and am pleased that some of my advice has been taken on board.

This includes, for example, defining sustainable development at the top of the Bill in line with the Well-being of Future Generations Act (WFG Act) and further aligning with the language of the A Resilient Wales goal, Wales's top commitment to nature. This is what defines the Environmental Objective of the draft legislation and responds to my advice that the environmental principles should not sit above the sustainable development principle.

I welcome that the Environmental Objective extends to contributing to all the Well-being Goals in the WFG Act as this emphasises the need for systems thinking in our approach to nature's protection and recovery. The Well-being Goals are a complementary and integrated set of

shared ambitions that cannot and should not work in isolation. In Wales, all four dimensions of well-being are given equal weight throughout the Well-being Goals (environmental, economic, social and cultural). It is important that our work to ensure ecosystems resilience in Wales is compatible with achieving all Well-being Goals. While it need not distract the environmental objective from its core purpose, it does speak to integration and collaboration across the breadth of devolved policy in achieving this purpose.

Aligning duties with the WFG Act

I sought reassurance on aligning the duty to apply the environmental principles with the duty to apply the five ways of working of the WFG Act to ensure a good fit with the Welsh legislative context. Specific examples for potential confusion are around prevention and integration. I therefore welcome the statutory requirement for the Welsh Government to publish a statement setting out how public bodies should have regard to the environmental principles and apply the duty to integrate environmental protection into policy making. I particularly welcome that the Bill includes a role for me, alongside NRW and the new proposed environmental governance body, as a statutory consultee on this statement.

Application of the duties

In its current form, the duties set out in the Bill apply to policymaking which *could* have an effect on the environment. Arguably this creates an opportunity for different interpretations of what would or wouldn't be included. I would like to see this ambiguity removed, either on the Bill or at least made clear in the Welsh Government statement that it does apply to all areas of policy that apply to public authorities in Wales, as I understand to be the intent.

Furthermore, I had called for the duties under the Bill to apply to any organisation making policy on behalf of the Welsh Government and welcome this inclusion.

Part 2: The Proposed Governance Body

Alignment with the WFG Act

I welcome that my recommendation for the new Office on Environmental Governance for Wales to fall under the duties of the WFG Act has been included. I look forward to supporting the new Body to undertake those duties.

I would like to see the OEGW and my office working together effectively in fulfilling our distinct roles. It was my recommendation that an MoU be established between our two organisations and, while this is not in the draft text, I believe is partly addressed by the requirement for the OEGW's strategy to set out how it will avoid overlap with the work of other bodies which specifies my own office (as listed in Schedule 2 to the Bill). Should this clause be removed for any reason then I would like to see an alternative requirement to this effect. It is also reassuring to see the title of 'Commissioners' has been dropped for the Members of the new Body to help differentiate between both of our organisations.

Independence

It is my view that the body must enjoy independence, both now and under future governments. To future-proof this, the legislation would benefit from a statement to make clear that the body is independent from the Welsh Ministers as appropriate.

Costs

A concern I have raised previously is that resourcing a new body may be problematic when public funding is already stretched. I recommend that while its independence is imperative, opportunities must be considered to streamline costs. It is also imperative that there is complete clarity in communications in the public arena as to why the new body is necessary and how it is different to anything that currently exists, and why other bodies can't deliver the duties as set out.

Part 3: The Targets

A headline target

In my Future Generations Report, published April 29th, I called for a headline target on the face of the Bill. There are several reasons behind this ask:

- To have a target for nature's recovery with immediate effect, not waiting for secondary legislation to pass.
- To send a clear message what this Bill is here to do and the urgency with which it intends to do so,
- To ensure that any future government is time-bound to ensure nature's recovery,
- To drive collaborative and integrated action towards nature's recovery in the same way that we have seen the Net Zero by 2050 target drive decarbonisation, in which everyone, every organisation and every business has a role to play.

I am disappointed that the National Indicator Milestone to halt biodiversity's decline by 2030 and to see it in recovery by 2050, which had been proposed as an overall headline target has been removed from the draft text entirely. Indeed, there is no statutory target in the legislation to clearly set out the ambition of the Bill in a time-bound way.

