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Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref LG/452/21

Mike Hedges MS
Chair of Climate Change, Environment and Rural Affairs Committee

SeneddCCERA@senedd.wales

13 January 2021

Dear Mike

Thank you for your letter of 17 December, regarding the Supplementary Legislative Consent Memorandum for the UK Environment Bill.

I am content to assist the Committee's consideration of the Supplementary LCM by responding to the questions set out in your letter.

Question 1:

The Welsh Government supports the policy position provided by the provision because we agree it is part of the vital recovery from the COVID-19, and helps us to build a greener, fairer and more resilient global economy. Protecting precious forest environments is central to tackling climate change, ensuring people have secure livelihoods, and protecting the natural systems on which we all rely for the food we eat, the water we drink and the air we breathe.

Responsible businesses have been leading the way in establishing sustainable supply chains to protect forests, and this policy aims to support and reinforce these efforts. We support the UK Government proposal to introduce a new law designed to prevent forests and other important natural areas from being illegally converted into agricultural land.

The law they are proposing would work by requiring a relatively small number of large businesses to make sure the 'forest risk' commodities they use – commodities which can cause wide-scale deforestation – have been produced legally. This is because globally, a large proportion of forest clearance to produce these commodities is not considered legal.

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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.

We support the UK Government's direction of travel in order to maintain Wales' position as a global leader in our responses to the climate change and nature crises. We do not think it would be appropriate to expect the small number of larger businesses who will be affected by this regulation to have to work with a different process in Wales compared to other parts of the UK. This would result in unnecessarily increased business costs as a result of complying with more than one set of processes.

Question 2:

The UK Government consultation on the proposed amendment began on 25 August and concluded 5 October. Welsh stakeholders were able to take part in order to express their views. A summary of responses was published in November 2020:

https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/933985/due-diligence-forest-risk-commodities-government-response.pdf

Question 3:

We are satisfied Welsh interests are being adequately met by this provision because we believe it to be best for there to be consistency of approach towards the implementation of this provision across the UK. This would provide a more streamlined and efficient approach across the UK.

Question 4:

We do not intend to pursue any amendments to this provision.

Question 5:

My officials have secured agreement to be updated and informed of the progress of the development of this provision by DEFRA officials and are currently agreeing the details of how and when this will take place.

Question 6:

My officials received confirmation on 8 January 2021 from DEFRA leads:

'Enforcement of the due diligence law will be carried out by a Government regulator, who will help businesses to understand the requirements and investigate their compliance, but we are still in the process of confirming which (UK-wide) regulator this will be. With the primary legislation now under scrutiny in Parliament within the Environment Bill, we are turning our attention to the secondary legislation through which the finer details of the legislation will be laid out and to the accompanying guidance. This will include more on what the companies in scope are required to do and how exactly they will be monitored.'

As set out in (5) above my officials will liaise with the DEFRA leads to obtain more detail as the work progresses.

Question 7:

You are correct to note DEFRA did not bring forward a Government Amendment to strengthen a duty for the OEP to consult equivalent bodies in the Devolved Administrations at Commons Committee stage. I can inform the Committee I have reached an agreement in principle with Defra to bring forward the amendment to Clause 26(1) at Lords' Stage and I am content with this approach.

Regards

A handwritten signature in black ink, reading 'Lesley Griffiths'. The signature is written in a cursive, flowing style with a large, sweeping 'L' and a long, trailing 's'.

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