
EPGBTWB 04 - Tystiolaeth gan: Dr Victoria, Prifysgol Abertawe
Evidence from: Dr Victoria Jenkins, Swansea University

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

25th June 2025

Introduction

The introduction of this Bill to the Senedd is to be warmly welcomed. This legislation will create legal mechanisms to hold government to account for its actions to protect our natural environment and to ensure that public institutions work tirelessly to achieve this aim. In my view this is one of the most essential roles for law in protecting the natural environment in Wales.

A legislative response to the environmental governance gaps in Wales following the UK's exit from the European Union (EU) has been long awaited. This includes the extension of the EU environmental principles to policy and law making in Wales and the creation of a body to hold the government to account for its actions in relation to environmental protection. The environmental principles have underpinned environmental law and policy in Wales during the 40 years of EU membership, and their continued adoption is important to stability in this respect. The new Office for Environmental Governance in Wales (OEGW) will be essential in ensuring the effective implementation and enforcement of environmental laws in Wales going forward. The addition of statutory biodiversity targets also addresses a pressing need to focus attention on the nature crisis in Wales and mirrors the approach adopted to the climate crisis some time ago.

These new provisions will add considerable value to the existing systems for the wellbeing of future generations and the sustainable management of natural resources in Wales. They are essential building blocks in a system of environmental governance to

meet these broader objectives. In short, the sooner this legislation is passed and, most importantly, put into action, the better. Nevertheless, it is also important to ensure that the Bill will meet its objectives. This evidence points to aspects of the Bill that are important and to be welcomed, but also those that might be improved.

Definitions

Environment, Environmental Protection and Environmental Law

Definitions in legislation are significant because where terms are narrowly defined they can exclude the operation of the law. Therefore, it is important to note that there are broad definitions of the terms environment and environmental protection in this Bill. For example, it is made clear that restoration and maintenance are as important to environmental protection as conservation. The definition of environmental law is particularly significant. This is defined to include matters that are mainly as well as wholly concerned with environmental protection but excludes matters related to access to information as well as taxation, finance and budgets. Whilst the exclusion of laws on financial matters is common, it is not entirely clear why access to information, especially laws on access to environmental information, are not within its scope. There is also a wide power here for Ministers to exclude further elements of law from this definition.

Defining Public Authorities

Public authorities are defined with reference to the provisions of the Government of Wales Act 2006 on devolved authorities. The way the provision is framed results in a very long list of public authorities subject to the provisions of this Bill. On the one hand, this means the approach is all encompassing, but on the other hand it creates a very wide scope for the work of the OEGW. Although a more confined list may have been preferable, the OEGW has discretion to prioritise its activities which will be important to offset this potential issue. An additional benefit of referring to the Government of Wales Act 2006 section 157A is that the definition will be tied to any amendments to this legislation.

There are two other points of note. First, if a body, office or holder of an office has functions of a public nature and is not specifically listed under the relevant provision, it will only be included in the remit of the OEGW if its function are exercisable only in

relation to Wales (and are wholly or mainly functions that do not relate to reserved matters). Secondly, the lists referred to under Schedule 7B para 9(2) and 9(6) are included as exceptions to the provisions under para 8(1). This seems a little odd, but it is also notable that the list in para 9(6) includes water and sewerage undertakers.

The Environmental Principles

The environmental principles underlined law and policy making in the EU, which almost exclusively directed approaches to environmental protection in Wales, for more than 40 years. In the interests of stability and the continued alignment in approaches to environmental protection across the UK, it is important that these principles are maintained. The principles of prevention, precaution and the polluter pays are also essential principles of international law.

The Office for Environmental Governance Wales (OEGW)

The evidence in this section will be based on the following fundamental objectives which are, in my view, essential in designing the new body:

- The OEGW must be independent of the Welsh Government in order to fulfil its functions effectively.
- The OEGW should be focused, first and foremost, on holding the Welsh Government and other public authorities in Wales to account for their actions in implementing and complying with Welsh law. The OEGW should have a robust set of powers in this regard. However, it will also be necessary to recognise the significance of the role of Welsh Ministers in framing the funding, regulation and operation of public authorities that impact the Welsh environment.
- This approach should not exclude the OEGW from carrying out other functions. However, the inclusion of other functions necessitates careful consideration of the make-up of the OEGW, the way it balances its different functions (and potential conflicts between them), and resourcing concerns.

