

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