

EPGBTWB 08 - Evidence from: Alice Munro, Eurgain Powell and Helen Bradley, Public Health 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

1. What are your views on the general principles of the Bill, and is there a need for legislation to deliver the stated policy intention?

PHW endorse the environmental principles set out in the Bill and their application to Welsh law and policy making. We welcome the inclusion of the principle of prevention and that environmental damage should be rectified at source, as both align closely to public health principles and will contribute to co-benefits to health of environmental protection. We also welcome the duty on Welsh Ministers to integrate the principles and environmental protection into all policy making, as this will ensure the Bill influences all policy that may impact the environment. Legislation is needed to address the significant decline in nature that has been observed over recent decades, a decline that will continue to impact on population health and wellbeing.

2. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ **Part 1 - Environmental objective and principles (sections 1 to 7)**

♣ PHW endorse the proposals to embed environmental principles in Welsh law through a direct duty on Welsh Ministers and NRW to have special regard for the principles set out in the bill when making policy and legislation that will have environmental impacts. In particular note and endorse the definition of 'environmental protection' as including protection of people, in particular their health, from the effects of human activity on the environment (section 42 (c))

♣ The raising of 'due regard' to 'special regard' between the White paper and the Bill is noted and welcomed; it strengthens the duty on Ministers in requiring them

to give considerable importance and weight to the environmental principles in decision-making. However, it does not place a duty on Ministers to apply the principles to all decisions and allows for exemptions in the case of ‘other considerations’. The ‘other considerations’ are not defined beyond ‘e.g. costs, public health’ and the weight that is given to them is not specified in the bill. ‘Other considerations’ could significantly undermine the power of the Bill to protect and improve the environment, and public health, in Wales. Without a stronger mechanism for accountability the Bill allows for exemptions to be made by both Ministers and public authorities. As has been noted elsewhere, a duty to ‘apply’ or ‘act in accordance with’ the principles would be more compatible with the existing duty on Member States under European Union law, which this Bill replaces.

♣ As with the duty on Ministers, the duty of public authorities to ‘have regard’ to the principles (subsection 5) when conducting environmental assessment of plans and programmes relating to Wales does not include a strong mechanism for accountability should the principles not be applied. The duty would therefore be strengthened by requiring the principles to be ‘applied’ (whenever possible) by all public authorities, as well as Ministers.

♣ We therefore welcome the duty placed on Welsh Ministers to prepare and publish a statement explaining how they intend to comply with the duty (section 6 (1)) as well as guidance to NRW and separately for public authorities. We endorse that the requirement for Ministers to consult with NRW, the Future Generations Commissioner for Wales, the Office of Environmental Governance Wales, but consider that, given the points noted above regarding accountability, the Bill should require public consultation on the guidance produced by Ministers as well.

♣ The Bill defines “making policy” as developing, adopting or revising policies; it does not include revoking policies, which should also be covered by the Bill in instances where revoking of a policy may have environmental consequences.

3. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 2 - The Office of Environmental Governance Wales (sections 8 to 32 and Schedules 1, 2 and 3)

♣ PHW endorse points the OEGW’s general purpose of the environmental objective and that OEGW will publish a strategy on how it will exercise its functions of monitoring compliance with environmental law and the making of environmental law.

- ♣ PHW request that the OEGW needs to be truly independent and adequately resourced with financial security if the principles in the Bill are translated into environmental laws, such as polluter pays, which may have substantial implications.
- ♣ We agree that the OEGW should have discretion in preparing its strategy, and that alongside consulting with a relevant committee of Senedd Cymru and ‘any other persons it considers appropriate’ on the strategy, the consultation should be public to allow for a range of views to be considered.
- ♣ We endorse the need to consult a committee of Senedd Cymru when appointing or reappointing the chairperson or deputy chairperson, and the establishment of a panel, with 2 independent members, to make recommendations on the appointment of non-executive members and the chief executive. Given the regulatory role of the OEGW it is important that the appointments are not only made by Ministers, excepting that the first Chair to be appointed will be appointed by Ministers.

4. What are your views on the Bill’s provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

- **Part 3 - Biodiversity targets, etc (sections 33 to 38)**

PHW welcome the duty on Ministers to meet targets spanning each of four priority areas in the first instance, especially those that are protective of health and the environment, and request more clarification of clauses allowing for a target to be lowered or revoked.

One such clause is that a target may be revoked or lowered if the economic cost is disproportionate to the benefit. The explanatory memorandum doesn’t elaborate on this or propose a framework for how costs and benefits are measured. We would recommend that the cost of meeting a target should be assessed before the target is set, and that only targets that can feasibly be achieved using available technologies/other interventions and at an affordable cost, should be approved; then the methodological challenge of trying to put a cost on the benefits (which would significantly limit the range of possible targets to a narrow range of outcomes that can demonstrate a financial return) is averted.

Similarly, ‘changes in circumstances’ lacks definition, and there is a risk that despite the duty the targets are not binding with these conditions for revoking or lowering them in place. If targets are going to be ambitious, which they should

be, then revoking or lowering them shouldn't be easy. To increase the chance of compliance before the specified date, interim targets could accompany the four initial targets to provide an opportunity to review progress and address obstacles to delivery. This would also encourage early action rather than delay, which in environmental legislation is key to slowing and arresting decline or to reversing environmental damage.

PHW welcome the Biodiversity Target Advisory Panel 'to provide greater transparency and rigor during target creation alongside an internal oversight group'.