I recognise the challenges with defining a single target that encompasses the full range of priorities the legislation aims to address. However, it may not be necessary for a headline target to do this. What it needs to do is clearly tell the story of what this law is about and bring people along on that journey. One clear indicator of the health of biodiversity is the abundance of species, something which we know is currently in stark decline across a number of key native species.

To this end, I support the approach put forward by Wales Environment Link (WEL) in its [briefing papers](#) series that species abundance be used as a key headline measure of how biodiversity is faring. There is already a precedent for this measure elsewhere in the UK, with interim and longer-term target dates needed.

The omission of a target on the Bill means leaving all target setting to the next Senedd term. It will be a further four years before we have those targets, the expectation being three years after royal assent taking us to 2029 before we have a single target. We risk failing to meet our commitments to 30x30 as a result.

In addition to this delay, further vulnerability stems from the uncertainty over the priorities of any new government in Wales.

Broader suite of targets

It is disheartening that the process to develop the broader suite of targets cannot be expedited given that there is already good involvement on this piece of work. My view still stands that I would like to see the targets set within 12 months of royal assent, even if this means they need revisiting sooner than they otherwise would.

However, I do welcome the duty placed on Welsh Ministers to set targets in secondary legislation in relation to four priority areas:

- (a) reducing the risk of the extinction of native species;*
- (b) the effective management of ecosystems;*
- (c) reducing pollution;*
- (d) the quality of evidence to inform decisions relating to biodiversity, access to that evidence and its use and application.*

In my response to the White Paper, I called for the full suite of targets contained in the Global Biodiversity Framework (GBF) to be considered in Welsh target setting. They are divided into those that:

- Reduce threats to biodiversity (8 GBF Targets)
- Meet people's needs through sustainable use and benefits sharing (5 GBF targets)
- Tools and solutions for implementation and mainstreaming (9 GBF targets)

I am pleased that the legislation speaks, to an extent, to each part of the GBF, including through mainstreaming biodiversity into all policy (GBF T14) and that it allows for a much broader set of targets to be set which could encompass more targets similar to the GBF.

This broader suite of targets, when in place, must help drive use of the five ways of working in delivering for nature through ensuring the right tools, levers and processes are being

prioritised. Use of the five ways of working can be seen in the Bill; for example, the requirement to involve experts in target setting; the principles which speak to prevention and precaution and the requirement to integrate environmental protection into all policy. What the wider suite of GBF targets could assist with is really driving wider involvement, collaboration and long-term thinking in the way we deliver for nature in Wales, building on the existing duties on the public sector under the WFG Act.

Duties in relation to the targets

The draft Bill sets out some clear responsibilities for the Welsh Ministers in relation to targets. I welcome the new requirement for Welsh Ministers to take steps to promote awareness of the importance of, and of the threats to, biodiversity. This legislation needs to reach out to wider society, both to involve people and to give nature a voice equivalent to that which has been achieved for climate change - where the net zero by 2050 headline target has done a lot of the heavy lifting.

For Welsh Ministers, there is a further duty to enhance their reporting duties under Section 6 to include a plan of the actions they intend to take to achieve the biodiversity targets, as well as monitoring and reporting progress, and a duty to prepare an evaluation report on how effective this has been.

However, in its current form, it remains unclear how public bodies outside of the Welsh Government are expected to contribute to the delivery of the biodiversity targets, or to report on their contribution. The Bill proposes a power for the Welsh Ministers to designate and require certain public bodies to contribute to certain targets, so we will not know the implications of this until we have the secondary legislation in place. This also likely means that the wider public sector will have no requirement to contribute to nature targets ahead of the 30x30 deadline, which is a missed opportunity.

My work to understand the deliverability of the Bill in the wider public sector is ongoing. My team will be exploring this further with public sector colleagues in a webinar on 9th July. The event is my contribution to Wales Nature Week this year where we will be co-hosting a discussion with members of Wales Environment Link who have been involved in the development of this Bill. I would be pleased to report back to the Committee on this at my oral evidence session scheduled for the 17th July.

