

Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

Stage 1 Report

October 2025



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Stage 1 Report

October 2025



About the Committee

The Committee was established on 23 June 2021. Its remit can be found at:
www.senedd.wales/SeneddClimate

Current Committee membership:



**Committee Chair:
Llyr Gruffydd MS**
Plaid Cymru



Janet Finch-Saunders MS
Welsh Conservatives



Delyth Jewell MS
Plaid Cymru



Julie Morgan MS
Welsh Labour



Carolyn Thomas MS
Welsh Labour



Joyce Watson MS
Welsh Labour

The following Member attended as a substitute during the scrutiny of the Bill.



Cefin Campbell MS
Plaid Cymru

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Recommendation 20. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide a clearly defined role for the OEGW in monitoring and reporting on progress towards statutory biodiversity targets and plans (set under Part 3 of the Bill). Page 95

Recommendation 21. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide a rights-based approach for citizens:

- to make representations to the OEGW on matters relating to environmental law,
- to be kept informed of the OEGW's response to representations and any action taken.

Sections 32 and 34 of the Environment Act 2021 provide useful precedents.
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Recommendation 22. The Welsh Government should bring forward an amendment(s) at Stage 2:

- to enable the OEGW to conduct an internal review of a compliance notice following a request by a public authority under section 18, and
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Recommendation 25. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to consult the OEGW, stakeholders and the wider public before making regulations under section 29(4). Page 96

Recommendation 26. The Welsh Government should provide an exhaustive list of reserved public authorities that exercise devolved functions in Wales that would fall outside oversight of the OEGW or OEP..... Page 96

Recommendation 27. The Welsh Government should commit to seeking consent from the UK Government to bring reserved public authorities that exercise devolved functions in Wales within the OEGW’s oversight. If it is unwilling or unable to obtain consent, it should bring forward an amendment(s) at Stage 2 to require the OEGW to set out in its strategy how it intends to work with the OEP to address compliance issues in relation to those authorities..... Page 96

Recommendation 28. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a “headline target” in the Bill to reflect the overall ambition for biodiversity recovery by 2050, aligned with the Global Biodiversity Framework 2050 vision..... Page 132

Recommendation 29. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a requirement on the Welsh Ministers to:

- make regulations to set a “2035 species abundance target” within 18 months of the Act receiving Royal Assent, and
- consult stakeholders and the public before making regulations.

These regulations must be subject to the Senedd approval procedure.....Page 132

Recommendation 30. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide that the framework for setting targets under section 6B of the Environment (Wales) Act 2016 (introduced by section 33 of the Bill) should require the setting of both short-term/interim and long-term targets.
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Recommendation 31. The Welsh Government should bring forward an amendment(s) at Stage 2 requiring the Welsh Ministers to lay regulations setting targets in the four priority areas within 18 months of the Act receiving Royal Assent.....Page 132

Recommendation 32. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a requirement on the Welsh Ministers to consult stakeholders and the public before making regulations setting a target under new section 6B of the Environment (Wales) Act 2026 (inserted by section 33 of the Bill).....Page 132

Recommendation 33. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to review targets once every Senedd term and report to the Senedd on the outcome.....Page 132

Recommendation 34. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to consult stakeholders and the public before making regulations that revoke or lower a target under new section 6B of the Environment (Wales) Act 2016.Page 132

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Recommendation 36. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a duty on the Welsh Ministers to make arrangements for obtaining biodiversity data for the purpose of monitoring

progress towards targets set under new section 6B of the Environment (Wales) Act 2016.....Page 133

Recommendation 37. The Welsh Government should set out the steps it is taking to address existing gaps in biodiversity data, and increase biodiversity monitoring capacity and capability, including through the use of citizens science.Page 133

Recommendation 38. The Welsh Government should give further consideration to bringing forward an amendment(s) at Stage 2 to impose a general duty on public authorities to contribute to the delivery of biodiversity targets. Any such duty should replace the power for the Welsh Ministers to designate public authorities in relation to a target and the associated duty to contribute to achieving that target.....Page 133

Recommendation 39. The Welsh Government should bring forward an amendment(s) at Stage 2:

- to require the Welsh Ministers to issue guidance to public authorities to support implementation of the duties under section 6 of the Environment (Wales) Act 2016, as amended by the Bill, and
- to require authorities to have regard to this guidance.Page 133

Recommendation 40. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a requirement on the Welsh Ministers to undertake public consultation before publishing a plan (or a revised plan) under section 6(6) of the Environment (Wales) Act 2016.....Page 133

Recommendation 41. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a requirement on the Welsh Ministers to ensure that the plan under section 6(6) of the Environment (Wales) Act 2016 sets out proposals and policies covering the areas of responsibility of each of the Welsh Ministers.....Page 133

Recommendation 42. The Welsh Government should clarify whether it intends for the OEGW to be added to the list of public authorities in Schedule 6 to the Welsh Language (Wales) Measure 2011. That being the case, it should explain why the Bill does not make provision for this.Page 137

Introduction

- 1.** On 2 June 2025, the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs (the Cabinet Secretary), Huw Irranca-Davies MS, introduced the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill (the Bill) to the Senedd. On 3 June 2025, the Cabinet Secretary made a statement on the Bill in Plenary.
- 2.** The Business Committee referred the Bill to the Climate Change, Environment and Infrastructure Committee (the Committee) for Stage 1 scrutiny with a reporting deadline of 24 October 2025.

Terms of reference

- 3.** The Committee agreed the following terms of reference:
 - The general principles of the Bill and the need for legislation to deliver the stated policy intention.
 - The Bill's provisions, including whether they are workable and will deliver the stated policy intention.
 - The appropriateness of the powers in the Bill for Welsh Ministers to make subordinate legislation.
 - Whether there are any unintended consequences arising from the Bill.
 - The financial implications of the Bill.

Committee's approach to scrutiny

- 4.** The Committee undertook an 8-week public consultation between June 2025 and July 2025 and received 46 responses. It also received 940 responses following a campaign co-ordinated by Friends of the Earth Cymru.
- 5.** The Committee held oral evidence sessions with the Cabinet Secretary on 26 June 2025 and 18 September 2025. It also wrote to the Cabinet Secretary on 8 July 2025 requesting additional information.
- 6.** The Committee held a series of oral evidence sessions with external witnesses, including academics, representatives from the environmental sector, and governance bodies in other parts of the UK.

7. Details of written submissions, oral evidence sessions and correspondence can be found at the end of this report.

8. We would like to thank all those who contributed to our work.

Scrutiny of the Bill by other Senedd committees

9. The Senedd's Finance Committee and Legislation, Justice and Constitution Committee took evidence from the Cabinet Secretary on their respective areas of interest. Their reports can be found on the Senedd's website.

1. Background

About the Bill

10. The purpose of the Bill is:

- to establish environmental principles and an environmental objective (Part 1);
- to establish an independent environmental governance body, the Office of Environmental Governance Wales (OEGW), who will be responsible for ensuring public authorities comply with their duties under environmental law in Wales (Part 2); and
- to amend the Environment (Wales) Act 2016 (the 2016 Act) to establish a biodiversity target setting framework (Part 3).

11. According to the Explanatory Memorandum (EM), the Bill's collective aim is to strengthen Wales' response to the climate and nature emergencies.

12. In relation to Part 1, the EM says:

*"The aim of the environmental principles provisions is to establish a robust framework for environmental governance in Wales. This framework seeks to address three core challenges: combating the combined impact of climate and nature emergencies, protecting the environment from harm, and responding to changes in environmental governance structures following the UK's departure from the EU."*¹

13. The EM says the establishment of the OEGW (under Part 2) "aims to enhance the effectiveness of environmental law by ensuring compliance, providing strategic oversight, and fostering collaboration among public authorities and environmental bodies."²

14. Finally, the "overarching aim" of Part 3 is "to maintain and enhance biodiversity in Wales to help tackle the nature emergency"³.

¹ Explanatory Memorandum, paragraph 3.19

² Explanatory Memorandum, para 3.29

³ Explanatory Memorandum, para 3.30

Development of the Bill

15. Parts 1 and 2 of the Bill have been developed in response to gaps in environmental oversight following the UK's departure from the EU. In 2019, the Welsh Government carried out a consultation on environmental principles and governance in Wales post-EU exit, and in 2020 it convened an Environmental Governance Stakeholder Task Group to further shape the proposals.

16. Part 3 of the Bill has been developed following the Welsh Government's 2022 'biodiversity deep dive' where a group of experts and practitioners identified key themes and recommendations for specific actions, including the setting of domestic biodiversity targets. This work was in the context of the Kunming-Montreal Global Biodiversity Framework (GBF), the international commitment (with 23 targets) to halt biodiversity loss by 2030 and "live in harmony with nature" by 2050.

17. In January 2024, the Welsh Government published a White Paper for the Bill. In July 2024, it responded with updated proposals.

Legislation across the UK

18. Statutory domestic environmental governance bodies and environmental principles have been established for the other UK countries:

- the Environment Act 2021 (the 'UK Act') established the Office for Environmental Protection (OEP) in 2021 for England and Northern Ireland, and introduced domestic environmental principles; and
- the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (the 'Scottish Act') established Environmental Standards Scotland (ESS) in 2021, and introduced domestic environmental principles.

19. In terms of biodiversity targets:

- the UK Act provides the statutory basis for introducing biodiversity targets and a wider environmental framework for England; and
- the Scottish Government intends to introduce biodiversity targets through its Natural Environment (Scotland) Bill (introduced on 19 February 2025 and currently passing through the Scottish Parliament).

2. General principles of the Bill

20. There was widespread support for the general principles of each of the Bill's substantive Parts:

Part 1: Environmental objective and principles

21. There was consensus that Part 1 is needed to reinstate the core EU environmental principles, and to ensure that these are embedded in future Welsh policy and legislation. In summing up the views of many contributors, the Joint Nature Conservation Committee (JNCC) said:

“Embedding environmental principles into legislation is crucial for ensuring Wales responds to the nature emergency with the seriousness and urgency it demands...By placing these principles on a statutory footing, they become a stronger lever for guiding consistent, accountable and forward-looking decision-making across all sectors.”⁴

22. It added, the Bill will ensure “that environmental considerations are not sidelined and are instead integrated into policy and practice, delivering a coherent, cross-government response [to the climate and nature emergencies]”.⁵

23. Natural Resources Wales (NRW) explained while the EU-derived principles underpin much of Wales' existing legislative framework, the Bill is needed “to ensure their application is explicit, accountable and provides a statutory requirement across decision-making”.⁶

24. The Welsh Local Government Association (WLGA) said it “understands the need” to incorporate the environmental objective and principles into Welsh policy and legislation.⁷ It added, “It is important to note...that the application of the objective and these principles is already common practice in Wales”.⁸

25. Some public authorities raised concern that Part 1 may directly impact on service delivery. This appears to be based on a misinterpretation of the provisions and/or how they would apply in practice.

⁴ Written evidence, JNCC

⁵ Written evidence, JNCC

⁶ Written evidence, NRW

⁷ Written evidence, WLGA

⁸ Written evidence, WLGA

26. Notwithstanding the support for the general principles of Part 1, contributors raised concern about the strength and scope of the new duties (to apply the principles and integrate environmental protection), and highlighted implementation challenges. These issues are explored later in this report.

Part 2: The Office of Environmental Governance Wales

27. There was strong support for the creation of the OEGW to address the existing post EU-Exit environmental governance gap. Contributors highlighted that environmental governance bodies have been in place in other UK countries for several years. They suggested the delay in introducing the Bill should be used as an advantage, to learn from and improve upon the approaches taken in other parts of the UK.

28. Healthy Air Cymru said:

"The need for an Office of Environmental Governance for Wales (OEGW) is clear and long overdue. Wales has been without a statutory body to monitor and enforce breaches of environmental law since Brexit. It is the last UK nation to introduce legislation to plug this governance gap."⁹

29. WEL said:

"The establishment of the OEGW is welcome. This body is long overdue, and therefore we recommend the Bill provides the strongest framework possible to ensure the Body can immediately deliver its functions appropriately and effectively once established. It is crucial the body is established at pace to close the governance gap in place since Wales' departure from the EU."¹⁰

30. The British Association for Shooting and Conservation (BASC) said the establishment of the OEGW "represents an important step toward ensuring environmental accountability".¹¹

31. One individual suggested the Welsh Government should prioritise investment in NRW rather than establishing a new governance body.¹²

⁹ Written evidence, Healthy Air Cymru

¹⁰ Written evidence, WEL

¹¹ Written evidence, BASC

¹² Written evidence, Justin Groves

32. Notwithstanding the strong support for the general principles of Part 2, many contributors raised concern about the OEGW's independence from the Welsh Government. While contributors welcomed the escalatory approach to enforcement, there were calls for clarity on the OEGW's enforcement powers and additional powers. These issues are explored later in this report.

Part 3: Biodiversity targets etc.

33. There was widespread support for Part 3, with many contributors describing the introduction of a statutory biodiversity target-setting framework (the framework) as both necessary and overdue.

34. NRW said:

"the Bill and statutory biodiversity targets will positively focus attention on nature recovery and key actions and also galvanise wider interest and support for nature recovery action across other policy interests and sectors.