Independence and Accountability

General duty

There is a general duty for the OEGW to exercise its functions impartially, objectively, proportionately, and transparently. Three of these criteria are essential to its independence. The issue of proportionality is quite different, and it is not entirely clear what this means. No further guidance is given in the Explanatory Memorandum, and nor was this approach discussed in the White Paper. Proportionality is inherent in the escalatory approach to compliance and enforcement adopted in the legislation. It is not, therefore, entirely clear why an additional principle of proportionality has been included, and this may cause some confusion in the implementation of the legislation.

Appointment of the OEGW and Accountability to the Senedd

Welsh Government appoints the Chair, the Deputy Chair and all other non-executive members of the OEGW. Welsh Government also has the power to remove them from office under certain conditions. It might have been preferable for the Senedd to be responsible for the appointment of members of the OEGW. However, there is provision for accountability to the Senedd in the appointment of the Chair and Deputy Chair of the OEGW because the relevant Senedd Committee must be consulted. Welsh Government will also have to 'have regard' to the recommendations of a panel, that includes independent members with relevant expertise, in appointing all non-executive members.

Despite the inclusion of duties to consult the Senedd and a panel that includes independent members some concerns remain. First, Welsh Government must only consult the Senedd Committee and do not have duty to take into account its recommendations. Secondly, it is not clear why this duty only applies to the Chair and Deputy Chair and not other non-executive members. Thirdly, it is also not clear why there has to be a representative of Welsh Government on the otherwise independent panel that provides recommendations on the appointment of non-executive members.

Accountability to the Senedd in the operation of the OEGW

This is a significant issue and is assured in the Bill in two ways. First, a Committee of the Senedd must be consulted on the strategy of the OEGW, but again without a duty to take their opinions into account. Secondly, a number of the reports of the OEGW must be laid before the Senedd:

- Reports on the monitoring of public authorities' compliance with environmental law and the implementation and application of environmental law; or any other matter concerned with the making of environmental law, or its effectiveness.
- Improvement reports.
- Annual reports.
- The strategy of the OEGW.

The OEGW itself will also be accountable to the Audit Office and there are procedures to ensure transparency before the Senedd in this process.

The Functions of the OEGW

The OEGW will have several functions that will be necessary to both hold the Welsh Government and other public authorities in Wales to account for their actions in implementing and complying with Welsh law; and to recognise the significance of the role of Welsh Ministers in framing the funding, regulation and operation of public authorities that impact the Welsh environment. The OEGWs' powers are also focused on the development of an escalatory approach that will be important in ensuring that its actions are effective, but also proportional and cost effective.

Monitoring and Reporting on the Effectiveness of Environmental Law

In this role, the OEGW will continue the work of the current Interim Environmental Protection Assessor for Wales (IEPAW). This has proven to be essential in developing our understanding of the way environmental laws in Wales function to protect, restore and enhance the natural environment. It is necessary to have a body with powers to

investigate in this way because the natural environment is complex and, so too, are the effects of legal interventions in this respect. However, one thing that is missing from the Bill is any reference to the way that the new body will provide a continuation of the role of IEPAW and the arrangements for a smooth transfer of those functions.

The role of the OEGW is to monitor and report on the effectiveness of environmental law. This can be clearly distinguished from the function of other bodies, such as Natural Resources Wales (NRW) which is responsible for monitoring and reporting by gathering data and evidence on the state of the natural environment. Including monitoring and reporting on the effectiveness of environmental law in the remit of the OEGW means it will be able to bring to light issues beyond individual breaches of environmental law by Welsh Government and public authorities. As such, this is a key aspect of the powers of the OEGW in holding Welsh Ministers to account for their role in framing, funding and regulating the operation of public authorities that impact on the Welsh environment.

The idea of investigating the effectiveness of the functioning of environmental law is now well established in the work of the IEPAW and includes considering law which is: outdated; does not function in a way which protects the environment or delivers the intended environmental outcomes; includes guidance or information about the law which is not accessible; or relates to an impediment to the practical delivery of the law. It would seem appropriate to continue with this approach. However, there are some indications in the new arrangements, as currently set out in the Bill, that this may not be the approach.

The relevant power here is to publish an improvement report for Welsh Government, where Welsh Ministers or a public authority have failed to make effective environmental law. This seems quite different to the existing role of the IEPAW in investigating and reporting on problems regarding the effective functioning of environmental law.

