

EPGBTWB 33 - Tystiolaeth gan: Ymddiriedolaeth Cadwraeth Anifeiliaid Hela a Bywyd Gwyllt | Evidence from: Game & Wildlife Conservation Trust

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?

We support the intention of the Bill. The key will be its implementation, and the guidance provided in the Environmental principles and integrating environmental protection statement under section 6 to NRW, public authorities and others. It is vital that this guidance includes a need to view the environmental principles holistically and to take a proportionate approach in their application.

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)**

As per our answer to Q10 we view the guidance document (as per section 6) as to the application of the environmental principles as key. These principles must be seen holistically so that when applying them they are viewed as interacting. For example, over-reliance should not be placed on the precautionary principle if this means that the preventative action is not taken. Guidance should emphasise that adopting a zero-risk approach to the precautionary principle is self-defeating as it prevents the development of improved environmental measures. In addition a proportionate approach should be encouraged to balance all aspects of sustainability – social, economic and environmental.

Proportionality is also required in decisions over actions. Where the environmental effect is considered negligible action should not be needed. For example, in the pursuit of scientific understanding activities which have an environmental effect

may be undertaken to further knowledge and improve outcomes but the scale of those activities would be negligible in overall effect.

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)**

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)**

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)**

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

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)

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

The application of the environmental principles has the potential for unintended consequences. As stated above there needs to be a holistic approach to their implementation and any assessment of risk needs to be comparative to allow for the risk of inaction as well as action. We suggest that requiring a comparative risk assessment of all options to be undertaken would ensure an assessment of the costs and benefits of both action and inaction and the relevance of the application of each principle in balancing social, economic and environmental considerations.

In addition the definition adopted will be important. The explanatory memorandum refers to the Precautionary Principle as being widely recognised and that interpretation is evolving following both international agreement and case law. Given the aims of this Bill we would favour the adoption of the Convention of Biological Diversity definition which refers to avoiding or minimising environmental degradation as opposed to preventing it. In our opinion this provides a more supportive background to encouraging forward-thinking approaches as it acknowledges the ability to minimise as well as avoid the impact and would encourage the application of the prevention or rectification at source principle.

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?

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