*Statutory targets will make clear how Wales is looking to support international commitments and especially those under the Global Biodiversity Framework (GBF). It will also help put Wales into better alignment with England and Scotland who are also taking a legislative approach, and, through comparison, enable mutual learning with them as well as other nations."*¹³

35. Dŵr Cymru Welsh Water (DCWW) said the framework "has the potential to provide greater clarity and focus for public authorities and other stakeholders".¹⁴ It added:

*"Measures that help identify where investment and effort can deliver the greatest biodiversity benefit are particularly valuable. Targets offer a clear articulation of the outcomes Wales is seeking to achieve..."*¹⁵

¹³ Written evidence, NRW

¹⁴ Written evidence, DCWW

¹⁵ Written evidence, DCWW

36. While the WLGA emphasised it “fully endorse[s] the principles of environmental protection and nature recovery”, it questioned the benefit of statutory biodiversity targets.¹⁶ It asserted:

“[Existing statutory targets] do not seem to have worked in reversing biodiversity decline over the years. It is therefore unclear how these new targets and outcomes would be any different.”¹⁷

37. Many contributors raised concern that the target-setting framework lacked ambition and urgency.

Implementation of the Bill

38. Many contributors highlighted that implementation of the Bill will be a matter for the next Welsh Government. They emphasised that a different Welsh Government would be under no obligation to deliver the policy intentions of the current Welsh Government, unless these are clearly set out in the Bill.

39. Dr Viviane Gravey told the Committee:

“a lot of this Bill is written with the underpinning assumption that Welsh Ministers now and in the future will always care for the environment. And I think that’s a problem. It’s a nice view to have, but I think if you’re going to go through the effort of creating a Bill, you need to prepare for a moment when you may have Welsh Ministers who will not care as much as the environment.”¹⁸

40. RSPB Cymru said:

“... to a very significant degree, [the Bill] will not be delivered by the current Welsh Government and Senedd, but by their successors. There is no guarantee that the shared commitment to robust governance and high ambition and accountability for biodiversity, as set out in the declaration of a nature emergency by the Senedd in 2021, will be maintained.”¹⁹

¹⁶ Written evidence, WLGA

¹⁷ Written evidence, WLGA

¹⁸ RoP, para 35, 9 July 2025

¹⁹ Written evidence, RSPB Cymru

41. Other environmental organisations echoed this sentiment.

Capacity and resource constraints

42. Many contributors cited capacity and resource constraints across public authorities as a barrier to the Bill’s effective implementation.

43. DWCC said:

“resource constraints may limit the ability of public authorities to comply with new duties. Many authorities are already operating under significant financial and staffing pressures, and the introduction of additional reporting and compliance requirements could exacerbate these challenges.”²⁰

44. The WLGA cautioned against placing “new financial burdens on councils who are already having to make significant cuts to services”.²¹ It emphasised the need to ensure new legislative requirements on local government are properly funded, in line with the Partnership Agreement.

45. Jean-Francois Dulong (WLGA) questioned the robustness of the Regulatory Impact Assessment, raising concern that the implementation costs for local authorities and other public authorities had not been adequately considered.

46. A recurring theme in evidence was the need for the OEGW to have sufficient capacity and resource to carry out its functions effectively, with contributors commenting on the breadth of its remit and potential workload. Sufficiency of funding for the OEGW is covered in Chapter 5.

Evidence from the Cabinet Secretary

47. The Cabinet Secretary asserted the Bill reflects the Welsh Government commitment to “developing and strengthening environmental law in Wales, not least by making sure that there’s no drop in environmental quality or standards following our departure from the European Union”.²² He added:

“... this is not simply an exercise in replacing the structures or legislation that were in place whilst the UK was a member of the EU—it’s far more than that. Our approach is, actually, very

²⁰ Written evidence, DCWW

²¹ Written evidence, WLGA

²² RoP, para 9, 26 June 2025

*specifically tailored to the Welsh context as well, to ensure that we can secure a wide range of reforms that we prioritise to protect the environment. So, it's above and beyond the EU withdrawal piece; it fits within our policy context as well, and it's something bespoke for Wales."*²³

48. The Cabinet Secretary said the Bill reflects the “ongoing need for sustained, long-term action to deliver transformative change, a step change, to address the climate and nature emergencies”.²⁴

Our view

Throughout the Sixth Senedd, we have consistently called on the Welsh Government to bring forward legislation to close the environmental governance gap and to introduce statutory biodiversity targets. We therefore welcome the introduction of this Bill, albeit much later than we would have liked.

Part 1 of the Bill delivers on the Welsh Government’s long-standing commitment to enshrine environmental principles in Welsh law. It seeks to ensure that these principles are embedded across future policy and law-making in Wales, thereby strengthening the foundation for environmental protection and governance. We note the strong support among contributors for this approach and endorse the general principles of Part 1.

The evidence we received in relation to Part 2 of the Bill was compelling: Wales needs a new environmental oversight body to hold the Welsh Government and public authorities to account in respect of their environmental obligations. Contributors emphasised that this body must be genuinely independent, have robust enforcement powers, and be well resourced, if it is to command public confidence and deliver meaningful outcomes. We share these views and, on this basis, support the general principles of Part 2.

As we highlighted in our report *Halting and reversing the loss of nature by 2030* (January 2025), biodiversity loss is as urgent and critical an issue as climate change, yet it has not received the same policy focus or legislative priority. Part 3 of the Bill provides an important opportunity to address this. There was widespread consensus among contributors that placing biodiversity recovery targets in law will be vital to driving action to deliver on Wales’

²³ RoP, para 10, 26 June 2025

²⁴ RoP, para 10, 26 June 2025

domestic and global biodiversity commitments. We therefore support the general principles of Part 3.

We note, however, that the decision to introduce this legislation towards the end of the Sixth Senedd means that responsibility for its implementation will fall to the next Welsh Government. This was a key concern raised by many contributors. We heard strong calls for greater clarity and strength in the Bill's provisions to ensure that it fully delivers on the policy intentions, and for more ambitious timeframes to enable rapid implementation. We explore these issues in detail throughout the remainder of this report and make specific recommendations aimed at addressing the concerns raised in evidence.

Recommendation

Recommendation 1. The Senedd should support the general principles of the Bill.

3. Part 1: Environmental objective and principles

Section 1 – Environmental objective

49. Section 1 establishes the “environmental objective”. It is defined as the attainment of a high level of environmental protection and an improvement of the environment, with a view, in particular to achieving the following outcomes:

- meeting the needs of the present without compromising the ability of future generations to meet their own needs and contributing to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (WFG Act) (section 1(1)(a));
- maintaining and enhancing the resilience of ecosystems and the benefits they provide (section 1(1)(b));
- mitigating and adapting to climate change (section 1(1)(c)); and
- contributing to halting and reversing the decline in biodiversity (section 1(1)(d)).

Evidence from stakeholders

50. There was widespread support for the environmental objective.

51. NRW said the inclusion of “a high-level environmental objective....sets the expectation that all subsequent duties and functions under the Bill...must contribute to environmental improvement and not just avoid harm”.²⁵

52. DCWW said the environmental objective “is ambitious and aligns with broader sustainability goals”.²⁶ It added, the effectiveness of the objective “will depend on how it is operationalised and measured”.²⁷

53. Notwithstanding their support for the objective, contributors called for certain amendments to the outcomes specified in section 1(1).

²⁵ Written evidence, NRW

²⁶ Written evidence, DCWW

²⁷ Written evidence, DCWW

Alignment with Well-being of Future Generations (Wales) Act

54. Section 1(1)(a) makes provision to align the environmental objective with the WFG Act. According to the Explanatory Notes (EN) this is to establish consistency with the WFG Act and support its wider implementation.

55. Environmental organisations, Healthy Air Cymru, UKELA and Professor Maria Lee raised concern that the inclusion of section 1(1)(a) could weaken the environmental objective. This is because the well-being goals under the WFG Act are not limited to the environment but also address economic, social and cultural aspects of sustainable development. There were calls for section 1(1)(a) to be reconsidered or removed.

56. Wales Environment Link (WEL) asserted:

“Attaining a high level of environmental protection and improvement of the environment can only be delivered by focusing on the environment. A statutory focus on environmental protection and improvement is crucial and will bring wider benefits, enabling Ministers and public authorities to achieve the wellbeing goals. A watered-down environmental objective risks muddying the focus of the Bill, moving away from environmental protection.”²⁸

57. In responding to contributors’ concerns, Derek Walker (Future Generations Commissioner for Wales, FGC) explained:

“what public bodies and what Welsh Government are required to do is to deliver on the environmental objective, but in doing so understand how that can contribute to delivery of wider well-being objectives and other goals. So, it doesn’t take away from the objective, it just means that when that objective is being delivered we need to have wider regard to how we can maximise our contribution across the well-being goals and the well-being Act.”

58. Farmers’ Union of Wales (FUW) supported the alignment of the environmental principle with the WFG Act. NFU Cymru suggested the Bill should

²⁸ Written evidence, WEL

go a step further by expressly referencing social and economic considerations under the environmental objective.

Section 2 – Environmental principles

59. Section 2 establishes four environmental principles:

- the precautionary principle so far as relating to the environment;
- the principle that preventative action should be taken to avoid environmental damage;
- the principle that environmental damage should as a priority be rectified at source; and
- the polluter pays principle.

Evidence from stakeholders

60. There was widespread support for the environmental principles. Dr Victoria Jenkins summed up the views of many contributors, saying:

“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.”

61. While Countryside Alliance acknowledged the environmental principles mirror the four core EU principles, it suggested there would be merit in including other principles in the Bill: innovation; non-regression; net-gain; and appropriate scale.

62. North Wales and South Wales Fire and Rescue Services asserted the environmental principles “are unworkable for emergency response” without significant qualification and/or further clarification.²⁹

²⁹ Written evidence, NWFRS; and Written evidence SWFRS

Meaning of “environmental principles”

63. BASC referred to the principles as “vague and susceptible to misinterpretation”. It called for the Bill to include “clearer definitions, especially of the precautionary principle and environmental harm”. A similar view was expressed by FUW.

64. Transport for Wales (TfW) said:

“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”.

Approach to “integrating environmental protection”

65. Unlike the Scottish and UK Acts, the Bill does not include “integration” of environmental protection as a principle. Instead, “integration” is incorporated into the duties on the Welsh Ministers, NRW and public authorities (in sections 3 to 5).

There was broad support for this approach.

Sections 3 and 4 – Duties on Welsh Ministers and Natural Resources Wales

66. Section 3 places a duty on the Welsh Ministers to contribute to the environmental objective by:

- having special regard to the environmental principles when making policy in relation to Wales that has, or could have, any effect on the environment, and
- integrating environmental protection into the making of such policy.

67. Section 4 amends the legislation which established NRW to impose a duty on it to have special regard to the environmental principles when making policy in relation to Wales, and to integrate environmental protection into the making of such policy.

Evidence from stakeholders

Strength of the duties

68. Many contributors welcomed the strength of the duties (i.e. to have “special regard”) on the Welsh Ministers and on NRW. They highlighted that the duty on the Welsh Ministers is stronger than the comparable duty on Ministers in other UK nations.

69. Contributors emphasised the importance of ensuring that “special regard” is well-understood by duty holders to ensure effective implementation, commenting that the term is not widely-used. NRW explained:

“To deliver the duty’s intended purpose, it must be communicated well to ensure duty holders understand the legal weight and apply the duty correctly and consistently. Without clarity, there is a risk the duty is misinterpreted or applied superficially, and so undermining its intended effect.”³⁰

70. In the main, contributors considered this could be achieved through detailed guidance. NRW suggested the meaning of “special regard” could also be set out in section 42 (general interpretation) for clarity.

71. Public Health Wales, Professor Maria Lee and WildFish advocated a more direct duty “to apply” or “act in accordance with” the environmental principles. Public Health Wales commented this would be “more compatible with the existing duty on Member States under European Union law, which this Bill replaces”.³¹

72. In contrast, NFU Cymru referred to the duty as “particularly stringent” and “too rigorous”.³² It raised concern about the application of the duty in the context of enforcement policy making by NRW. NFU Cymru suggested a duty to have “due regard” would be sufficient.

³⁰ Written evidence, NRW

³¹ Written evidence, Public Health Wales

³² Written evidence, NFU Cymru

Scope of Welsh Ministers' duty

73. Many contributors raised concern that the Welsh Ministers' duty (section 3) does not extend to all policy making, rather to policy making that has, or could have any effect on the environment. Green Alliance explained:

*"The environmental principles duties in other legislation in the UK cover all policy making, with some exceptions for fiscal and defence policy. The Welsh Government has instead opted for what appears to be a narrower approach..."*³³

74. Environmental organisations highlighted that the relationship between policy making and the environment is not always immediately apparent. As such, they suggested the scope of the duty means that environmental impacts could be missed.

75. Further, contributors raised concern that the duty provides future Welsh Ministers with considerable discretion to determine which policies fall within its scope. They considered this to be a risk in the longer-term, particularly with changes of government.