Effectiveness is a subjective term. There is a definition in the Bill which states that this should be construed as effectiveness in contributing to environmental protection, but this definition is very limited in understanding the term in this context. The concern is that the term effectiveness might be narrowly interpreted to mean, for example, that the law in question has failed to achieve its purpose, whereas the effective functioning of environmental law is often impeded by the fact that it is outdated.

There is also a more fundamental issue here around the phrasing of this particular provision. To suggest that there is a problem with the effective functioning of Welsh environmental law does not provide any blame for this, whereas to say that there is a failure to create effective environment law clearly lays blame. This is another reason why the term may be narrowly interpreted to exclude, for example, outdated law for which a government cannot be held to blame other than in not having updated it. It also means that the investigation focuses on identifying failings rather than understanding the concerns raised by the state of the law. In short, there seems to be a problem here in tying the role of improvement reports related to the effectiveness of environmental law with powers to issue such reports where a public authority has failed to comply with environmental law; or to implement or apply environmental law effectively.

The Welsh Ministers must respond to an improvement report with an improvement plan within 6 months (or 9 months if a process of consultation is necessary) setting out actions (with timescales), and arrangements for reviewing and reporting on progress with respect to the recommendations. Given the complexity of some of the problems in the functioning of Welsh environmental law, this timeframe seems appropriate. However, it is hard to see a circumstance where Welsh Government would not wish to consult on an improvement plan given the nature of the problems to be addressed and the significance of all kinds of evidence in tackling these problems, e.g., including local knowledge as well as scientific evidence. Therefore, it is arguable that the provision on consultation should be amended to become a duty rather than a power.

Providing Advice to Welsh Government

The OEGW will have the power to give advice to Welsh Ministers on proposals for new environmental law or changes to existing laws, and any other matter related to environmental law. It is notable that this advice need not be on the request of Welsh Ministers but can be of the OEGW's own volition. This is important to the independence of the OEGW. The OEGW may also provide advice and guidance to others on any matter relating to Welsh environmental law. This is a necessary power to allow the OEGW to issue guidance, for example, about the procedure for making representations,

how those representations will be considered by the OEGW and more generally its functions and strategies.

The OEGW also has the power under the Bill to provide advice to individuals on matters related to environmental law. The way the powers are currently framed suggests that there is no role for the OEGW in providing more general information about Welsh environment law for public education. This approach is in line with the focus of the OEGW on holding government to account for its actions with respect to environmental law. There are other bodies, such as NRW, local government and the Future Generations Commissioner, that are better placed to be responsible for public education. In short, this approach is important in understanding the OEGW as a guardian of the environment, not an advocate for it.

Monitoring on Statutory Environmental Targets

The role of the OEGW in monitoring statutory environmental targets is not entirely clear on the face of the Bill. However, Schedule 2 (1) states that the OEGW's strategy must set out how it intends to monitor any targets relating to the environment set by or under environmental law, as a function of monitoring public authorities' compliance with environmental law and monitoring the implementation and application of environmental law. Therefore, the OEGW will have a role in monitoring all targets with respect to Welsh environmental law including, but not limited to, the biodiversity targets under this legislation. The approach to this task will be within the discretion of the OEGW and not confined, for example, to annual reporting. These arrangements seem appropriate even if the provisions themselves are not entirely transparent.

The role of the OEGW in this respect should be to provide oversight of the Welsh Government's own reports on progress in terms of environmental targets, e.g., the requirements under the proposed s6I Environmental (Wales) Act 2016 for Welsh Government to provide statements about progress in meeting biodiversity targets. It will be important, therefore, not to go over too much of the same ground in doing so. Similarly, the OEGW should not replicate the role of the UK Climate Change Committee in reporting on progress on climate change in Wales. Given the potential for overlap

between the roles of the OEGW, Welsh Government and NRW in relation to monitoring progress on environmental targets, it might be useful to clarify this on the face of the Bill.

The role of both Welsh Government and the OEGW in reporting on progress in relation to environmental targets will rely on good data and evidence, the collation of which is the responsibility of NRW, principally through the State of Natural Resources Report (SoNARR). It will, therefore, be important for this report to include clear data and evidence with respect to the targets. It is possible that the legal framework for SoNARR may need amendment to accommodate this, given that this was developed at a time before the introduction of environmental targets.

