

Huw Irranca-Davies AS/MS
Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig
Cabinet Secretary for Climate Change & Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: HIDCC/PO/0190/24

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

seneddclimate@senedd.wales

19 July 2024

Dear Llyr,

Thank you for your 2 July letter regarding retained EU law (REUL) and the National Emission Ceilings Regulations 2018 (NECR). Please see responses to your seven questions below;

We note the ongoing work with Defra on proposed alternative arrangements. However, could you clarify why you feel it is appropriate not to seek to recreate the effect of the repealed provisions, as they applied in relation to Wales before 31 December 2023, for example by imposing equivalent duties on the Welsh Ministers?

The duty to comply with the UK emission reduction targets rests with the Secretary of State, however, proportionate emission reductions are required across all four UK countries to achieve them. Beyond these regulations there is also an international obligation on the UK to comply with emissions targets as a signatory to the Convention on Long Range Transboundary Air Pollution. This still requires reporting at a UK level even if each of the four governments took a separate approach to the regulations, so the introduction of separate approaches across the UK would be inefficient and resource intensive.

My preferred approach is to continue to work collaboratively with the new UK Government and other Devolved Governments to enable proportionate and coherent policies to be represented within a UK-wide reporting process.

Could you clarify the status of the current NAPCP to achieve emission reduction commitments of the NECR, which is still showing as live on the UK Government's website?

The revoked provisions had required the Secretary of State to consult on and publish a National Air Pollution Control Programme (NAPCP) under certain criteria. I understand that the existing NAPCP remains extant until it is withdrawn by the UK Government. Ultimately, it is for the new UK Government to confirm the status of the NAPCP going forward and, as a Devolved Government, I would expect Welsh Government to be consulted on this.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

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.

Could you explain how, in your view, the revocation of Regulations 9 and 10 of NECR does not represent a regression of environmental regulation in Wales?

I was disappointed by the UK Government's decision to revoke the NAPCP provisions, despite the concerns raised by the Welsh Government at the time. My view remains consistent with those previously expressed by the previous Minister for Climate Change, to the then Secretary of State. Notwithstanding that the emissions targets for the UK are unaffected by the revocation, the revocation of the NAPCP provisions without sufficient alternative arrangements reduces transparency and public scrutiny of the UK's emissions reduction pathway for several important air pollutants, which are important to maintain.

What assurances can you provide that this will not result in a failure to meet the 2030 targets set by NECR? What interim steps are being taken to ensure the 2030 targets will be met?

Despite the revocation of the NAPCP provisions, duties for the Secretary of State to prepare and publish the national air pollutant emissions inventory and projections remain which show the UK's progress towards achieving the emissions targets.

The loss of the NAPCP provisions does not directly impact the delivery of plans and strategies. Our national air quality strategy, the Clean Air Plan for Wales, sets out the measures we are taking out to 2030 and regular reviews of progress are undertaken and published.

Work in Wales to meet the UK emissions targets remains ongoing. We are continuing to work with our partners in UK and Devolved Governments to ensure that Wales achieves a proportionate share of the UK's targets.

Could you explain the evolution of the Welsh Government's position?

The Welsh Government position remains unchanged. Despite concerns raised by Welsh Government with the Secretary of State at the time, the NAPCP provisions were revoked.

The previous Minister for Climate Change, wrote to the Secretary of State following the Inter-Ministerial Group meeting in June 2023 to express her concern about the potential revocation of the provisions without replacement and the potential lack of transparency and public scrutiny. This remains our position. However, we are confident that the revocation of these provisions does not have any immediate and substantial impact for environmental law in Wales. This is because the emissions targets applicable to the whole of the UK remain in place until 2029 and the Secretary of State remains under a legal duty to meet those targets. The Welsh Government remains committed to playing its part. The revocation of the provisions underpinning the mechanism which publicly demonstrated how the collective efforts would achieve the emissions targets is a concern for the Welsh Government.

The UK Government has, since August 2023, been pursuing an alternative non-legislative approach to the NAPCP. The NAPCP was subject to consultation before being finalised and subsequently published, and I firmly maintain the view that any alternative arrangements should be transparent and open to public scrutiny. I intend to work with the new UK Government and other Devolved Governments to inform the alternative arrangements and maintain environmental protections.

What discussions has the Welsh Government had with environmental stakeholders in Wales on the revocation on NECR?

We are aware that stakeholders have raised issues with the position of the previous UK Government on this issue and I share similar concerns. While Welsh Government continues with work in Wales to help meet the UK emissions targets, we will continue to work with UK partners via the Air Quality Common Frameworks to address the concerns outlined above.

What work is being done on a UK-wide basis to consult with stakeholders on the alternative arrangements led by Defra and described in your letter?

My officials have been working with Defra and the other Devolved Governments via the Air Quality Common Frameworks to inform Defra's proposed alternative arrangements. We intend to work with the new UK Government and other Devolved Governments in good faith to inform alternative arrangements with the aim of minimising potential gaps in reporting, and to shape arrangements which are transparent and open to public scrutiny.

I thank you for raising these detailed matters with me and I hope this response assists the Committee.

Yours sincerely,

A handwritten signature in black ink, appearing to be 'Huw Irranca-Davies', written in a cursive style.

Huw Irranca-Davies AS/MS

Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion Gwledig
Cabinet Secretary for Climate Change & Rural Affairs