76. Alex Philips (WWF Cymru) said:

*"fundamentally it comes down to the freedom that is given to a Minister in future to declare what is or isn't affecting the environment...You could end up in a situation where [the duty is] disapplied in lots of areas"*³⁴

Integration of environmental protection

77. Environmental organisations, Healthy Air Cymru and academics raised concern that the scope of the duty undermines full integration of environmental protection.

78. Professor Maria Lee explained:

"The restriction of the duties to policy which has, or could have, 'any effect on the environment' fails to recognise the meaning and power of integration specifically. Integration implies a positive duty - i.e., even if a policy has no environmental effect in

³³ Written evidence, Green Alliance

³⁴ RoP, para 33, 17 July 2025

its initial iteration, integration of environmental protection could convert it into a positive environmental measure.”³⁵

79. Ruth Chambers asserted:

“the whole point of integration is to bring the environment into all policy making...[the Bill] limits the integration duty only to environmental policy, which knocks the legs right from under it. Why have a duty to integrate the environment into the environment? It just doesn’t make sense. So, I think the scope is problematic.”³⁶

Meaning of “policy” and “making policy”

80. Dr Viviane Gravey and Professor Ludivine Petetin called for the meaning of “policy” to be broader “to also include strategies, plans and programmes”.³⁷ WEL called for: “A clear and comprehensive definition of “policy”... to ensure action plans, strategies, budgets, and other forms of policy are captured by the definition”.³⁸

81. Professor Maria Lee raised concern that the duties in sections 3 and 4 are limited to policy making. She said they should “apply to all relevant decision making”, mirroring the EU approach.³⁹ A similar view was expressed by other academics and WEL. WEL said:

“For the avoidance of doubt, it would be useful to clarify that the [duties in sections 3 and 4]...must be applied at every stage, from when policy is first developed or adopted at the outset, to any time it is applied as well as when policy is revised at a later stage”.⁴⁰

82. Public Health Wales suggested the duties should also apply when revoking policy, as this could have environmental consequences.

³⁵ Written evidence, Professor Maria Lee

³⁶ RoP, para 29, 17 July 2025

³⁷ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

³⁸ Written evidence, WEL

³⁹ Written evidence, Professor Maria Lee

⁴⁰ Written evidence, WEL

Section 5 – Environmental assessments: public authorities’ duties

83. Section 5 places a duty on public authorities in Wales to contribute to the environmental objective by:

- having regard to the environmental principles when assessing plans and programmes relating to Wales under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (i.e. when undertaking Strategic Environmental Assessments or SEA), and
- integrating environmental protection when carrying out those functions.

84. For the purposes of section 5 a “public authority” is defined as:

- a devolved Welsh authority under section 157A of the Government of Wales Act 2006 (GoWA); and
- those listed in paragraph 9(2) or 9(6) of Schedule 7B to GoWA.

Evidence from stakeholders

85. There were mixed views from contributors on section 5.

86. The WLGA considered the duty to be proportionate. Jean-Francois Dulong told the Committee, “we think it’s enough...we think that looking at it at the SEA level, we’ve reached that kind of strategic gap”.⁴¹ He added that local authorities already have “mechanisms in place at the delivery and operational level to duly consider biodiversity, nature and the environment.”⁴²

87. The WLGA emphasised the need for the environmental principles and integration of environmental protection statement (under section 6) “to clearly define what ‘to have regard’ means and how it can be evidenced”.⁴³ DCWW expressed a similar view.

88. Environmental organisations and Professor Bob Lee explained that SEA already require environmental factors to be considered consistently when developing plans or programmes. As such, they asserted the duty is least needed within this context, questioning what additional benefit it would deliver.

⁴¹ RoP, para 19, 18 September 2025

⁴² RoP, para 19, 18 September 2025

⁴³ Written evidence, WLGA

89. WEL and Campaign for National Parks called for a stronger duty on public authorities “who have an impact on the environment, such as Local Planning Authorities and National Park Authorities, and other bodies who take decisions regarding the management of and activities across land, freshwater, and sea in Wales”.⁴⁴ NRW expressed a similar view, suggesting a stronger duty on “key public authorities, particularly to those that have significant impacts on land use, infrastructure, planning and economic development”.⁴⁵

90. Some contributors called for the duty to extend beyond SEA to include public authorities’ wider functions. UKELA explained:

*“there are other forms of policy assessment outside of SEA that fall particularly on local authorities...Due regard to the environmental principles and the guidance of the statement would be most useful in such contexts and ought to be considered.”*⁴⁶

91. WEL and the Campaign for National Parks suggested the duty should apply to functions such as management of public authority owned land, financial decisions and operation of local services.

92. Dr Viviane Gravey and Professor Ludivine Petetin called for the duty to apply “when discharging functions relating to the environment”.⁴⁷ They asserted this would be a “brave” but necessary step given the on-going climate and nature emergencies.⁴⁸

93. Professor Maria Lee commented that the duty was “narrower and more complex” than the duties in sections 3 and 4.⁴⁹ She added, “Far simpler and potentially stronger would be to apply the same policy obligation as in [section] 3 (including “special regard” rather than regard)”.⁵⁰

94. NRW recommended “extending the duty to consider the principles to all public authorities to enable the wider application of the principles at a local and regional level”.⁵¹ It added:

⁴⁴ Written evidence, WEL; and Written evidence, Campaign for National Parks

⁴⁵ Written evidence, NRW

⁴⁶ Written evidence, UKELA

⁴⁷ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

⁴⁸ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

⁴⁹ Written evidence, Professor Maria Lee

⁵⁰ Written evidence, Professor Maria Lee

⁵¹ Written evidence, NRW

“Proportionate application of the principles across all public authorities would enhance delivery through the ability to achieve more integrated policy outcomes. It will enable collective accountability and consistent application across Welsh public bodies.”⁵²

Sections 6 and 7 – Environmental principles and integrating environmental protection statement

95. Section 6 requires the Welsh Ministers to prepare and publish an “environmental principles and integrating environmental protection statement” (the statement) and sets out what the statement must contain, including: an explanation of how the environmental principles relate to each other, and guidance to public authorities about how to comply with their duties under the Bill.

96. Section 7 sets out the procedural and consultation requirements in connection with the preparation and publication of the statement (or revised statement).

Evidence from stakeholders

Purpose of the statement

97. In highlighting the significance of the statement, Dr Viviane Gravey and Professor Ludivine Petetin said the definition and interpretation of each of the principles “are not settled”.⁵³ Therefore, the statement “has the possibility to shape the Welsh stance on those debates”.⁵⁴

98. Countryside Alliance said:

“while the statement must explain how environmental principles relate to each other and the section 3(1)(b) duty it does not seem that the statement needs to set out what the principles mean and how they are to be understood and applied”.⁵⁵

⁵² Written evidence, NRW

⁵³ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

⁵⁴ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

⁵⁵ Written evidence, Countryside Alliance

99. Similarly, NFU Cymru noted there is no express requirement for the statement to include definitions of the environmental principles. It cautioned that leaving the principles undefined would “create uncertainty”, in particular for duty holders, and could lead to legal challenge.⁵⁶

100. RenewableUK Cymru suggested the statement should include “a single, unambiguous definition of each principle and how they are to be interpreted”.⁵⁷

101. Some contributors, provided views on how the principles should be defined and/or interpreted, in particular, the precautionary principle.

102. Several contributors sought clarification on how the principles and associated duties relate to, or would interact with other legislative requirements, including those under the WFG Act, section 6 of the 2016 Act and the Sustainable Land Management objectives under the Agriculture (Wales) Act 2023. There were calls for the statement to address these matters.

Reviewing the statement

103. Section 6(5) enables the Welsh Ministers to review the statement “from time to time”.

104. Many contributors emphasised the need to ensure that the statement keeps pace with the latest evidence, domestic and international environmental protection legislation, and provides up to date guidance to duty holders.

105. Environmental organisations, Healthy Air Cymru and academics raised concern that the Bill provides the Welsh Ministers with complete discretion about whether and when to review the statement. Alex Philips asserted:

“There is a danger there that if a weak statement is put in place, a subsequent Government might, for convenience, just never change it, and it might never progress in a way that we might want it to do”.⁵⁸

106. There were calls for a requirement on the Welsh Ministers to review the statement regularly. Various suggestion were put forward for a suitable review period, ranging from once every Senedd term up to seven years.

⁵⁶ Written evidence, NFU Cymru

⁵⁷ Written evidence, RenewableUK Cymru

⁵⁸ RoP, para 34, 17 July 2025

107. Dr Viviane Gravey and Professor Ludivine Petetin highlighted that the OEGW will not be in a position to feed into the development of the first statement (as it will not be fully operational until after the statement has been published). As such, they asserted the first statement should be “rapidly reviewed and revised” once the OEGW is fully operational.

Procedural requirements

108. Several contributors highlighted the need to ensure there is sufficient opportunity for stakeholders and the public to shape the development of the statement, given its significance.

109. RenewableUK Cymru suggested the statement, “should go through a robust consultation process to ensure the views of those using the guidance or impacted by the embedding of these principles are taken into account”.⁵⁹

110. Professor Maria Lee said, “the statement should be based on open consultation”, to enhance compliance with obligations under the Aarhus Convention.⁶⁰

111. FUW, Countryside Alliance and WWF Cymru suggested the statement should be subject to Senedd scrutiny. This would align with the approach taken in other UK legislatures.

Timing of statement

112. Dr Viviane Gravey and Professor Ludivine Petetin expressed disappointment that a draft statement had not been made available at the same time as the Bill, adding:

“This is kicking the ball further down the line. This also means that there is no debate and no scrutiny of the Statement by the Senedd and this committee which is quite problematic.”⁶¹

113. Environmental organisations and Healthy Air Cymru called for clarification on the timetable for consulting on and publishing the first statement.

114. Jean-Francois Dulong reported a tendency for guidance to support implementation of new legislation to be delayed, sometimes by years. He

⁵⁹ Written evidence, RenewableUK Cymru

⁶⁰ Written evidence, Professor Maria Lee

⁶¹ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

emphasised the need for the statement (which will include guidance to public authorities) to be published to coincide with the section 5 duty taking effect.

Evidence from the Cabinet Secretary

Section 1

Alignment of environmental objective and WFG Act

115. In explaining the inclusion of section 1(1)(a), the Cabinet Secretary emphasised the importance of taking a “holistic approach that complements Wales’ wider policy and legislative framework”. He added

“we want to make sure that we fulfil the aims of the environmental objective...But there is complementarity here. Mutually supportive outcomes associated with achieving this objective are highlighted, and these outcomes are not exhaustive...[section 1(1)(a)] provides a clear link and emphasises the compatibility between the sustainable development framework, set out by the [WFG Act], and the environmental objective in this Bill.”⁶²

116. The Cabinet Secretary commented that a similar approach is taken in section 3(2) of the 2016 Act and aspects of the sustainable land management objectives in section 1 of the Agriculture (Wales) Act 2023.

Section 2

117. In commenting on the environmental principles, the Cabinet Secretary said:

“These are not novel...They are in common parlance globally. They’re foundational aspects of environmental governance. They have been also, by the way, these principles, consistently referenced in UK and EU environmental frameworks for a number of years, so they’re very well established.”⁶³

118. The Committee asked the Cabinet Secretary to explain why “integration of environmental protection” had not been included as an environmental principle in section 2. He said the environmental principles “are different in their characteristics from the concept of integration” and the duties to integrate

⁶² RoP, para 107, 18 September 2025

⁶³ RoP, para 27, 26 June 2025

environmental protection (in sections 3 to 5) would “strengthen the clarity and effectiveness of integration”.⁶⁴

Sections 3 and 4

Strength of the duty

119. The Cabinet Secretary told the Committee the “special regard” duty goes “above and beyond” the comparable duty in the UK and Scottish Acts.⁶⁵ He added, “we’ve learnt from that legislation and thought, ‘Where can we actually be stronger?’”.⁶⁶

120. In explaining the legal effect of “special regard”, the Cabinet Secretary’s official said:

“‘special regard’...is a rather more unusual duty than ‘due regard’, and so the effect of ‘special regard’ is that, when making policy in accordance with the duty in section 3, the Welsh Ministers would need to place considerable importance and weight to the principles when making policy. So, that’s different to a ‘have regard’ or ‘due regard’ duty, which requires less weight and proportionality.”⁶⁷

Scope of Welsh Ministers’ duty

121. In commenting on the scope of the section 3 duty, the Cabinet Secretary said:

“it wouldn’t make sense to apply the duty when making policy if there is no effect whatsoever on the environment.

[...]

I think you and I would struggle to see the areas where there wouldn’t be an effect. So, they’re likely to be exceptionally rare, but there’s no requirement to do so in that case.. But in the small number of cases where there might be no impact on the

⁶⁴ RoP, para 24, 26 June 2025

⁶⁵ RoP, para 38, 26 June 2025

⁶⁶ RoP, para 53, 26 June 2025

⁶⁷ RoP, para 52, 26 June 2025

environment, we don't think it's appropriate or proportional then to apply the principles.”⁶⁸

122. The Cabinet Secretary refuted the assertion that the scope of the duty undermines the principle of integration. He said:

“We’ve made provision for clear and strong duties to integrate environmental protections in sections 3-5 of the Bill...It’s important to note as well that this is really important, this integration, because some of the greatest threats to environmental damage arise outside the realm of environmental policy...We undertake a broad range of policy making, so it’s very important that the scope is clear in providing that the duty applies wherever a policy has or could have an effect on the environment.”⁶⁹

Meaning of “policy” and “making policy”

123. In explaining the meaning of “policy”, the Cabinet Secretary said:

“Policy is intended to have a broad interpretation and, in general terms, may be understood as an intended course of action adopted to achieve an objective or outcome.