Investigatory and Enforcement Powers

The most significant powers of the OEGW in terms of holding government to account for its action on environmental protection will be those related to investigation and enforcement. There are several elements to this: investigating potential concerns identified through citizen representations and/or OEGW monitoring; issuing compliance notices and/or improvement reports; and the process of High Court review if compliance notices are not complied with.

Investigatory Powers

The OEGW will have the power to carry out investigations in response to citizen representations. Citizens have a very useful role to play in being the 'eyes and ears' on the ground, but their representations can be driven by individual interests, and it is important that the OEGW has discretion in the Bill as to how to respond to those representations. However, transparency in the process is also essential so that citizens are made aware of the way the process will be conducted and informed of decision making in relation to their representation. Transparency in the process will be assured by requirements in the Bill related to the OEGW strategy which are to be welcomed. The strategy must include details of the following: enabling people to make

representations; managing those representations, including publishing information about them; prioritising consideration of representations; and, keeping people informed about its response to them.

It is also important that the OEGW will have the power to carry out investigations under its own initiative. This will be necessary to deal with issues that are of broader concern than individual representations, for example, less well known problems with pollutants that are not visible or have a direct impact on human health. The discretion afforded to the OEGW in the Bill will, therefore, allow it to balance concerns that exist at different spatial scales, e.g., individual, community, local and national concerns; as well as anthropological and ecological perspectives.

Co-operation Duties and Information Notices

It will be important to ensure that the OEGW has all the information it needs to carry out thorough investigations. The co-operation duties will facilitate this process as well as the clear duties in the Bill with respect to disclosure of information and confidentiality. One would hope that public authorities would co-operate with the OEGW in its investigations, but the power to issue a formal information notice is also a useful last resort.

Compliance Notices and Improvement Reports

Compliance notices can be issued if a public authority has failed to comply with an information notice, but also if they have failed to comply with environmental law. There is also an option to issue an improvement report on the same grounds or in addition because a public authority has failed to implement or apply environmental law effectively (the difference also being that only Welsh Government is issued with an improvement report even if it relates to a failure by another public authority).

This range of powers will be important in providing the tools the OEGW needs to ensure an appropriate response to failures by the Welsh Government and public authorities. It also fits with the notion that whilst all public authorities in Wales must be held accountable for their actions with respect to environmental protection, the Welsh Government has a particularly significant role in framing the funding, regulation and operation of public authorities.

It is important that improvement reports will be published and also laid before the Senedd for reasons of transparency and these provisions are found in the Bill. These requirements are not included on the face of the Bill for compliance notices. However, the OEGW strategy must include details on how it will publish information about these notices. A different approach for compliance notices may be justified by their role in formal enforcement proceedings. However, the OEGW has a great deal of discretion in this regard, which will not necessarily protect the transparency of the process.

In terms of timescales, the issues discussed above with respect to the 6 or 9 month timescale for improvement reports (and the discussion around consultation) in relation to improvement reports on the effectiveness of Welsh environmental law are quite different where that report refers to a failure to comply with environmental law or to implement or apply the law effectively. In these circumstances, a faster response may be appropriate, and consultation may not always be desirable if speed is a concern. This is another reason for dealing with improvement reports separately in these different circumstances.

Compliance notices must specify a period for action of no less than 30 days. This seems appropriate because, although we want to see a swift response, the response may be quite complex and resource intensive and needs to be carried out appropriately. There is also the option to issue an urgent compliance notice to prevent or mitigate an imminent risk of serious damage to the environment or human health. In these circumstances, it is appropriate that the time limit for action is reduced to 7 days.

Review of Compliance Notices

The system of reviewing notices by a Review Committee is intended to be efficient in terms of time and resources. However, it also needs to be impartial, fair, and transparent. The fact that there must be two independent members of the Review Committee is notable, but there is also provision for any number of the OEGWs members or staff to also sit on this committee. There is also nothing to exclude these members/staff from chairing the Review Committee or voting on it. The Bill states that

OEGW members cannot sit on the Review Committee if they were 'involved' with the compliance notice. The breadth of this term involvement is important but this word is also difficult to interpret.

There are no time periods included in the Bill for holding the review and reporting on its findings even in cases of an urgent compliance notice. Whilst it may be difficult to hold external individuals to particular timings, it seems especially important to have clear time scales for urgent cases. The fact that the time for complying with the notice does not include the time for review is useful in this respect, but also problematic in the sense that it may basically require action notwithstanding a request for review – again especially in urgent cases.

