

EPGBTWB 30 - Tystiolaeth gan: Trafnidaeth Cymru | Evidence from: Transport 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



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Llyr Gruffydd MS
Chair of Climate Change, Environment, and Infrastructure Committee
Senedd
Cardiff Bay
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29 July 2025

Dear Llyr Gruffydd MS,

On behalf of Transport for Wales (TfW), I am submitting the following evidence to support the Committee's scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill. I hope this letter contributes meaningfully to your scrutiny and supports the wider consultation process. We have referred to the corresponding sections of the Bill's explanatory memorandum where relevant.

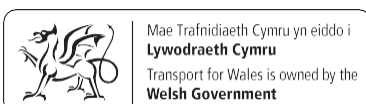
Views on the general principles of the Bill

We welcome the Bill's intention to strengthen environmental governance in Wales and agree that there is a clear need for legislation to embed environmental principles at a strategic level. This statutory framework will help address the current governance gap, ensuring compliance with environmental law and supporting long-term sustainability and the well-being of future generations. We particularly support the legal embedding of environmental principles, which will help ensure consistent application across policymaking. Without legal backing, these principles risk being applied inconsistently. The inclusion of biodiversity targets is also welcomed, as it will ensure transparent monitoring, reporting, and evaluation of progress.

Views on the Bill's provisions

We support the establishment of the Office of Environmental Governance Wales (OEGW), to provide independent oversight and enforcement. With reference to sections 3.237 and 3.238, the proposed structure appears workable and balanced, with a collaborative approach to enforcement that recognises the varying capacities of different sectors.

We agree with the primary focus of the environmental objective and that the principles outlined in section 3.97 should apply to all areas of policymaking. However, we recommend including a specific outcome on environmental protection, such as: "Preventing, reducing, and managing environmental harm and pollution to protect both human health and the natural environment." We also seek clarification on whether the duty to have "special regard" (section 3.99) applies to all policymaking or only to policies that could affect the environment.



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The workability of the Bill to deliver stated policy intention

TfW is supportive of the creation of an independent body with statutory powers. The proposed structure and escalation mechanisms should help foster early resolution while maintaining accountability. With reference to section 3.189, we suggest clarifying whether the OEGW can issue information notices with shorter response times in urgent cases where significant or irreversible harm may be caused, similar to the urgent compliance notice discussed in section 3.207.

We support the OEGW's provision to issue guidance and the collaborative approach with public authorities, as outlined in section 3.183, as well as querying whether there is a limit on the amount of time the OEGW can give to action an ordinary compliance notice as referenced in section 3.202.

TfW also supports the introduction of statutory biodiversity targets. These will help ensure accountability and progress in addressing the nature emergency. We encourage the use of clear, measurable, and time-bound targets aligned with international frameworks. We feel targets should be quantifiable, evidence-based, and proportionate to the remit of the designated body. The Bill could also link with existing frameworks such as Wales Net Benefit for Biodiversity and NRW's DECCA Framework, addressing current gaps like lack of standardised metrics and enforcement.

Consideration should also be given to lessons learned from England's Biodiversity Net Gain system, while tailoring the approach to Wales' ecological context. The Bill should also clarify who is responsible for developing and validating monitoring data—potentially assigning a coordinating role to NRW or the OEGW.

Views on the Bill's provisions and whether they will deliver the stated policy intention

We agree with the definitions of “environment” and “environmental protection” but suggest clarifying that “land” in section 3.377 includes soil and subsurface ecosystems. We also recommend including “prevention of environmental harm” in the definition of “environmental protection” in section 3.378, to align with the Bill's principles.

We note potential challenges in interpreting environmental law during the transition from EU-derived frameworks. The Bill's definition of “environmental law” and the OEGW's guidance powers will help mitigate this. However, the lack of statutory definitions for environmental principles may lead to inconsistent application. Including concise definitions in the Bill or a statutory code of practice could improve clarity.

Potential barriers to the implementation of the Bill's provisions

We would note that potential additional barriers include resource constraints and lack of funding for habitat creation, management, and monitoring; limited ecological expertise and capacity in some public bodies; fragmentation across sectors if responsibilities are unclear or duplicative; and lack of consistent biodiversity data or baselines. We would recommend



making stronger commitments to develop a national biodiversity monitoring framework and clarify funding and support for designated authorities.

Unintended consequences likely to arise from the Bill

We recommend careful management of potential overlaps between the OEGW and existing bodies such as Natural Resources Wales and the Future Generations Commissioner. Clear definition of roles would help avoid the risk of inefficiencies or gaps in the accountability. Additional duties may place pressure on some public authorities, and adequate resourcing and support will be critical to a successful implementation of the Bill to avoid delays and inconsistent application.

We also note risks such as inconsistent application of biodiversity principles across sectors, overemphasis on easily measurable outputs (e.g. tree planting) at the expense of long-term ecological resilience, and disproportionate or minimal targets assigned without ecological justification. We would recommend ensuring biodiversity targets are ecologically outcome-focussed to counteract this risk.

Views on the Welsh Government's assessment of the financial implications of the Bill

The Explanatory Memorandum has captured the financial implications of each option clearly. As we await further detail on the financial implications of the Bill, the resources required from public sector bodies to deliver must be considered. Ensuring that the OEGW and public bodies are adequately resourced will be key to delivering the Bill's objectives.

We recommend expanding on the concept of Natural Capital (section 8.15) to highlight the long-term economic benefits of biodiversity investment.

Finally, we would be grateful for clarification on how the Bill's reporting requirements relate to existing duties under Section 6 of the Environment (Wales) Act.

We thank the Committee for the opportunity to contribute to this important consultation and would be happy to provide further information or clarification if required.

Yours sincerely

Geoff Ogden BEng (Hons) CEng CEnv MCIHT FICE (fo/fe/ef, ei / he, him, his)

**Prif Swyddog Cynllunio Trafnidiaeth a Datblygu / Chief Transport Planning and
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