[...]

“Given the broad and varied nature of policy making it is not possible to provide an exhaustive legislative definition of all policy making. By way of further explanation, the duty imposed on the Welsh Ministers is intended to apply throughout the policy making process, with examples such as: legislative proposals; proposals for “quasi-legislation” such as codes and directions; policy statements; strategies and frameworks; ministerial statements setting out the government’s formal position on an issue; or any other policy document that sets out a change in approach to an established policy position.”⁷⁰

⁶⁸ RoP, para 39-40, 26 June 2025

⁶⁹ RoP, para 114, 18 September 2025

⁷⁰ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

Section 5

124. In commenting on section 5, the Cabinet Secretary explained:

“the Bill is taking a very targeted approach to further enhance the underlying legislative goals by just ensuring that those certain public authorities, when undertaking the SEAs, do have regard to the principles and they integrate environmental protection”.⁷¹

125. He said that, in practice, the section 5 duty would most likely “apply to public authorities who own and/or develop land, for example, local authorities and national park authorities”.⁷² However, he added, “the approach is deliberately broad to capture any “public authorities” (as defined) which fall within the scope of the 2004 Regulations”.⁷³

126. On the matter of a wider duty on public authorities, the Cabinet Secretary said the duty on the Welsh Ministers in section 3 would “cascade down into other authorities – operational policy and delivery”.⁷⁴ He said it would be “unnecessary” and “probably disproportionate” to place the policy-making duty on other public bodies “given that they are expected to follow the frameworks and the oversight of national policy”.⁷⁵

127. The Cabinet Secretary cautioned that risks could arise if the environmental principles were applied to the day-to-day decisions of public authorities.

Sections 6 and 7

The statement

128. The Cabinet Secretary explained that while there was no statutory deadline for the publication of the statement, it would need to be published no later than six months after the day on which the Act receives Royal Assent. He added:

“almost all of the provisions in Part 1 of the Bill will be commenced within six months of Royal Assent. So, that’s

⁷¹ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

⁷² Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

⁷³ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

⁷⁴ RoP, para 50, 26 June 2025

⁷⁵ RoP, para 50, 26 June 2025

stipulated. At this point, Welsh Ministers, NRW and certain public authorities will be subject to the relevant duties in that part. So, the statement and the guidance, in effect, will need to be consulted on and finalised before this time. In effect, that six months is the deadline for publication. It's a very practical deadline."⁷⁶

129. The Cabinet Secretary's official added stakeholder engagement on the statement would commence "in the coming months".⁷⁷ She said the aim is for public consultation before the end of the Sixth Senedd.

130. The Committee asked the Cabinet Secretary to explain why there is no express requirement on the Welsh Ministers to set out in the statement how the principles should be interpreted. He said:

*"Within the explanatory notes, we've explained that the [statement] will provide an opportunity to improve the understanding of that interpretation and application of the principles and the duty to integrate environmental protection".*⁷⁸

131. He added, section 6(4) "provides Welsh Ministers with the discretion to include any other matters that they may consider appropriate...So, we can deal with the interpretation point within this".⁷⁹

132. The Cabinet Secretary told the Committee, "we think, with the combination of section 6 and that statement, it will make clear how [the principles] will be interpreted and how [they] will be applied".⁸⁰

Reviewing the statement

133. The Cabinet Secretary told the Committee the statement should be reviewed "as and when appropriate".⁸¹ He added a requirement to review the statement periodically would be "a bureaucratic, systematic burden".⁸²

⁷⁶ RoP, para 62, 26 June 2025

⁷⁷ RoP, para 208, 18 September 2025

⁷⁸ RoP, para 59, 26 June 2025

⁷⁹ RoP, para 60, 26 June 2025

⁸⁰ RoP, para 60, 26 June 2025

⁸¹ RoP, para 131, 18 September 2025

⁸² RoP, para 131, 18 September 2025

Procedural requirements for the statement

134. When asked why the Bill does not make provision for Senedd scrutiny of the statement, the Cabinet Secretary said the requirement in section 7(2) would enable the Senedd to scrutinise the statement. He added:

“We do not think it is necessary to make additional provision for a specific Senedd procedure to apply to the statement, as it will reflect Welsh Government policy, alongside guidance for NRW and other public authorities...Typically, other forms of statutory guidance are not subject to Senedd scrutiny, for example statutory guidance under the Well-being of Future Generations (Wales) Act 2015”.⁸³

135. Notwithstanding the above, the Cabinet Secretary said he would be interested in hearing the Committee’s views on how a Senedd process for the statement might work. However, he cautioned:

“any additional requirements could result in delays to the Welsh Government’s ability to finalise and publish the statement before the provisions are commenced, which is currently to be six months following royal assent. If further processes and procedures are added, this timescale may need to be extended to compensate.”⁸⁴

Our view

Section 1

We welcome the inclusion of the environmental objective, which clearly articulates Wales’ environmental ambition.

We acknowledge the concerns raised in evidence that section 1(1)(a) could weaken the objective by diluting its environmental focus. However, the Cabinet Secretary and the Future Generations Commissioner presented a strong argument for ensuring alignment with the Well-being of Future Generations (Wales) Act. On balance, we are content with the inclusion of section 1(1)(a).

⁸³ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

⁸⁴ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

Section 2

We acknowledge the widespread support among contributors for the environmental principles. These principles are internationally recognised as successful benchmarks for environmental protection and improvement. They align with the four core EU principles and the statutory principles put in place across the rest of the UK following EU exit, which will be important to maintain consistency. On this basis, we are content with section 2.

We note the calls in evidence for a clear definition of the environmental principles to provide certainty of meaning and ensure proportionate application. We believe this is best achieved through the environmental principles and integration of environmental protection statement (under section 6), which aims to improve understanding of the principles and will set out how they should be applied in practice. We consider the statement later in this report.

Sections 3 and 4

Strength and scope of duties

We welcome the duties on the Welsh Ministers and NRW to have “special regard” to the environmental principles. This was viewed by most contributors as a necessary step to ensure that the principles have a strong role in future policy and law making in Wales.

While the strength of the Welsh Ministers’ duty is commendable, we share contributors’ concerns about the scope of the duty. As drafted, section 3 creates uncertainty about which policies would be captured by the duty. This provides the Welsh Ministers with discretion to determine whether a policy is likely to have an effect on the environment. Consequently, they have a wide discretion as to when to have special regard to the principles. Further, it assumes that environmental effects of policies are easily identifiable, which we heard from contributors is not always the case.

As highlighted by contributors, the principle of integration seeks to ensure policy makers identify opportunities to embed environmental protection into all policy, not only those with an effect on the environment. We share contributors’ concerns that, as drafted, the scope of the duty undermines this principle.

We note the arguments put forward by the Cabinet Secretary for the approach taken. However, he has not provided us with the assurance we are seeking that

section 3 will fully deliver the policy intention. We believe that extending the duty to all policy making would provide certainty, remove discretion and ensure the principle of integration is meaningfully applied. We expect the Cabinet Secretary to bring forward an amendment to address this issue.

Meaning of “policy”

We are concerned that, as drafted, the scope of the term “policy” is uncertain and open to interpretation. As a result of this, the scope of the duties in sections 3 and 4 are also uncertain.

We welcome the clarification from the Cabinet Secretary that the intention is for the meaning of “policy” to cover a broad range of documents, including policies, strategies, and frameworks. However, we believe the Bill should be amended to make this intention explicit, thereby removing uncertainty. We expect the Cabinet Secretary to bring forward amendments to the Bill to this effect.

Section 5

We welcome the introduction of a duty on public authorities to apply the environmental principles and integrate environmental protection. However, we are concerned that the duty in section 5 is both weak and narrow. We question whether and how it will enhance environmental protection.

As highlighted in evidence from contributors, Strategic Environmental Assessments (SEA) already require public authorities to consider environmental factors when developing plans or programmes. If the section 5 duty is to deliver tangible benefits, we believe it should be strengthened and extended beyond existing duties in connection with SEA. Given this, we believe there is merit in considering a wider duty on public authorities to apply the principles and integrate environmental protection when exercising their functions. We believe the Cabinet Secretary should give this further consideration.

Sections 6 and 7

It is regrettable that the draft statement was not published alongside the Bill. This would have clarified the Welsh Government’s policy intentions and supported our scrutiny of Part 1 of the Bill. The Welsh Government should publish the draft statement for consultation as a priority.

The significance of the statement cannot be overstated. While the environmental principles are already well-recognised internationally, it is the statement that will determine their meaning, and how they are to be interpreted and applied, in the Welsh context. We are concerned, therefore, that there is no express requirement on the Welsh Ministers to set out in the statement how the principles are to be interpreted. We believe this is a significant omission, which the Cabinet Secretary should address.

Reviewing the statement

We are concerned that, as drafted, section 6(5) provides the Welsh Ministers with complete discretion over reviewing the statement. We acknowledge the calls from contributors for the statement to be reviewed periodically. While we note the Cabinet Secretary's assertion that this would be "a bureaucratic, systematic burden", we believe periodic review of the statement will ensure that it remains robust and relevant. We expect the Cabinet Secretary to bring forward an amendment to ensure that the Bill provides for this.

Procedural requirements

There was a clear expectation among contributors that the Welsh Ministers should consult widely in preparing and reviewing the statement. While section 7(1) requires the Welsh Ministers to consult, the specific consultees are largely left to their discretion. Given the evidence we received, we believe the Bill should include an express requirement for the Welsh Ministers to undertake public consultation. We expect the Cabinet Secretary to bring forward an amendment to this effect.

Under the Bill, the statement will be an essential part of Wales' new environmental governance framework. It is regrettable, therefore, that the Bill does not afford the Senedd with an opportunity to scrutinise the statement before it is laid. This is a significant omission, which should be addressed.

While we note the Cabinet Secretary's assertion that providing time for Senedd scrutiny of the statement risks delay in implementation, we believe this can be mitigated with proper planning. We expect the Cabinet Secretary to bring forward an amendment to the Bill to provide meaningful Senedd scrutiny of the statement. Approaches taken in other parts of the UK to parliamentary scrutiny of comparable environmental principles statements provide useful precedents.

Timing of statement

Finally, the extent to which the duties in sections 3 to 5 will contribute to the environmental objective will depend on how they are applied in practice. The statement will be key to ensuring correct and consistent application across government and public authorities. It is essential, therefore, for the statement to be published to coincide with the duties taking effect.

Recommendations

Recommendation 2. The Welsh Government should bring forward an amendment(s) at Stage 2 to extend the scope of the duty on the Welsh Ministers in section 3 so that it applies to all policy making (rather than only policy that has, or could have, any effect on the environment).

Recommendation 3. The Welsh Government should bring forward an amendment(s) at Stage 2 to clarify the meaning of “policy” in Part 1 of the Bill. This could be achieved by including an interpretation provision containing a non-exhaustive list of matters that would fall within the meaning of “policy”.

Recommendation 4. The Welsh Government should bring forward an amendment(s) at Stage 2 to ensure that public authorities have “special regard” to the environmental principles when carrying out functions specified in section 5(2).

Recommendation 5. The Welsh Government should give consideration to bringing forward an amendment(s) at Stage 2 to impose a wider duty on public authorities more generally to have regard to the environmental principles and integrate environmental protection.

Recommendation 6. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to expressly set out in the section 6 statement how the environmental principles are to be interpreted.

Recommendation 7. The Welsh Government should bring forward an amendment(s) at Stage 2:

- to place a requirement on the Welsh Ministers to review the section 6 statement once every Senedd term, and
- to enable the Welsh Ministers to review the statement at any other time.

Recommendation 8. The Welsh Government should bring forward an amendment(s) at Stage 2 to place an express requirement on the Welsh Ministers

to undertake public consultation before publishing the section 6 statement or a revised statement.

Recommendation 9. The Welsh Government should bring forward an amendment(s) at Stage 2 to make provision in the Bill for Senedd scrutiny of the section 6 statement. The approaches taken in section 18 of both the Environment Act 2021 and the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021, provide useful precedents.

4. Part 2: Office of Environmental Governance Wales

Sections 8 and 9 – Office of Environmental Governance Wales

136. Section 8 establishes the Office of Environmental Governance Wales (the OEGW) as a body corporate. It also introduces Schedule 1, which makes provision about the composition of the OEGW and how it is expected to operate.

137. Section 9 provides that the OEGW must exercise its functions for the general purpose of contributing to the environmental objective in an impartial, objective, proportionate and transparent manner.