High Court Review

The system of High Court review will ensure that as a last resort there is the possibility of an action before the court which will be able to make an order requiring that the compliance notice is adhered to. Should a public authority fail to comply with the court order, a range of sanctions for contempt of court will also be available which is to be welcomed. However, in terms of time limits, it is notable that an action cannot be brought, even in the case of an urgent compliance notice, until the time period provided in the notice has passed. Whilst this is important from a fairness perspective, it is not clear how quickly the case will be heard after this time. This will only add to the relevant timescales with the potential for action in urgent cases to take several weeks. This may need further consideration.

Membership of the OEGW

There needs to be a clear focus in the membership of the OEGW on those with experience of environmental law and investigatory and enforcement proceedings (preferably both). This aligns with the premise that the body should centre attention on investigatory and enforcement proceedings. However, the wider role of the OEGW in

carrying out investigations into the effectiveness of environmental law is also a significant function of the OEGW and will require a broader range of expertise. This is where knowledge of the wider context of environmental policy and law, and environmental science, will be particularly important.

The current provisions do not appear to acknowledge increasing attention to the significance of interdisciplinary perspectives in understanding and responding to environmental challenges. For example, the effectiveness of Welsh environmental law will depend not just on our knowledge of natural science but the response of people to that legislation both within and outside of regulatory agencies. This highlights the significance of social science. In the White Paper it was suggested that the OEGW would be able to “draw on wider expertise through external resourcing as required.” However, this seems to have been dropped in the final draft of the Bill. It would seem wise to provide at least a power for the OEGW to call upon wider external expertise to be able to bring in the perspectives of broader disciplines where necessary in understanding the effectiveness of Welsh environmental law.

Biodiversity Targets

Whether or not targets with respect to the protection of the natural environment are appropriate has long been debated and the arguments are well rehearsed in the Welsh context. We already have targets with respect to climate change and air pollutants and it is timely to introduce targets for biodiversity. In my view, this will help ensure that the nature crisis is treated with the same focus as the climate crisis.

A Headline Target

The introduction of a headline target on the face of the Bill was proposed in the White Paper but has been dropped in this Bill. This target was as follows:

‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’.

In response to the consultation particular concerns were expressed about the enforceability of this target, the interpretation of some of the key terms used and the timings involved. In my view, despite these reservations, there would be clear benefits to the inclusion of a headline target for 2050, to mirror the focus on “Net Zero by 2050”. The headline target could be related to the goal of the UN Convention on Biological Diversity to ensure that “by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people.” Although, as this is perhaps a little cumbersome, we could devise something around the language of nature recovery or nature positivity or improvement.

Acting by 2050, is, of course, not the whole answer to the problem we face in the nature crisis and greater urgency is necessary, but this will be achieved by the more detailed targets to be introduced under secondary legislation. In my view, linking these shorter-term targets to a longer-term approach is a good idea. However, there will undoubtedly be opposing views and clearly the most important thing is to introduce the shorter term and more specific targets that the Bill proposes as soon as possible.

The Target-Setting Power

The Bill provides Welsh Government with a power to set targets in respect of any matter relating to biodiversity in Wales where they are satisfied that meeting that target will contribute to halting and reversing the decline in biodiversity. This gives Welsh Government wide discretion in setting targets which is necessary to ‘future proof’ the legislation to ensure it can respond to any new understanding of the notion of biodiversity and how to address its decline. However, there is a concern that the focus on decline rather than improvement may impede such target setting in the future. On the other hand, this approach has the advantage of centring attention on decline as the most pressing concern at present. The baseline for assessing that point of decline will also be very important, and more thought should be given as to whether it is appropriate to include this on the face of the Bill.

The Bill also refers to some issues which are considered particularly important in halting biodiversity decline - species abundance, ecological resilience and increasing genetic

diversity. This is a sensible approach that highlights key concerns but is not restrictive. Also of note is the link between targets on species abundance and the lists of species of principal importance under s7 Environment (Wales) Act 2016. This will support a more joined-up approach to governance, which is important in avoiding duplication of effort.

Finally, Welsh Government have a duty to create at least one target in each of four priority areas: reducing the risk of the extinction of native species; the effective management of ecosystems; reducing pollution; the quality of evidence to inform decisions relating to biodiversity, access to that evidence and its use and application. Outlining priority areas on the face of the Bill can ensure that targets are aligned with key concerns, but having one target in the four priority areas should be viewed as a minimum. It is also important that the Bill does not restrict the setting of targets to these areas.

