

**Y Pwyllgor Materion Cyfansoddiadol a Deddfwriaethol  
Constitutional and Legislative Affairs Committee**

Cynulliad  
Cenedlaethol  
Cymru  
National  
Assembly for  
Wales



Carl Sargeant AM  
Minister for Natural Resources  
Welsh Government  
5th Floor, Tŷ Hywel  
Cardiff Bay  
CF99 1NA

18 March 2015

Dear Carl

**CLA493 – The Environmental Permitting (England and Wales) Regulations 2015**

The Committee considered the above composite Regulations at its meeting on 9 March 2015. There are a number of areas which we found to be irregular, even taking into account the specific circumstances surrounding the introduction of these Regulations.

In addition to reporting to the Assembly on a number of technical and merit points (listed below), we wish to highlight our concerns and seek assurances on some specific issues.

We have reported to the Assembly that the Regulations have not been made bilingually. Committee officials are due to meet Government officials to discuss issues relating to composite instruments and this instrument is likely to feature in these discussions.

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In addition, we reported that the Regulations are over nine months late. The transposition deadline for the Energy Efficiency Directive was 5 June 2014. It would be helpful if you could indicate whether Wales is at the risk of infraction proceedings as a result.

We are aware that both Scotland and Northern Ireland have decided to draft their regulations separately. While we note that the decision to lay a composite regulation was due to England and Wales having a single environmental permitting framework, we would nevertheless be interested to hear on what scope there is for separate provision in this area, in light of the changes in the environmental regulatory framework in Wales. Such a Wales only approach may have led to more accurate, bilingual legislation for Wales.

We seek your assurances that these issues will not arise again.

Yours sincerely

A handwritten signature in black ink that reads "David Melding". The signature is written in a cursive style with a long, sweeping tail that extends to the right.

**David Melding AM**  
**Chair**