Evidence from stakeholders

A fully operational OEGW

138. There were calls for the OEGW to be established and fully operational within the shortest time possible. WEL said:

“This body is long overdue, and therefore we recommend the Bill provides the strongest framework possible to ensure the Body can immediately deliver its functions appropriately and effectively once established. It is crucial the body is established at pace to close the governance gap in place since Wales’ departure from the EU.”⁸⁵

139. It added:

“To avoid delay, we recommend the Bill requires a timetable for the laying of statutory instruments to bring the remaining provisions ([sections] 10 to 27) into force to secure transparency and certainty in the process.”⁸⁶

140. WWF Cymru and Green Alliance noted the Welsh Government’s intention for the OEGW to be fully operational between 18-24 months after the Act receives Royal Assent. They emphasised that commencement of the relevant provisions that confer functions on/provide powers to the OEGW will be a matter for the next

⁸⁵ Written evidence, WEL

⁸⁶ Written evidence, WEL

Welsh Government, which creates uncertainty and risk of delay. They called for the Bill to be amended to ensure that all provisions in Part 2 commence automatically no later than 24 months from Royal Assent (i.e. the inclusion of a sunrise provision).

141. Several contributors called for clarity on transitional arrangements (from the Interim Environmental Protection Assessor for Wales (IEPAW)⁸⁷ to the OEGW), highlighting the importance of a smooth transition.

OEGW's general purpose

142. Environmental organisations and Professor Lynda Warren (IEPAW) raised concern that the OEGW's general purpose i.e. contributing to the environmental objective, was too broad. This is primarily due to the reference in the environmental objective to the well-being goals (see paragraphs 54 to 58).

143. WEL and Green Alliance had "serious reservations about [the environmental objective's] application to the general purpose of the OEGW".⁸⁸ They explained:

"The OEGW will replace the role played by the European Commission and Courts in monitoring and overseeing compliance with environmental law. It will be a strategic oversight body with specific legal functions and responsibilities, all of which relate to environmental law.

*There are many examples of public authorities under-delivering because of a lack of clarity in their strategic purpose and founding legislation."*⁸⁹

144. WEL called for the general purpose to be "simplified to focus on what the public expects it to be: ensuring the effectiveness of environmental law, and delivering a high level of environmental protection and the improvement of the natural environment".⁹⁰ Green Alliance and RSPB Cymru expressed a similar view.

⁸⁷ In order to bridge the gap between the end of the Brexit transition period and the implementation of permanent environmental governance arrangements in Wales, the Welsh Government established interim environmental protection measures headed by an Interim Environmental Protection Assessor for Wales.

⁸⁸ Written evidence, WEL, and Written evidence, Green Alliance

⁸⁹ Written evidence, WEL, and Written evidence, Green Alliance

⁹⁰ Written evidence, WEL

Independence

145. Contributors emphasised the OEGW's independence will be critical to its effective operation, given its oversight role includes the Welsh Ministers. They raised concern that, as drafted, the Bill lacks sufficient safeguards to ensure independence, particularly in the longer-term. There were calls for the Bill to be amended to address this.

Express provision on independence

146. There was strong support for the Bill to include express provision setting out the OEGW's independence to provide legal clarity and "future-proof" its independence.

147. Green Alliance summed up the views of many contributors, saying:

*"While welcome, words of positive intent from the current administration do not amount to long term legal certainty...the absence of any explicit legal safeguards on OEGW independence leaves the body vulnerable to the political whims of future ministers, who may be less well disposed to the OEGW, especially once it has started to ask difficult questions about any potential lack of compliance with environmental laws."*⁹¹

148. FUW drew parallels with NRW, asserting that Welsh Ministers' "control" has "contributed negatively to NRW's operations and created missed opportunities", providing several examples.⁹²

149. Many contributors highlighted that the UK and Scottish Acts include express provision aimed at safeguarding the independence of the OEP and ESS respectively.⁹³

150. In commenting on the provision in the UK Act, the OEP said:

"[This] sets an overall context for the OEP's independence, and its relevance to all of our role. It provides a helpful frame of

⁹¹ Written evidence, WEL

⁹² Written evidence, FUW

⁹³ The UK Act places a duty on the Secretary of State and the Northern Ireland Department to have regard to the need to protect the OEP's independence in exercising functions in respect of the body. The Scottish Act provides that, "In performing its functions, Environmental Standards Scotland is not subject to the direction or control of any member of the Scottish Government".

reference as we undertake our role, clearly signalling the legislative intent. We have found this to be a valuable safeguard through changes of Ministers and government.”⁹⁴

151. Mark Roberts (Chief Executive of ESS) referred to the provision in the Scottish Act as “an invaluable safeguard”, saying:

“It has meant that public bodies and the Scottish Government are very clear that, while they have to work with us, and again, there is an inevitable tension in any scrutiny relationship, we are independent, and we’ll make our own decisions about what we do and how we do it, and what we conclude.”⁹⁵

Appointments to OEGW

152. Schedule 1 to the Bill provides for the membership of the OEGW and the process for appointments. The chairperson, deputy chairperson and other non-executive members of the Board will be appointed by the Welsh Ministers, as will the first chief executive.

153. Before making an appointment, the Welsh Ministers must establish a panel to recommend candidates for appointments. The panel must include one member of Welsh Government staff and two independent members. The Welsh Ministers must have regard to the panel’s recommendation when making an appointment.

154. When appointing or reappointing the chairperson or deputy chairperson, the Welsh Ministers must consult the Senedd committee whose remit covers environmental protection.

155. Many contributors raised concern that the appointment process lacks independence, calling for the Senedd to have a greater oversight role.

156. According to Dr Viviane Gravey and Professor Ludivine Petetin, the appointment process for the OEP (which is broadly comparable to that for the OEGW) has come under “much criticism” because “members are ultimately appointed by the UK Government”.⁹⁶ They cautioned against this approach.

⁹⁴ Written evidence, OEP

⁹⁵ RoP, para 214, 9 July 2025

⁹⁶ Written evidence, Dr Vivian Gravey and Professor Ludivine Petetin

157. Dame Glenys Stacey outlined the process for the appointment of the OEP chair. This includes pre-appointment scrutiny of the preferred candidate by the relevant select committee. She explained:

“That’s quite intense, and I think it’s the right thing. I do think that, in that way, committee can decide whether or not it has confidence in the proposed appointment and, indeed, the select committee produces a report of several pages. So, it’s not simply a nod; it’s quite an intensive process.”⁹⁷

158. Several contributors considered consultation with a Senedd committee (which in practice will likely involve a pre-appointment hearing) before appointing the OEGW’s chair or deputy chair is not a sufficient safeguard to ensure independence. Dr Victoria Jenkins highlighted the Welsh Ministers are not required to take into account the committee’s recommendation.

159. WWF Cymru suggested the Senedd committee could have “an active and majority role in recruitment panels, rather than a role in the scrutiny of preferred Government candidates”.⁹⁸ WEL expressed a similar view. Professor Bob Lee considered appointments should be subject to committee approval.

160. Several contributors highlighted the approach taken in Scotland as a potential alternative. Mark Roberts explained this follows the standard public appointments process and is run by the Scottish Government. Proposed appointees are subject to a pre-appointment hearing by the relevant committee. Appointments can only be made with approval by the Scottish Parliament. In commenting on this approach, Mark Roberts said:

“what that does is really reinforce the accountability of the ESS as an organisation to the Scottish Parliament, and provides a fairly high degree of independence from Scottish Ministers in terms of making that appointment.”⁹⁹

Sufficiency of funding

161. The OEGW will be funded by the Welsh Government.

⁹⁷ RoP, para 244, 9 July 2025

⁹⁸ Written evidence, WWF Cymru

⁹⁹ RoP, para 235, 9 July 2025

162. Paragraph 16 of Schedule 1 provides that the Welsh Ministers “may make such payments to the OEGW of such amounts, at such times and on such conditions, as the Welsh Ministers may determine”.

163. Many contributors emphasised the need to ensure the OEGW has sufficient funding to carry out its functions effectively. They raised concern that, as drafted, the Bill does not adequately provide for this. Of key concern was the potential for a future Welsh Government to seek to exert control over the OEGW by restricting its resources, compromising the body’s independence.

164. Healthy Air Cymru and Friends of the Earth Cymru said the funding provisions “[do] not provide the certainty of resourcing that the OEGW will need, nor protection from funding cuts if the body is seen to become too challenging to a future administration”.¹⁰⁰

165. WWF Cymru said:

“At present, there is no provision in the Bill to safeguard the body’s financial security [resourcing]. This cannot be left to chance, as the goodwill of current ministers does not guarantee independence in the long term.”

166. There was strong support for the Bill to include provision to ensure sufficiency of funding for the OEGW, particularly in the long term. Contributors cited provisions in the UK and Scottish Acts as examples to draw from.¹⁰¹

167. The OEP asserted the provision in the UK Act, “provides transparency, and a mechanism for Parliamentary and Assembly scrutiny of the adequacy of resourcing.”¹⁰² Natalie Prosser (Chief Executive of the OEP) explained the practical effect of the provision, saying:

“when budgets are being settled, particularly in strained fiscal times, there is a heightened ministerial attention to the OEP’s budget. It means, when Ministers themselves are being held to account by committees, they are questioned on this...it has

¹⁰⁰ Written evidence, Healthy Air Cymru; and Written evidence, Friends of the Earth Cymru

¹⁰¹ The Scottish Act requires ESS to state, retrospectively, in its annual report and accounts whether the resources allocated to it by the Scottish Government in the preceding year were sufficient to enable it to perform its functions.

The UK Act places a duty on the Secretary of State and the Northern Ireland Department to “pay to the OEP such sums as they consider are reasonably sufficient to enable the OEP to carry out its functions”. The OEP must, in turn, make an annual statement to the UK Parliament and Northern Ireland Assembly on whether the sums are sufficient.

¹⁰² Written evidence, OEP

been very helpful for us to ensure that independence is respected, particularly in circumstances where we have the sometimes challenging job of holding Government to account.”¹⁰³

168. UKELA referred to the financial provisions in the UK and Scottish Acts as providing “somewhat loose guarantees of ‘sufficiency of funding’.”¹⁰⁴ It suggested the Bill could include provision to ensure an agreed ring-fenced budget for the OEGW for a specified period, for example, five years. It added:

“While accepting that this offers no long-term assurance, there is a hope and expectation that this might take the OEGW to a point that wider public recognition of its functioning might offer it further protection.”¹⁰⁵

169. Audit Wales called for resourcing for the OEGW to be from the Welsh Consolidated Fund (WCF) on a Senedd Budget Motion, similar to the Public Services Ombudsman for Wales, rather than a budget set by the Welsh Ministers.

Section 10 – OEGW’s strategy

170. Section 10 requires the OEGW to prepare and publish a strategy setting out how it intends to exercise its functions. It also introduces Schedule 2.

171. Paragraph 1 of Schedule 2 sets out the minimum requirements for the content of the strategy. Paragraph 2 sets out procedural requirements.

Evidence from stakeholders

Content of strategy

172. Environmental organisations raised concern that, as drafted, paragraph 1 of Schedule 2 is overly prescriptive and could be seen to undermine the OEGW’s independence. RSPB Cymru asserted the OEGW must have “complete discretion in the development and publication of its strategy” to ensure the body’s independence.¹⁰⁶ It added:

“Although it is beneficial to include some elements on the face of the Bill, for example the requirement for an enforcement

¹⁰³ RoP, para 216, 9 July 2026

¹⁰⁴ Written evidence, UKELA

¹⁰⁵ Written evidence, UKELA

¹⁰⁶ Written evidence, RSPB Cymru

*policy, the overly prescriptive nature of Schedule 2 is of concern.*¹⁰⁷

173. Green Alliance and WWF Cymru expressed similar views, calling for the number of requirements to be reduced. According to Green Alliance, this would “avoid giving the impression in law that the OEGW’s strategic direction and priorities are being set by Welsh Ministers”.¹⁰⁸

174. Environmental organisations did not go so far as to identify which requirements they believed should be removed.

175. Mark Roberts explained the Scottish Act is “fairly detailed in specifying what we have to include within our strategy”. He added, “I don’t think that’s been particularly problematic”.¹⁰⁹

Avoiding overlapping functions

176. Paragraph 1(1)(e) of Schedule 2 provides that the OEGW’s strategy must set out how it intends to avoid overlap with the functions of: the Auditor General for Wales, the Future Generations Commissioner for Wales, the Information Commissioner, Natural Resources Wales, and the Public Services Ombudsman for Wales.

177. Many contributors emphasised the need for careful management of potential overlaps between the OEGW’s functions and those of existing oversight bodies.

178. In commenting on the risk of overlapping functions, Mary Lewis (NRW) said NRW’s remit is very broad in terms of environmental management, while the OEGW’s remit will be “very narrow and specific”, focusing on the delivery and scrutiny of environmental law.¹¹⁰ She acknowledged that both bodies will provide advice on environmental law, but on different matters. Mary Lewis was content that the provision in Schedule 2 would ensure there is no overlap in functions between the two bodies.

179. Hafren Dyfrdwy suggested the OEGW’s oversight role in respect of water companies needs to be clearly defined. Hafren Dyfrdwy and DCWW raised concern about the potential for the OEGW’s functions to duplicate those of existing water

¹⁰⁷ Written evidence, RSPB Cymru

¹⁰⁸ Written evidence, Green Alliance

¹⁰⁹ RoP, para 302, 9 July 2025

¹¹⁰ RoP, para 203, 17 July 2025

industry regulators (NRW, Ofwat and the Drinking Water Inspectorate). DCWW suggested the Bill should be amended to provide that the OEGW's strategy and operational guidance explicitly address how the body will coordinate with existing water industry regulators and manage cross-border issues.

