

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

9 July 2025

Dear Huw

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

Thank you for attending the Committee's meeting on 30 June to discuss the above Bill and agreeing to write to the Committee on the matters referred to at paragraphs 49 to 51, 82 and 126 to 127 of the [transcript](#).

The Committee has some additional questions to put to you which we were unable to ask during the session. We would be grateful to receive a response to the questions in the Annex by 11 September 2025.

I am copying this letter to the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Mike Hedges
Chair



General matters

Q1. In our [report](#) on the Environment Bill LCM in September 2021, we recommended that:

"A future environmental Bill introduced by the Minister should address devolved issues contained within the UK Government's Environment Bill, following appropriate consultation with stakeholders."

The Welsh Government accepted this recommendation in principle. Please can you explain if the Bill addresses the recommendation in our 2021 report and if so, how?

Welsh Ministers duties when making policy (section 3)

Q2. Please explain how the duty to have special regard to the principles will work in practice. For example, what processes will be put in place by the Welsh Government to identify policy that has, or could have any effect on the environment, and how will Welsh Ministers go about having special regard to the principles?

Environmental assessment: public authorities duties (section 5)

Q3. Under section 5 of the Bill, public authorities must have regard to the environmental principles when undertaking strategic environmental assessments. What accountability mechanisms are in the Bill to monitor whether public authorities comply with this duty?

Office of Environmental Governance Wales (OEGW)

Q4. The [Green Alliance](#) has suggested that the Bill should be amended:

- i. to include a duty on Welsh Ministers to respect the OEGW's independence (see paragraph 17 of Schedule 1 of the UK Environment Act 2021).
- ii. to clarify that Welsh Ministers have no power of direction in relation to the OEGW (akin to paragraph 1 of Schedule 1 to the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021.)

What is your view of these suggestions and please can you explain why you disagree with them, should that be the case?

Q5. The Welsh Ministers must consult a Senedd committee before appointing the OEGW's chair and deputy chair (paragraph 8(2) of Schedule 1). If this is intended to be a pre-appointment hearing, why does it not state that on the face of the Bill, and do you intend to add these roles to the list of offices subject to pre-appointment hearings under the protocol agreed between the Llywydd and the Welsh Government?

Hight court review after failure to take specified action (section 19)

Q6. The OEGW may apply to the High Court for an order requiring a public authority to take any action specified in a compliance notice it has issued. What are the possible sanctions for public authorities if they fail to comply with a High Court order?

Meaning of environmental law (section 29)

Q7. Environmental law is a key definition in the Bill. It covers legislation wholly or mainly relating to environmental protection that has been, or could be, made by the Senedd. Do international conventions and agreements on the environment fall within the definition of 'environmental law' under the Bill?

Q8. In exercising its functions, the OEGW will be required to determine on a case by case basis whether legislation constitutes environmental law under the Bill. Are you confident that this is workable and feasible in practice? For example, is it reasonable to expect the OEGW to enforce the law and potentially escalate it to the High Court on the basis of its own assessment of whether a provision is within the Senedd's legislative competence under section 29(3)(b) of the Bill?

Q9. The Statement of Policy Intent ("SOPI") for the subordinate legislation powers under the Bill states that in instances of uncertainty or disagreement, it may be necessary for the courts to ultimately decide whether provision constitutes 'environmental law'. What assessment has been made of the impact of this on the justice system?

Q10. The Welsh Ministers have a power under section 29(4) of the Bill to make regulations specifying whether provision is, or is not, within the definition of 'environmental law'. Please explain why this power is necessary, and whether you intend to routinely use it to identify which legislation, or parts of legislation, constitute 'environmental law'.

Q11. The SOPI states that, if exercised, the power in section 29(4) of the Bill would be considered to "substantially affect provisions of the Bill by adding, amending or removing provisions which can be considered 'environmental law' for the purposes of the Act, and which has a substantial bearing on the scope of the Office of Environmental Governance's oversight powers". To what extent could this power be used to exclude provision that currently falls under the definition of 'environmental law' as drafted under the Bill?

Q12. Why is there no duty to consult the OEGW in relation to regulations to be made under section 29(4)?

Meaning of public authority (section 30)

Q13. The definition of 'public authority' in the Bill has been defined by reference to Devolved Welsh Authorities in section 157A of the Government of Wales Act 2006, and various other bodies in

Schedule 7B to the Act. How did you decide which bodies should be caught under this definition, and why has it not been drafted by reference to any body providing functions of a public nature in Wales?

Q14. The majority of the public authorities under the Bill are listed in Schedule 9A to the Government of Wales Act 2006 as introduced by section 157A. However, under section 157A, there is also a statutory test for additional public bodies to constitute Devolved Welsh Authorities. Therefore, are you content that the scope of the definition of 'public authorities' under the Bill is sufficiently certain, and to what extent do you expect further public bodies to qualify as 'public authorities' under the statutory test?

Biodiversity targets (sections 33 to 38)

Q15. The Welsh Ministers have a power to set targets in respect of 'any matter' relating to biodiversity in Wales. Objectively, this is a very wide power. What are the limits on the exercise of this power?

Q16. The numerous amendments made to section 6 of the Environment (Wales) Act 2016 by sections 33-36 of the Bill have arguably made it less accessible to the reader. There are two separate definitions of 'public authority' in the same section for separate purposes, and separate duties for the Welsh Government and other public authorities in relation to the same section 6 plans and reports without clear headings. Are you open to revisiting the amendments made by the Bill to section 6 of the 2016 Act with a view to improving its accessibility and readability?

Q17. Under new section 6C, the Welsh Ministers must lay draft regulations with biodiversity targets in priority areas within three years of Royal Assent. The Senedd's Climate Change, Environment and Infrastructure Committee previously described this proposed timescale as "not acceptable" and "deeply concerning". What is the justification for this deadline?

Q18. Would it be feasible to introduce draft regulations with targets sooner than this, and would you consider amendments to that effect at stage 2?

Q19. The express requirement to take action to contribute to meeting the biodiversity targets applies to public authorities that have been 'designated' in regulations by the Welsh Ministers. Why does the Bill not include a general duty on public authorities to comply with biodiversity targets?

Q20. Each public authority proposed for designation must be consulted, along with such other persons considered appropriate by Welsh Ministers. Up to 100 public bodies constitute 'public authorities' under the Bill. What proportion of these bodies do you envisage being designated?

Q21. Under the Bill, the Welsh Ministers are required to ensure the biodiversity targets are met. Why does the Bill not impose an express duty on the OEGW to monitor and enforce this obligation?

Q22. The requirement to set biodiversity targets will fall to the Welsh Government in the seventh Senedd. As drafted, the biodiversity requirements in the Bill could be satisfied by laying regulations in 2029 setting only four targets without any requirement to designate any public authority in relation to such targets. Are you satisfied that this is sufficiently robust, and if so, why?

Trade and Co-operation Agreement

Q23. The Explanatory Memorandum states that the Bill will help to implement the commitments set out in the UK-EU Trade and Cooperation Agreement. Please elaborate and explain how the Bill will do this.