In terms of the substantive nature of the priority areas there first two are straightforward, but there are some concerns with the other two. First, although the Bill dictates that targets on reducing pollution will need to be specific to halting and reversing biodiversity decline, there is a danger that they will become confused or overlap with wider targets in this respect. Secondly, as currently drafted, the priority area on evidence is a little confusing. There is clearly a need for a robust system of evidence to underpin the system of governance for halting and reversing biodiversity decline. The priority seems to be the quality of evidence including, the regularity of monitoring and the way it is collated, synthesised and shared. It is important that this focus is not lost in setting targets because of the way the priority areas is drafted, i.e., referring to access to and the use and application of evidence.

In terms of the framework for creating targets we have considerable experience to build on in existing Welsh legislation and the requirements seem appropriate in terms of specifying a standard to be achieved, which must be capable of being objectively measured; and a date by which the standard is to be achieved. The targets will be set through Regulations and the framework for making Regulations on targets is clear that these must include provision on how to measure progress with respect to achieving the target and whether it has been achieved (including any indicators to be used in this measurement).

When making the Regulations, Welsh Government must also apply the principles of the sustainable management of natural resources (SMNR). Again, this is an important part of providing a 'joined-up' approach to governance. However, the principles of SMNR are fairly complex so further thought might be given as to whether, in practice, applying these principles might interfere with the focus of these targets on halting and reversing the decline in biodiversity.

Reporting on Targets

Welsh Government have a duty to publish a statement in relation to each target setting out whether the target has been met or not. However, Welsh Government will set the time frame for the initial statement in the Regulations which gives it a wide power over these timeframes. The statement will not only be published but laid before the Senedd, both of which are important for transparency and accountability.

If a target is not met, Welsh Government must produce a further report within 12 months outlining why this is the case and what steps they have taken or will take to achieve the target as soon as reasonably practicable. The reference here to a time frame that is reasonably practicable is a concern as it may be significant in delaying progress.

Where Welsh Government are unable to establish whether a target has been met they must give reasons and set out the steps being taken to address this. They must also report again within 6 months stating once more whether the target has been met, not met or they are still unable to establish whether it has been met. A potential issue here is that the legislation appears to allow for a continuous loop of 6 monthly reporting on not being able to establish whether a target has been met.

Reviewing, Revoking and Lowering Targets

The time frame for introducing the first set of regulations on biodiversity targets is 3 years from the Royal Assent of the Bill, which is quite lengthy and there is no provision as to when further new targets should be introduced. However, there are important provisions on the transparency of this process as the review must be published and laid before the Senedd.

The power to review targets relates only to the targets that are already set in Regulations and it would be wise to extend this to include consideration of any possible new targets in the review. The time frame for the review of targets is 'from time to time' and it may be better to include a specific date, such as no longer than 5 years. There is also a duty to carry out a review where a target will not be met or is considered no longer appropriate. Although the Welsh Government must include reasons for concluding that a target is 'no longer appropriate' this is still a very wide power. However, it will be subject to the provisions on introducing Regulations to revoke or lower targets.

The provisions on revoking or lowering the targets require special attention. There are concerns here in relation to each of the four conditions which all appear to give the Welsh Government a great deal of discretion. Particularly problematic are the following terms: 'no significant benefit' which without further explanation could allow socio-economic concerns to be used as a reason for revoking or lowering a target; 'disproportionate to the benefits', again raising concerns over the notion of benefit but also introducing the notion of a cost-benefit analysis; and 'changes in circumstances' which is a very subjective phrase that could potentially be interpreted very widely. Of all the aspects of the Bill related to biodiversity targets discussed here, these provisions appear to be the most problematic because as currently phrased they have the potential to allow the Welsh Government to undermine the aims and objectives of the other provisions.

Conclusion

This evidence has pointed to aspects of the Bill that are important and to be welcomed, but also those that might be improved. Overall, the conclusion is that the Bill should be warmly welcomed and that these new provisions will add considerable value to the governance of environmental protection in Wales. The priority is to ensure the smooth passage of this legislation.

Dr Victoria Jenkins, Swansea University.

25th June 2025.

This evidence does not include any detail with respect to Part 1 because the author has carried out consultancy work with the Welsh Government on the environmental principles and statement.