We recommend that where Ministers must promote awareness of the importance of biodiversity, this should include promoting the importance to human health and wellbeing.

One area that might need to be clarified when considering targets relates to the remit of the current Section 6 duty (under 2016 Environment Act) - "public authorities must seek to maintain and enhance biodiversity so far as consistent with the proper exercise of their functions and in so doing promote the resilience of ecosystems".

5. What are your views on the Bill's provisions (set out according to Parts below), in particular are they workable and will they deliver the stated policy intention?

▪ Part 4 - General (sections 39 to 45 and Schedule 4)

No comment.

6. What are the potential barriers to the implementation of the Bill's provisions and how does the Bill take account of them?

It would be prudent and helpful to take on board any learning from Welsh Government and public authorities on the implementation of the Section 6 duty so far, and in particular the report published by Audit Wales in 2025 which highlighted how public authorities were complying with the duty and gaps in relation to reporting. Capacity to integrate biodiversity considerations across all decision making is a significant challenge in many organisations, as is the lack of capacity and potentially expertise within some public authorities including health

boards and Trusts. Without addressing these barriers there will be ongoing challenges with implementing this Bill and related targets.

7. How appropriate are the powers in the Bill for Welsh Ministers to make subordinate legislation (as set out in Chapter 5 of Part 1 of the Explanatory Memorandum)

No comment.

8. Are any unintended consequences likely to arise from the Bill?

Although not 'likely', it is worth noting a risk that the four initial targets focus too much attention on a small number of issues and do not reflect the complexity of the relationship between human health and the natural environment, as well as other economic, social and wider determinants of health. But we welcome the expert advisory panel who will no doubt consider these complexities in providing their advice on targets.

9. What are your views on the Welsh Government's assessment of the financial implications of the Bill as set out in Part 2 of the Explanatory Memorandum?

PHW agree that trying to monetise any financial benefits of the principles as applied to future legislation is unfeasible and undesirable, as the legislation is as yet unknown, and, especially over the long term, the value of protecting biodiversity is unquantifiable.

10. Are there any other issues that you would like to raise about the Bill and the accompanying Explanatory Memorandum or any related matters?

PHW recognises that protecting biodiversity is critical because of its links with protecting and enhancing health and wellbeing. Therefore, actions to ensure accountability for the protection of biodiversity are supported.

The World Health Organisation 'One Health Approach' (https://www.who.int/health-topics/one-health#tab=tab_1) explains these links

“One Health is an integrated, unifying approach that aims to sustainably balance and optimize the health of people, animals and ecosystems. It recognizes that the health of humans, domestic and wild animals, plants, and the wider environment (including ecosystems) are closely linked and interdependent. While health, food, water, energy and environment are all wider topics with sector-specific concerns, the collaboration across sectors and disciplines contributes to protect health, address health challenges such as the emergence of infectious diseases, antimicrobial resistance, and food safety and promote the health and integrity of our ecosystems. By linking humans, animals and the environment, One Health can help to address the full spectrum of disease control – from prevention to detection, preparedness, response and management...

Furthermore, PHW’s Biodiversity Action Plan explains why nature is important for our health in Wales.

“Wales is known for the beauty of its landscapes, the deep connection that people have to the land and the cultural traditions that have been shaped by our connection to nature. However there has been an alarming and rapid change in biodiversity in recent years. The State of Nature Report Wales published in 2023 highlighted the widespread loss and degradation of habitats across Wales since 1970. Welsh wildlife is in decline with one in six species at risk of disappearing. This mirrors what is happening on a larger scale with the UK seeing an average 19% decline in species studied since 1970 and over 1 million species are severely threatened globally.

Changes in the way we manage our land for farming, and climate change have been shown to be the biggest causes of wildlife decline on our land, rivers and lakes. At sea and around our coasts, unsustainable fishing practices, climate change and marine development have had a significant impact on ecosystems. The UK’s nature has been depleted by centuries of habitat loss and development well before widespread data gathering began in 1970. This is bad news for the health and well-being of our communities in Wales. Our quality of life and very existence is dependent on nature. We need a rich network of plants, insects and animals to create a healthy environment which can support our food systems, sustain our air and water quality and help us adapt to climate change by protecting us from flooding and capturing carbon. Our mental and physical health, identity and culture are also deeply connected to the natural world.

This has been backed up in recent years by a number of studies which have shown that -

- Green spaces can help mitigate against air pollution, which helps tackle climate change and reduce health impacts 4 5 including cardiovascular and respiratory disease.
- Being physically active in green outdoor environments, as opposed to indoor environments such as gyms, can be more supportive of human health.
- Public green spaces are associated with social interaction and improved social networking, which can also lead to reduced violence, aggression and crime.

However, people in Wales do not have equal access to nature and green spaces, with those in the most disadvantaged areas having the least access but potential for the greatest gains. Several studies have highlighted a connection between access to green space and birth outcomes and morbidity for people from the most disadvantaged areas. Provision and accessibility of green space, and creating opportunities for interactions with nature, may be an overlooked resource for addressing health inequities. Research has found that as little as a 10% increase in green space exposure in urban settings can reduce health problems and improve well-being.”

The PHW plan in full with relevant references can be accessed here:

<https://phwwhocc.co.uk/resources/championing-nature-for-a-healthy-future-public-health-wales-biodiversity-action-plan-2024-2027/>