180. Many contributors questioned why the UK Climate Change Committee (UK CCC) was not included in the list of oversight bodies, suggesting this was an obvious omission. Annie Smith (RSPB Cymru) said:

*"we are a bit puzzled about why the Climate Change Committee isn't mentioned, because it is such a significant environmental advisory body that has a role advising the Welsh Government, so it's an obvious body where there is the potential for overlap and where it would make sense to address that from the outset."*¹¹¹

181. Ruth Chambers explained:

*"climate law is within the remit of the OEGW, as it's defined in the Bill, so in the future, if there's a breach of climate law in Wales, what would probably happen is the OEGW would enforce it, whereas the UK CCC would be the body that found it, so they would have to work together to make sure that there isn't overlap or duplication."*¹¹²

182. Several contributors commented that the UK and Scottish Acts provide that the OEP and ESS strategies, respectively, must set out how the bodies intend to avoid any overlap with the UK CCC. Further, the UK Act requires the OEP and the UK CCC to prepare a memorandum of understanding (MoU) on co-operation to avoid overlap between their functions.

183. Natalie Prosser referred to the requirement for an MoU as "helpful", adding:

*"A line does need to be drawn between their responsibilities and ours. I think it's clearly set out in legislation, but having that expectation early on to put in place those arrangements was really, really helpful, because we had to do it and so did they, and that allowed us to establish those relationships early on."*¹¹³

¹¹¹ RoP, para 61, 17 July 2025

¹¹² RoP, para 64, 17 July 2025

¹¹³ RoP, para 278, 9 July 2025

184. Mark Roberts explained that, although not a statutory requirement, the ESS and the UK CCC also have an MoU.

185. Derek Walker said, during the Bill's development, he had recommended it include provision for an MoU between the FGC and the OEGW. He said this is partly addressed by the requirement in paragraph 1(1)(e) of Schedule 2.

Procedural requirements

186. Paragraph 2(1) of Schedule 2 provides that in preparing its strategy (or revised strategy) the OEGW must consult the Senedd committee whose remit includes environmental protection, and any other persons it considers appropriate.

187. Several contributors emphasised the need for the OEGW to consult stakeholders and the public on its strategy, with calls for Schedule 2 to expressly provide for this.

188. Professor Maria Lee said the strategy should be based on open public consultation, to enhance compliance with obligations under the Aarhus Convention.

189. UKELA said the OEGW should “consult widely [on its strategy] not least to build public knowledge and confidence in its functioning”.¹¹⁴ It suggested a consultation requirement similar to section 5(c) and (d) of the Equality Act 2006 (consultation on the Equality and Human Rights Commission's strategic plan).

190. Friends of the Earth Cymru called for a requirement to consult with individuals and communities, given that the strategy will set out the OEGW's approach to receiving representations from the public on matters relating to environmental law.

Reviewing the strategy

191. Paragraph 2(2) of Schedule 2 provides that the OEGW must review its strategy every four years.

192. John Henderson (Deputy IEPAW) suggested there should be flexibility for the OEGW to review and revise its strategy more frequently. He said, “it may well be that things change much more quickly...and a strategy, like a plan, only works until it doesn't work, and then you have to change it”.¹¹⁵

¹¹⁴ Written evidence, UKELA

¹¹⁵ RoP, para 294, 9 July 2025

193. Mark Roberts said the ESS had a “high degree of discretion” in relation to reviewing its strategy, which he welcomed. There is no requirement on ESS to review its strategy, rather an enabling power to review it “from time to time”.

194. Dame Glenys Stacey explained the OEP is required to review its strategy every three years. The UK Act also enables the OEP to review its strategy “at any time”.

Sections 11 to 13 – Monitoring, reporting and advising functions

195. Section 11 requires the OEGW to monitor public authorities’ compliance with environmental law (as defined in section 29) and the implementation and application of environmental law. It also confers a discretion on the OEGW to report on any matter it’s required to monitor, or any other matter concerned with the making of environmental law or its effectiveness.

196. Section 12 provides that the OEGW may give advice to Welsh Ministers relating to new proposals for environmental legislation, or changes to existing legislation. The OEGW has discretion as to whether it provides advice requested by Welsh Ministers, but must explain in a statement if it chooses not to do so.

197. Section 13 provides that the OEGW may issue or give guidance on any matter relating to environmental law. If the guidance is provided to a public authority and contains recommendations, the OEGW may require the authority to respond to such recommendation.

Evidence from stakeholders

Monitoring and reporting on environmental targets

198. Paragraph 1(2)(a) of Schedule 2 provides that the OEGW’s strategy must set out how the body intends to monitor any targets relating the environment set by or under environmental law.

199. Dr Jenkins and Ruth Chambers suggested further clarity is needed on the OEGW’s role in monitoring and reporting on environmental targets.

200. WEL, RSPB Cymru and Friends of the Earth Cymru called for the OEGW to have a prominent role in monitoring and reporting on environmental targets and plans.

201. WEL said, “Powers for the OEGW to periodically publish, and lay before the Senedd, a report which formally reviews Governmental delivery against its environmental obligations are crucial”.¹¹⁶ It added:

*“One of the key functions of the OEP is their publication of an annual progress report under Section 28 of The Environment Act 2021. This report, to which the government must respond within a specified timeframe, provides a very useful independent and authoritative assessment of the government’s progress in improving the environment, and a Welsh version of the report would provide a very valuable means of verifying the progress made by the Welsh Ministers in relation to all of its environmental targets, highlighting any issues that may still need to be addressed.”*¹¹⁷

202. Friends of the Earth Cymru and RSPB Cymru echoed this, emphasising the importance of independent assessment of progress towards statutory biodiversity targets (to be set under Part 3 of the Bill). RSPB Cymru said:

*“The OEP’s reports under the duty have been very robust in challenging the UK Government and pushing for greater clarity as to how its environmental targets will be met. Given the challenges biodiversity is facing and the inadequacy of actions to date to address the nature emergency, we suggest a similar role should be set out for the OEGW”.*¹¹⁸

203. In commenting on its duty, the OEP said, “[It] creates a cycle of assessment, reporting and responses which aim to create transparency of and accountability for delivery, and enable course correction where needed”.¹¹⁹ Natalie Prosser said that meeting its monitoring and reporting requirements “is a significant resource pull on the [OEP]”.¹²⁰ However, she added the OEP has “discretion over the intensity of the review”.¹²¹

204. Mark Roberts explained the Natural Environment (Scotland) Bill provides for ESS to be designated as the Independent Review Body (IRB) for Scotland’s

¹¹⁶ Written evidence, WEL

¹¹⁷ Written evidence, WEL

¹¹⁸ Written evidence, RSPB Cymru

¹¹⁹ Written evidence, OEP

¹²⁰ RoP, para 255, 9 July 2025

¹²¹ RoP, para 255, 9 July 2025

proposed statutory biodiversity targets.¹²² He said this would “represent a significant extension of ESS’ functions”.¹²³

205. Professor Lynda Warren and John Henderson emphasised the importance of enabling the OEGW to determine its own monitoring and reporting priorities. Professor Lynda Warren said:

“if it’s going to maintain its independence, then it’s got to be free to decide which targets it’s going to be monitoring...actually forcing it to look at particular targets, making it a requirement to do so, I think could mean that it then can’t devote time to issues that it thinks are more important.”¹²⁴

Representations on matters relating to environmental law

206. Paragraph 1(2) of Schedule 2 provides that the OEGW’s strategy must set out how the body will enable persons to make representations to it about matters relating to environmental law. The strategy must also set out how the OEGW intends to manage those representations, including keeping persons informed about its response to their representations and any action taken.

207. Environmental organisations, the IEPAW and academics regarded the receipt of public representations a key function of the OEGW. They raised concern that, as drafted, the Bill does not make this sufficiently clear. The IEPAW said:

“We note that [the Bill] requires the OEGW to set out in its strategy how it intends to enable people to make representations but we don’t think this part of the work should be hidden away in Schedule. We think it would be helpful to state on the face of the Bill that the OEGW has power to accept submissions on the functioning of environmental law from members of the public.”¹²⁵

208. Environmental organisations and academics asserted the Bill falls short of providing a legal right for citizens to make representations and to be kept informed of measures taken. WWF Cymru said:

¹²² Different from the OEP, the intention is for the Independent Review Board to review the three-yearly reports prepared by the Scottish Ministers on progress towards targets.

¹²³ Written evidence, ESS

¹²⁴ RoP, para 250, 9 July 2025

¹²⁵ Written evidence, IEPAW

“The Bill does not establish a legal requirement for the body to accept complaints or representations from the public. This is a major gap in what has hitherto been considered a central purpose of a new body. Excluding a specific clause to this effect risks weakening the rights Welsh people had when the UK was a member of the EU.”¹²⁶

209. Similarly, Green Alliance asserted the approach taken in the Bill would represent a regression from the position prior to EU-exit. It added:

“While we agree that the OEGW should be allowed to develop its own systems and approaches, the ability for people to make representations to it on breaches of environmental law should be clearly enshrined in legislation given its public importance.”¹²⁷

210. RSPB Cymru said it is “critical” for the Bill to reinstate the rights Welsh citizens enjoyed prior to EU-exit.

211. Environmental organisations and Healthy Air Cymru highlighted sections 32 and 34 of the UK Act as an example of a rights-based approach, calling for the Bill to be amended to include comparable provision.

212. Rhiannon Hardiman (FGC’s office) cautioned against the Bill being overly-prescriptive in relation to managing representations. Drawing on the FGC’s experience, she suggested that, as a small body with limited resources, the OEGW will need to focus on areas of concern which relate to systemic issues (rather than investigate each individual representation). As such, it would be important to carefully manage public expectations.

Public understanding of “representations”

213. Several contributors considered the term “representations” was not commonly understood by the public, which could create confusion and prevent or deter people from engaging with the OEGW.

214. Mary Lewis emphasised the importance of ensuring the public are aware of their right to make representations, and for the procedure to be accessible. Rhiannon Hardiman made similar points.

¹²⁶ Written evidence, WWF Cymru

¹²⁷ Written evidence, Green Alliance

Section 14 – Information notices

215. Section 14 empowers the OEGW to serve information notices on public authorities requiring them to provide it with information reasonably required for the purposes of exercising its functions. Public authorities have at least two months to provide the requested information.

Evidence from stakeholders

216. The Committee received limited evidence on section 14.

Section 15 – Investigations

217. Section 15 empowers the OEGW to investigate (on its own initiative, or in response to any representation made to it by any person) any matter relating to:

- whether a public authority is failing or has at any time failed to comply with environmental law (including breaches existing before the Bill becomes law);
- how environmental law is implemented and applied; or
- the effectiveness of environmental law.

Evidence from stakeholders

218. There was broad support for the OEGW's power to investigate.

219. NFU Cymru noted that section 15 enables the OEGW to investigate any matter relating to whether a public authority is failing or has failed at any time to comply with environmental law (among other things). By comparison, the OEP can only investigate if a failure to comply would be considered a “serious failure”. NFU Cymru said, “This lower threshold does potentially mean that the OEGW could have a higher case load than might otherwise be expected as potentially minor breaches fall within the scope of the OEGW”.¹²⁸

220. DCWW commented that the threshold for a “failure” is unclear. It added:

“How would the OEGW deal with distinguishing between a breach of law and a disagreement over interpretation or policy position/prioritisation? Such ambiguities in the legislation could

¹²⁸ Written evidence, NFU Cymru

lead to inconsistent interpretation and increased litigation risk.”¹²⁹

221. NFU Cymru and FUW noted the OEGW would be able to investigate alleged historic compliance issues. They asserted the body should focus on recent and current compliance issues, particularly given that its resources would be limited. FUW said focusing on historic issues “would not be an appropriate use of resources and public funding”.¹³⁰ Countryside Alliance expressed a similar view.

Sections 16 to 19 – Compliance notices

222. Section 16 empowers the OEGW to serve a “compliance notice” on a public authority if it considers that the authority is failing to comply with environmental law, or has failed to comply with an information notice.

223. Section 17 empowers the OEGW to serve an “urgent compliance notice” on a public authority where it considers that steps need to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health.

224. Section 18 requires the OEGW’s to review a compliance notice if requested to do so by a public authority in writing.

225. Section 19 empowers the OEGW to apply to the High Court for an order requiring a public authority to take an action specified in a compliance notice if it considers that a public authority has failed to take the specified action within the specified period. The Court may order the public authority to take the specified action, to take such appropriate action as varied by the Court or it may ultimately withdraw any part of a notice it considers unreasonable.

Evidence from stakeholders

Compliance notices

226. There was broad support for the OEGW’s power to issue compliance notices.

227. In drawing comparisons with the approach taken in the UK Act, NFU Cymru highlighted that the threshold for the OEGW to serve a compliance notice is lower than that for the OEP to serve a decision notice (broadly comparable to a compliance notice). Further, the minimum time period for public authorities to

¹²⁹ Written evidence, DCWW

¹³⁰ Written evidence, FUW

take action in response to a compliance notice (i.e. no less than 30 days) is shorter than for public authorities to comply with a decision notice.