Yours sincerely



Derek Walker
Future Generations Commissioner for Wales

Agenda Item 5.1

Irranca-Davies, A/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros
Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate
Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/HIDCC/1575/25

Llyr Gruffydd MS
Chair, Climate Change, Environment and Infrastructure Committee
SeneddClimate@senedd.wales

7 July 2025

Dear Llyr

Thank you for your correspondence dated 13 June enclosing the Climate Change, Environment and Infrastructure Committee's Report '*Pre-appointment hearing: 'Chair of Natural Resources Wales'*'.

I am grateful to the Committee for its pre-appointment scrutiny of the preferred candidate, Mr Nilesh Sachdev and for the prompt publication of its report. I am pleased to see the Committee endorses Mr Sachdev for appointment to the role of Chair of Natural Resources Wales.

In terms of the concerns raised in the Committee's report, I have sought additional assurance of Mr Sachdev's time commitment, accordingly I am satisfied he can fulfil the requirements of the role.

My officials and Natural Resources Wales will be supporting Mr Sachdev with a tailored induction and training programme to assist in developing a greater and deeper understanding of Natural Resources Wales, as well as operating within the Welsh context. This programme will be initiated, upon formal appointment i.e. ahead of formal arrival, it will continue post his arrival as Chair in November.

I have, therefore, made the decision to appoint Mr Sachdev to Chair of Natural Resources Wales. I would like to thank you and the Committee again for your time in undertaking this pre-appointment hearing. I would be grateful if the Committee could keep this in confidence until I have made my announcement.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Yours sincerely,

A handwritten signature in black ink, consisting of several fluid, overlapping strokes that form a stylized representation of the name.

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig

Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Our Ref: PO HID 331 25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee

SeneddLJC@senedd.wales

7 July 2024

Dear Mike,

In accordance with the inter-institutional relations agreement, I wanted to report on the latest meeting of the Inter-Ministerial Group for Environment, Food and Rural Affairs on 23 June 2025.

The meeting was chaired by Jim Fairlie MSP, Minister for Agriculture and Connectivity of the Scottish Government, who was accompanied by Mairi Gougeon MSP, Cabinet Secretary for Rural Affairs, Land Reform and Islands and Gillian Martin MSP, Cabinet Secretary for Climate Action and Energy also for the Scottish Government.

Andrew Muir MLA, Minister of Agriculture, Environment and Rural Affairs and Caoimhe Archibald MLA, Minister for the Economy attended for the Northern Ireland Executive. The UK Government was represented by Steve Reed MP, Secretary of State for Environment Food and Rural Affairs, Mary Creagh MP, Parliamentary Under-Secretary of State for Nature, Baroness Sue Hayman, Parliamentary Under-Secretary of State at the Department for Environment, Food and Rural Affairs, and Daniel Zeichner MP, Minister of State for Food Security and Rural Affairs.

I have issued a Written Ministerial Statement summarising the discussions. The next meeting is currently scheduled for 8 September.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs committee.

Yours sincerely,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Huw Irranca-Davies MS,
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs

8 July 2025

Dear Huw,

Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

Thank you for attending the Committee's 26 June meeting to give evidence on the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill (the Bill). To further support our scrutiny of the Bill, we would be grateful if you could respond to the questions below.

Part 1: Environmental objective and principles

Duty to apply the environmental principles

Sections 3 and 4 place a duty on the Welsh Ministers and Natural Resources Wales to "have 'special regard' to environmental principles when making policy in relation to Wales". For the purpose of sections 3 and 4, "'policy' includes proposals for legislation, but does not include an administrative decision in relation to a particular person or case."

Further, the Explanatory Memorandum (EM) states:

"certain public authorities may develop policy proposals for the Welsh Ministers in specific areas. These matters will be considered on a case-by-case basis as to whether they would fall within scope of Welsh Ministers' policy making, as defined by the Bill."

1. Can you clarify whether 'making policy' is intended to encompass outputs by the Welsh Government which are not strictly legislation (such as guidance, statements, non-statutory codes of conduct and directions)?

2. What criteria will be used to determine whether policy proposals developed by public authorities fall within scope of Welsh Ministers' policy making?

Section 5 places a duty on public authorities (defined in subsection (4)) to have regard to the environmental principles when carrying out functions in connection with Strategic Environmental Assessments (SEAs), and to integrate environmental protection into the carrying out of those functions.