Review of compliance notices

Review committees

228. Paragraph 10(1) of Schedule 1 provides that the OEGW must establish a committee (“the review committee”) to conduct reviews of compliance notices. The review committee may include a member of the OEGW (or its staff) and must include at least two co-opted members from a list of individuals drawn up by the Welsh Ministers.

229. The review committee may confirm, withdraw or vary the compliance notice. The review committee’s determination is final (section 18).

230. There was widespread concern that the review provisions would undermine the OEGW’s authority and independence. The IEPAW said it had “serious reservations” about the provisions:

“We think that the establishment of [a] mandatory review committee, especially one with external representatives would have serious negative impacts on the ability of the OEGW to hold public authorities to account.”¹³¹

231. Dame Glenys Stacey said she was “particularly concerned” about the review provisions. She said:

“It seems to me very important that a body like this should be independent in all respects and should be seen to be so. It should be perceived every day in every way to be independent. So, I do worry about that. I also recognise from experience that these decisions are extremely complex. Our board spends many hours, very well advised, in making each of these decisions, and what is being proposed here is that a different review committee, differently constituted to the body making the decision, then reviews it. I’m concerned about the review provision itself, but I’d be particularly concerned if the appointments for that committee were not anything other

¹³¹ Written evidence, IEPAW

than absolutely above board and demonstrated both independence and wisdom.”¹³²

232. Green Alliance summed up the views of many contributors, saying:

“Paragraph 10(3)...would effectively outsource important decisions on compliance with environmental law on which the OEGW will have legal authority vested in it. Furthermore, the panel would comprise individuals appointed from a list maintained by the Welsh Government, which could have a real and perceived impact on the independence of the OEGW, especially in relation to compliance notices relating to the Welsh Government.”

233. Many contributors called for reviews to be conducted internally by the OEGW, subject to certain safeguards. WEL said:

“The review process must be redrafted to be undertaken by an internal committee made up entirely of OEGW members or members of staff; reflecting the processes used by other enforcement bodies to review their decisions at a preliminary stage. For example, the OEGW could conduct reviews with individuals not involved in the initial decision, or by co-opting an independent member to observe the process could meet calls for objectivity while maintaining the OEGW’s authority.”¹³³

234. Green Alliance highlighted other public bodies that operate internal review and appeals processes, including the Public Services Ombudsman for Wales, the Welsh Language Commissioner, and the Gambling Commissioner.

235. Mark Roberts explained the Scottish Act provides for public authorities to appeal against a compliance notice to the sheriff.

236. Professor Colin Reid suggested it would be more appropriate for reviews to be undertaken by an independent body, such as a court or tribunal. However, he acknowledged “there can be merits in the chosen approach (particularly in relation to speed and existing expert knowledge of the issues)”.¹³⁴

¹³² RoP, para 346, 9 July 2025

¹³³ Written evidence, WEL

¹³⁴ Written evidence, Professor Colin Reid

Timeframe for completion of reviews

237. Several contributors expressed concern that the review process could delay the resolution of compliance issues.

238. Dr Victoria Jenkins noted, “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”.¹³⁵ She added, “it seems especially important to have clear time scales for urgent cases”.¹³⁶

239. WEL called for clarification on how the review process would work for urgent compliance notices, “which must be resolved on an expediated basis”.¹³⁷

240. RSPB Cymru suggested a right of review for urgent compliance notices is counterintuitive and “high risk”, given the circumstances under which such notices can be served.¹³⁸ It said:

“There appears to be a significant undermining of the reasons for and therefore purpose of an urgent compliance notice, by also enabling internal review of them with no specified timeframe attached.”¹³⁹

241. RSPB Cymru suggested consideration should be given to removing the right of review for urgent compliance notices.

High Court review

242. Several contributors called for further clarification on the High Court review provisions, including the process involved and the remedies that can be awarded.

243. Ruth Chambers commented that the High Court review is “very different” to the route to recourse to a court in the UK and Scottish Acts and “feels like...it’s a work around”.¹⁴⁰ She called for clarification on whether a High Court review could lead to the awarding of damages.

¹³⁵ Written evidence, Dr Victoria Jenkins

¹³⁶ Written evidence, Dr Victoria Jenkins

¹³⁷ Written evidence, WEL

¹³⁸ Written evidence, RSPB Cymru

¹³⁹ Written evidence, RSPB Cymru

¹⁴⁰ RoP, para 89, 17 July 2025

244. WEL emphasised the importance of “a sufficiently strong deterrent”, calling for clarification on whether the remedies that can be awarded under a High Court review are the same as those under judicial review.¹⁴¹

245. In commenting on the High Court review provisions, Dr Jenkins said, “[this] will ensure that as a last resort there is the possibility of an action before the court”.¹⁴² She noted that a range of sanctions for contempt of court would be available should a public authority fail to comply with a court order, which she welcomed.

Fines

246. The Bill does not make provision for the OEGW to impose fines. Rather the OEGW may apply for a High Court order requiring a public authority to take action to address non-compliance (under section 19).

247. There were mixed views among contributors about the power to fine as an enforcement tool.

248. Ruth Chambers said the ability to impose fines was “a critical and very effective part of the EU system”.¹⁴³ However, she asserted:

“[The power to issue fines] has been debated in every single bit of governance legislation and every governance body that’s been set up...I think there is a general view that it has been difficult to replicate in a domestic environment where you’d have one public authority potentially fining another public authority, and, generally, public authorities, as we all know, don’t have enough money, so how would that work?”¹⁴⁴

249. Similar points were made by Professor Bob Lee. Using NRW as an example, he said, “[It is] stretched enough as it is...I just can’t see the utility in taking much-needed resources away from the body that’s trying to protect the environment”.¹⁴⁵

250. Mary Lewis and Dame Glenys Stacey considered operating a fining regime would be challenging for the OEGW. Dame Glenys Stacey said:

¹⁴¹ Written evidence, WEL

¹⁴² Written evidence, Dr Victoria Jenkins

¹⁴³ RoP, para 90, 17 July 2025

¹⁴⁴ RoP, para 90, 17 July 2025

¹⁴⁵ RoP, para 114, 9 July 2025

“A body of the size that you are proposing would really struggle to manage the prospect of fines—setting a fine, agreeing what it should be, bringing it about. It’s enormous, and for what? Just because you then give money to Government. It doesn’t really make an awful lot of common sense.”

251. Alex Philips said fines were problematic in the Welsh context as currently revenue from fines imposed by the courts is returned to HM Treasury, which results in “money leaving Wales”.¹⁴⁶ Professor Lynda Warren expressed a similar view.

252. Dame Glenys Stacey said the OEP’s ability to seek judicial review was preferable to a system of fines, adding “it’s very powerful”.¹⁴⁷ Mark Roberts expressed a similar view.

253. Dr Viviane Gravey and Professor Ludivine Petetin referred to fines as “the biggest ‘bite’ of the EU system”.¹⁴⁸ They asserted the power to fine “acts as a deterrent” and “should be seriously considered”. Countryside Alliance expressed a similar view. It said:

*“We recognise that EU fines were issued against states and not public bodies within states. As such, fines from the OEGW may need to be limited to a form of fixed penalties, but this penalty should be available.”*¹⁴⁹

254. FUW cautioned, “farmers may question why they can be subject to fines and penalties whilst NRW themselves are not”.¹⁵⁰

Judicial review and intervention in civil proceedings

255. Some contributors raised concern that the Bill does not provide the OEGW with express powers to apply for judicial review and intervene in civil proceedings, highlighting these powers are available to the OEP and ESS. There were calls for the Bill to be amended to address this.

256. Ruth Chambers told the Committee the OEP had used its power to intervene in civil proceedings “extremely judiciously and extremely effectively”.¹⁵¹ She added,

¹⁴⁶ RoP, para 96, 17 July 2025

¹⁴⁷ RoP, para

¹⁴⁸ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

¹⁴⁹ Written evidence, Countryside Alliance

¹⁵⁰ Written evidence, FUW

¹⁵¹ RoP, para 99, 17 July 2025

“if it wasn’t straightforward for the OEGW to do that, because there isn’t an express power, then we’d be concerned”.¹⁵²

257. Professor Lynda Warren and Ruth Chambers considered the lack of an express powers could potentially weaken the OEGW’s standing before the court. Ruth Chambers told the Committee:

“Legal standing before the courts is often a contested matter. And I don’t think it would be beyond the realms of possibility for a court, in the future, if the Bill stays as it is, to look at the OEGW and question its locus. If it looked at the other legislation in the UK, and it saw that both the OEP and Environmental Standards Scotland have an explicit duty, it would be right to ask itself, ‘Why was that explicit duty not given to OEGW?’ It doesn’t mean that it would definitely be a barrier to OEGW accessing the court, but it could present some difficulties.”¹⁵³

Sections 20 to 22 – Improvement reports and improvement plans

258. Section 20 empowers the OEGW to publish an “improvement report” if it considers that a public authority is failing or has at any time failed to comply with environmental law, or failed to implement or apply environmental law effectively. It may also publish an improvement report if it considers that the Welsh Ministers or other public authority has failed to make effective environmental law.

259. Section 21 sets out the specific details required in an improvement report.

260. Section 22 requires the Welsh Ministers to respond to an improvement report by publishing an “improvement plan” within six months in normal circumstances, or within nine months if a consultation is required.

Evidence from stakeholders

261. The Committee received limited evidence on sections 20 to 22.

Sections 23 to 27 – Co-operation, disclosure of information and confidentiality

262. Section 23 imposes duties on public authorities to co-operate with the OEGW. This includes giving the OEGW reasonable assistance in connection with

¹⁵² RoP, para 99, 17 July 2025

¹⁵³ RoP, para 98, 17 July 2025

the exercise of its functions, and to take reasonable efforts to swiftly resolve alleged failures identified by the OEGW.

263. Section 24 provides, amongst other things, that a public authority is not required to provide the OEGW with any information that it would be entitled to withhold in connection with legal proceedings or under data protection laws.

264. Section 25 imposes confidentiality obligations on the OEGW in connection with information and correspondence disclosed to it, or produced by it, subject to certain exceptions.

265. Section 26 imposes confidentiality obligations on public authorities in connection with correspondence relating to information notices, compliance notices or improvement reports, subject to certain exceptions.

266. Section 27 stipulates that certain information held by the OEGW or a public authority under the Bill constitutes “environmental information” for the purposes of the Environmental Information Regulations 2004.

Evidence from stakeholders

Importance of timely information

267. While there was general support for the co-operation duties in section 23, several contributors questioned whether these were sufficient to ensure information is made available to the OEGW in a timely manner.

268. Dr Viviane Gravey and Professor Ludivine Petetin said, despite comparable duties in the UK and Scottish Acts, “Both the ESS and OEP have identified issues with obtaining information”.¹⁵⁴ They called for “a strict timeline” for public authorities to respond to requests for information “in order to avoid similar issues” for the OEGW.¹⁵⁵ Mary Lewis raised a similar point.

269. The OEP told the Committee, while the provisions in the UK Act are important in supporting the body to access information and ensure cooperation, “this has not always been straightforward in practice to achieve”.¹⁵⁶ It added, “The risk that a lack of timely and effective cooperation fetters our ability to discharge our statutory duties has been a strategic risk for the OEP for sustained periods”.¹⁵⁷

¹⁵⁴ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

¹⁵⁵ Written evidence, Dr Viviane Gravey and Professor Ludivine Petetin

¹⁵⁶ Written evidence, OEP

¹⁵⁷ Written evidence, OEP

270. The WLGA suggested clarity was needed on the steps that public authorities would need to take to comply with the co-operation duties in section 23(2), and how compliance would be monitored. Jean-Dulong considered this could be achieved through guidance from the OEGW.

Co-operation between OEGW and its counterparts

271. Many contributors emphasised the importance of constructive and effective working relationships between environmental governance bodies across the UK. Environmental organisations, Healthy Air Cymru and academics raised concern that the co-operation and information provisions in the Bill do not adequately provide for this. There were calls for the Bill to include provision comparable to that in the UK and Scottish Acts to address this.¹⁵⁸

272. The OEP and ESS emphasised the importance of the provisions in the UK and Scottish Acts. Natalie Prosser said:

*“having a really clear provision in both our legislation and ESS’s legislation that allows us to share sometimes sensitive information between us, allows us to be co-ordinated and consistent within the UK. I think the expectation of co-operation was rightly set by all of our respective Governments, and the practice of it, I think, has been to our mutual and collective benefit, and to the benefit of the environment.”*¹⁵⁹

273. The OEP said, “It is not clear how comparable arrangements are provided for the OEGW...and therefore whether and how the Bill intends to enable this co-operation with the OEP”.¹⁶⁰

274. Natalie Prosser said it would be “incredibly valuable” if comparable co-operation and information sharing provisions were included in the Bill.¹⁶¹ Mark Roberts echoed this, saying it would be “a real strength for the UK environmental governance system as a whole”.¹⁶²

¹⁵⁸ Section 27 of the Environment Act 2021 required the OEP to consult a devolved environmental body (which would include the OEGW) if it considers that a particular exercise of its functions may be relevant to the exercise of a function of that body. Section 23 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 makes equivalent provision in relation to ESS.