3. In practice, what proportion of public authorities defined in section 5(4) constitute 'responsible authorities' under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004, and are thereby required to undertake SEAs?

4. What arrangements will be put in place to ensure that public authorities who are subject to the duty are complying with it? How is this provided for in the Bill?

Environmental principles and integrating environmental protection statement

Section 7 sets out the procedural requirements for the 'environmental principles and integrating environmental protection statement' (the 'statement'). Section 7(1) provides that, before publishing the statement, the Welsh Ministers must consult specified persons. Section 7(2) provides that the Welsh Ministers must lay a copy of the statement before Senedd Cymru.

The Bill does not make provision for Senedd scrutiny of the statement. In contrast, UK and Scottish legislation provides the respective Parliaments with an opportunity to scrutinise comparable documents (i.e. the UK Government's policy statement on environmental principles and the Scottish Government's guidance on environmental principles and associated duties).

5. Why have you chosen not to make provision for Senedd scrutiny of the statement, given its significance?

Part 2: The Office of Environmental Governance Wales (OEGW)

Establishment of the OEGW

7. In appearing before the Committee on 26 June, you estimated the OEGW would be fully operational between 18 to 24 months after the Act receives Royal Assent. Can you provide further details of the planned work schedule, including key milestones?

8. How will you ensure a smooth transition from the interim environmental protection measures, headed by the by the Interim Environmental Protection Assessor for Wales, to a fully operational OEGW?

Investigations and compliance notices



Section 15 of the Bill provides that the OEGW may investigate whether a public authority *is failing or has at any time failed* to comply with environmental law. However, the OEGW can only serve a compliance notice (under section 16) if it considers that the public authority *is failing* to comply with environmental law.

9. Can you clarify why the power for the OEGW to investigate historic cases of non-compliance is needed if the OEGW is subsequently unable to take enforcement action?

Meaning of "environmental law"

Section 29 provides the meaning of "environmental law". Section 29(4) enables the Welsh Ministers, by regulations, to provide that a devolved provision specified in the regulations is, or is not, within the definition of "environmental law" (and therefore within scope of the OEGW). According to the EM, this is "to ensure the definition of environmental law can be future proofed and updated with the latest developments in respect of international and domestic policy".

Section 46 of the Environment Act 2021 provides a comparable power for the Secretary of State in relation to the definition of "environmental law" under that Act. Before making regulations, the Secretary of State must consult the Office for Environmental Protection (the equivalent to the OEGW) and any other persons they consider appropriate.

10. Can you expand on why you consider the power in section 29(4) of the Bill is needed?

11. What criteria will be used to determine whether a devolved provision is, or is not, within the definition of 'environmental law' in the exercise of the power under section 29(4)?

12. What consideration did you give to including a requirement on the Welsh Ministers to consult before making regulations under section 29(4)?

Overlapping functions

During your appearance before us on 26 June 2025, we asked you about potential overlap between the functions of the OEGW and the UK Climate Change Committee (UKCCC). You said:

"we're confident...that there's going to be limited overlap between the OEGW and the UK Climate Change Committee. They're established under different legislative frameworks, and they have fundamentally different purposes."

However, the White Paper highlights a risk that the OEGW's target monitoring functions could duplicate those of other bodies, such as the UKCCC.

13. Can you clarify whether the Bill enables the OEGW to monitor, report and provide advice on climate change targets set under the Environment (Wales) Act 2016?

14. Given that the UK CCC is not listed in paragraph 1(1)(e) of Schedule 2, how does the Bill ensure that the “limited overlap” of functions between the OEGW and UKCCC will be managed effectively?

15. The Environment Act 2021 requires the Office for Environmental Protection and the UKCCC to prepare a memorandum of understanding on how they intend to cooperate. What consideration did you give to including comparable provision in the Bill?

Relationship with other environmental governance bodies

16. Do you envisage the OEGW working in collaboration/cooperation with the Office for Environmental Protection, for example, if a matter being investigated under section 15 also touches on ‘reserved’ environmental law?

17. The Office for Environmental Protection and Environmental Standards Scotland are required to consult counterparts in the other UK nations if they consider that a particular exercise of their functions may be relevant to the exercise of the functions of their counterparts. Why have you chosen not to place an equivalent requirement on the OEGW?

Compliance notices

Section 16 enables the OEGW to serve a compliance notice on a public authority if it considers that the authority is failing to comply with environmental law. The compliance notice must specify one or more action the authority must take in order to address the failure and the period within which each action must be taken. The period specified must be at least 30 days from the day on which the notice was served.

Section 17 enables the OEGW to serve an ‘urgent’ compliance notice where it considers action “needs to be urgently taken to prevent or mitigate an imminent risk of serious damage to the environment or to human health”. The notice may specify actions to be taken within a 7 to 30-day period.

Section 18 makes provision for the OEGW to review compliance notices, including ‘urgent’ compliance notices. The OEGW is required to review any such notice if requested to do so by the public authority on whom the notice was served. While the Bill does not specify the grounds on which a request for a review can be made, the EM states the grounds “must be material and not frivolous”.

18. Why do you consider it necessary to enable the OEGW to serve ‘urgent’ compliance notices?

19. Under what circumstances do you envisage an ‘urgent’ compliance notice being issued? Can you provide an example(s)?

20. Why do you consider it necessary to enable a public authority to request a review of a compliance notice?



21. Why have you chosen not to specify in the Bill the grounds on which a request for a review can be made?

22. Is there a danger that a request for the review of an 'urgent' compliance notice could delay action "that needs to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health"? How does the Bill safeguard against this?

Part 3: Biodiversity targets

Target-setting

The Bill provides that before setting or amending biodiversity targets, the Welsh Ministers must be satisfied that those targets can be met (new section 6D of the Environment (Wales) Act 2016 (the 2016 Act) to be inserted by section 33).

23. Is there a danger that this will result in less ambitious targets?

24. In practice, how will the Welsh Ministers satisfy themselves that proposed targets can be met?

25. The Bill enables the Welsh Ministers to revoke or lower targets. Why do you consider this power is needed?

The Bill sets out the circumstances under which a target can be revoked or lowered (new section 6H of the 2016 Act to be inserted by section 33), including:

"because of changes in circumstances since the existing target was set, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits".

26. In practice, how will the Welsh Ministers determine whether the environmental, social, economic or other costs of meeting a target would be disproportionate to the benefits?

Designation of public authorities

The Bill enables the Welsh Ministers to designate in regulations public authorities that must take action to contribute towards achieving the targets(s) (new section 6F of the 2016 Act to be inserted by section 33).

27. What criteria will the Welsh Ministers use to determine whether a public authority should be designated in relation to a target?

28. Is it the intention to simultaneously lay regulations setting targets under new section 6B and designating relevant public authorities under new section 6F?

The new section 6 plans (under the 2016 Act)

The White Paper proposal was for “a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government’s response to the Global Biodiversity Framework”. There is no provision in the Bill for such a strategy, rather a requirement on the Welsh Ministers to set out in their section 6 plan (under the 2016 Act) the action they propose to take to ensure that the biodiversity targets are met and when they propose to take that action. In appearing before the Committee, you explained this change of approach was to avoid duplication, adding:

“The section 6 plan will serve as the Welsh biodiversity strategy...This provides that clear, strategic pathway for us, for public bodies, for stakeholders and wider society to seek that reversal of biodiversity decline. It's very transparent, it's very effective in terms of monitoring and evaluation, and we can track progress through it.”

29. What opportunity will there be for stakeholders to influence the development of the new section 6 plan? How does the Bill provide for this?

30. Can you clarify whether the intention is for the section 6 plan to replace the Nature Recovery Action Plan (NRAP)?

- If so, is it the intention for the section 6 plan to include wider actions in response to the Global Biodiversity Framework?
- If not, can you explain how the section 6 plan and the NRAP will relate to one another?

It would be helpful to receive a response as soon as possible, and by 5 August at the latest.

I am copying this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee.

Regards,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg | We welcome correspondence in Welsh or English.

Agenda Item 8

By virtue of paragraph(s) vi of Standing Order 17.42

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