¹⁵⁹ RoP, para 279, 9 July 2025

¹⁶⁰ Written evidence, OEP

¹⁶¹ RoP, para 281, 9 July 2025

¹⁶² RoP, para 283, 9 July 2025

Confidentiality requirements

275. The Information Commissioner’s Office noted that the information listed under sections 25(1) and 26(1) may be exempt from disclosure under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004 (the 2004 Regulations) under certain circumstances. It questioned whether this level of enhanced protection from disclosure was justified in relation to information notices and compliance notices.

276. WildFish emphasised the importance of upholding the right to public access to environmental information under the 2004 Regulations. It said:

“if information [listed under sections 25(1) and 26(1)] would otherwise have been published pursuant to the 2004 Regulations, it must continue to be published. The mere existence of an OEGW investigation should not reduce access to environmental information.”¹⁶³

Section 28 – Staff transfer schemes

277. Section 28 introduces Schedule 3 which makes provision in connection with staff transfer schemes from the Welsh Government to the OEGW.

Evidence from stakeholders

278. The Committee received no evidence from contributors on section 28.

Sections 29 to 32 – Meaning of key terms

279. Section 29 defines “environmental law” for the purposes of Part 2. It is defined by reference to devolved provision, which essentially means legislation wholly or mainly relating to environmental protection that has, or could be made, by the Senedd.

280. Section 30 defines “public authority” for the purposes of Part 2. It is defined as a person (other than the OEGW) who is a devolved Welsh authority (as per section 157A of GoWA) or listed in paragraph 9(2) or (6) of Schedule 7B to GoWA.

¹⁶³ Written evidence, WildFish

281. Section 31 clarifies that references to the “effectiveness of environmental law” in Part 2 are references to its effectiveness in contributing to environmental protection.

282. Section 32 clarifies that references to “failing to comply with environmental law” in Part 2 are references to the relevant public authority exercising its functions in a way that is contrary to environmental law, or failing to exercise its functions where the failure is contrary to environmental law

Evidence from stakeholders

Meaning of “environmental law”

283. The meaning of “environmental law” sets the scope of the OEGW’s remit. It is defined by reference to devolved provision and excludes “taxation, finance or budgets”.

284. RSPB Cymru and Professor Colin Reid raised concern that the definition of “environmental law” could be open to interpretation. RSPB Cymru said:

“We strongly recommend it is made clear that the OEGW is able to review and scrutinise all legal and policy areas (including interpretative guidance) which may impact the environment, including for example economic, transport, social and health policies as well as consideration of international law particularly those conventions, protocols and agreements which lead to our domestic environmental protection legislation.”¹⁶⁴

285. Section 29(4) enables the Welsh Ministers by regulations to provide whether devolved provision is, or is not, within the definition of “environmental law”. Dr Victoria Jenkins referred to this powers as “wide”, saying it would enable the Welsh Ministers to “exclude further elements of law from this definition”.¹⁶⁵ WildFish expressed a similar view, calling for the power to be removed.

286. Ruth Chambers referred to the power as “sensible, because environmental law is not a static concept, it needs to change”.¹⁶⁶ However, she highlighted that changes to the meaning of “environmental law” could have a substantial bearing on the scope of the OEGW’s remit. As such, she called for a requirement on the

¹⁶⁴ Written evidence, RSPB Cymru

¹⁶⁵ Written evidence, Dr Victoria Jenkins

¹⁶⁶ RoP, para 75, 17 July 2025

Welsh Ministers to consult before making regulations under section 29(4), in line with the approach taken in the UK Act.

Meaning of “public authority”

287. Green Alliance called for a definitive list of public authorities that will be subject to oversight by the OEGW to be published “to aid transparency and public understanding”.¹⁶⁷

288. Environmental organisations and NRW raised concern that the meaning of “public authority” gives rise to an oversight “gap”. The EM provides a useful explanation of this issue:

“The definition of public authorities aims to capture public authorities within the legislative scope/competence of Senedd Cymru, including private companies who exercise public functions (such as water companies)...The definition does not extend any further in scope. As the Bill does not include oversight powers for OEGW in respect of certain reserved bodies operating in Wales (such as the Ministry of Defence) and the OEP does not have oversight powers in respect of such bodies, there will be an oversight “gap”.”¹⁶⁸

289. Green Alliance called for the Welsh Government to clarify which public authorities would fall within this oversight “gap”. WEL asserted this “gap” could result in public authorities “working to different standards, and some not being held to account for failure to uphold environmental law”.¹⁶⁹ WEL, Green Alliance and RSPB Cymru called for urgent consideration to be given to how this issue would be addressed.

290. Mary Lewis (NRW) said it would be “critical” for the OEGW to set out in its strategy how it will investigate any suspected non-compliance by public authorities that fall within the oversight “gap”.¹⁷⁰

¹⁶⁷ Written evidence, Green Alliance

¹⁶⁸ Explanatory Memorandum, para 3.262-3.263

¹⁶⁹ Written evidence, WEL

¹⁷⁰ RoP, para 210, 17 July 2025

Evidence from the Cabinet Secretary

Sections 8 and 9

A fully operational OEGW

291. The Cabinet Secretary told the Committee that, based on “previous precedent” and understanding of the work involved, the OEGW will be fully operational within 18 to 24 months of the Act receiving Royal Assent.¹⁷¹ He added, “18 months is the optimistic side, 24 months is more like it normally is for the establishment of a new organisation like this”.¹⁷²

292. When asked about the potential for a future Welsh Government to delay the OEGW becoming fully operational, the Cabinet Secretary said, “I don’t think there will be any desire...to delay in any way, shape or form”. He added:

“the formal part of establishing the OEGW in law will be within this Senedd term. It’s up to us then to make sure that we keep on driving forward...making sure it gets up and running on time. But realistically, the work we’re doing behind the scenes already is being done in order to make sure it can be up and running as soon as possible...And clearly, you and I and others will have to keep on pushing on this, but it will be established.”¹⁷³

293. The Cabinet Secretary provided details of the steps that need to be taken towards a fully operational OEGW, including appointment of the Chair, CEO and Board, (which he asserted could take up to 12 months), development of and consultation on the OEGW’s strategy, and staff recruitment.

294. In commenting on the need for a sunrise provision for Part 2, the Cabinet Secretary said:

“There is a high degree of uncertainty...around the process and procedures to establish a body like the OEGW. So, if we hold ourselves hostage to a specific timescale, it’s a very high risk approach.”¹⁷⁴

¹⁷¹ RoP, para 70, 26 June 2025

¹⁷² RoP, para 70, 26 June 2025

¹⁷³ RoP, para 76, 26 June 2025

¹⁷⁴ RoP, para 134, 18 September 2025

295. He suggested he was open to considering a sunrise provision but cautioned “against moving with too much speed and haste and setting the body up to fail”.¹⁷⁵

296. The Cabinet Secretary acknowledged the importance of a smooth transition from the IEPAW to the OEGW. He added:

“The details of this transition will, of course, be subject to independent decisions taken by the OEGW, however, we have provided several mechanisms to aid with this, including a ‘modular’ approach for functions to be commenced by order earlier or later, depending on readiness and need”.

OEGW’s general purpose

297. In commenting on OEGW’s general purpose, the Cabinet Secretary said:

“environmental law impacts upon several of the well-being goals themselves. So, we directly acknowledge this within the wider purpose of the OEGW, given the very unique and powerful role that it’s going to play in safeguarding the environment...what the Bill does is it recognises and strengthens these connections to this unique policy framework in Wales, one that we should be really proud of, and it gives them particular emphasis.”¹⁷⁶

298. The Cabinet Secretary’s official added:

“the focus of the environmental objective is the attainment of a high level of environmental protection, and an improvement of the environment. So, that’s the focus, that’s the objective, and the purpose of the OEGW is to contribute to achieving that. Whilst we have referred to the FG Act, that’s one aspect of the details about the environmental objective in section 1.”¹⁷⁷

Independence

299. In commenting on the extent to which the Bill defines and protects the OEGW’s independence, the Cabinet Secretary said:

¹⁷⁵ RoP, para 134, 18 September 2025

¹⁷⁶ RoP, para 140, 18 September 2025

¹⁷⁷ RoP, para 265, 18 September 2025

*“we absolutely recognise, we’re crystal clear, that the independence of the OEGW is crucial to its operation. That’s why the Bill includes very specific areas that will work to strengthen its independence”.*¹⁷⁸

300. He explained that, unlike the OEP, the OEGW will not be obliged to provide advice to government. Further, the Welsh Government will have no role in the development of OEGW’s strategy, which the Cabinet Secretary said, “is more independent than the approach that they have in England and Northern Ireland, where the OEP there must have regard to guidance provided by the Secretary of State”.¹⁷⁹

301. The Cabinet Secretary told the Committee the Welsh Government had learned from, rather than replicated the approach taken in the UK and Scottish Acts, in order to strengthen the OEGW’s independence. He added, “we think we have gone above and beyond the measures laid out in other [legislation to ensure independence]”.¹⁸⁰

Express provision on independence

302. The Cabinet Secretary asserted that including an express provision to set out the OEGW’s independence from the Welsh Government “wouldn’t materially affect the practical, tangible measures that we’ve put in the [Bill], which demonstrate and make effective the independence of the OEGW”.¹⁸¹ He said, “I do get that sometimes in legislation people will want to see something declamatory that says, ‘And by the way, just to make clear’, it’s just that I’m not sure it would add to what we’ve got there”.¹⁸²

303. The Cabinet Secretary subsequently told the Committee, “we don’t see any downsides [to including an express provision], it’s just that we don’t feel that it’s necessary”.¹⁸³ He said he was giving further thought to this issue.

¹⁷⁸ RoP, para 88, 26 June 2025

¹⁷⁹ RoP, para 89, 26 June 2025

¹⁸⁰ RoP, para 91, 26 June 2025

¹⁸¹ RoP, para 95, 26 June 2025

¹⁸² RoP, para 95, 26 June 2025

¹⁸³ RoP, para 145, 18 September 2025

Appointment process

304. The Cabinet Secretary said the approach taken in the Bill to appointment of the OEGW chair and deputy chair “is not unusual”.¹⁸⁴

305. The Committee asked the Cabinet Secretary whether he had considered providing a more prominent role for the relevant Senedd committee/the Senedd in the appointment process. He said:

*“we’ve weighted the appointment process to give more prominence to the independent panel members, who will have that necessary expertise then to inform advice that will come to Ministers. The relevant Senedd committee will need to be consulted prior to the appointment, and those are powerful hearings in front of a committee...we just don’t think it’s necessary to involve the Senedd committee directly in the appointment process.”*¹⁸⁵

Sufficiency of funding

306. The Cabinet Secretary questioned the merits of including “sufficiency of funding” provision, in particular whether it would deliver the intended outcome. He said:

*“Who determines what sufficiency of funding is? Is it you, the committee? Is it the Minister? Is it the body? Is it the organisation? So, actually, I understand what people are saying about that, that a body can only be independent if it has sufficient funding. We agree with that...But it’s whether there is a belief that a phrase in legislation that calls for ‘sufficient funding’ is sufficient to do what the stakeholders are trying to achieve with that.”*¹⁸⁶

307. The Cabinet Secretary subsequently suggested he was open to considering including such provision, but reiterated the difficulties of defining the term.

308. The Cabinet Secretary explained he had ruled out the WCF as a funding mechanism for the OEGW because it might be a “significant disadvantage” to the

¹⁸⁴ RoP, para 90, 26 June 2025

¹⁸⁵ RoP, para 147, 18 September 2025

¹⁸⁶ RoP, para 80, 26 June 2025

body, particularly in its early years.¹⁸⁷ He explained that any underspend would need to be returned to the WCF at the end of the financial year, rather than being carried forward to the departmental budget.

Section 10

Content of strategy

309. In commenting on the minimum requirements for the content of the strategy, the Cabinet Secretary said he did not consider paragraph 1 of Schedule 2 to be overly prescriptive. He added:

*"[It] simply outlines those areas that the strategy could cover...We think the details set out for the strategy in Schedule 2 are well balanced. They only contain matters that the OEGW must communicate through the strategy. But the substance of those matters is at the discretion of the OEGW, if not otherwise prescribed in the Bill itself."*¹⁸⁸

310. The Cabinet Secretary explained he was engaging relevant stakeholders to discuss their concerns about the requirements to further inform thinking.

Avoiding overlapping functions

311. The Cabinet Secretary said he expected the OEGW to engage stakeholders and the public to promote awareness and understanding of its role and responsibilities, including how these differ from front-line regulators.

312. The Cabinet Secretary asserted there would be "limited overlap" between the functions of the OEGW and those of the UK CCC arguing the bodies were "established under different legislative frameworks, and they have fundamentally different purposes".¹⁸⁹ He said he was "confident" that any overlap "can be managed by administrative arrangements between the two organisations but as with other functions that will be for the OEGW to determine as it sees fit".¹⁹⁰

313. The Cabinet Secretary said the OEGW could formalise its relationship with the UK CCC via an MoU, adding:

¹⁸⁷ RoP, para 155, 18 September 2025

¹⁸⁸ RoP, para 174, 18 September 2025

¹⁸⁹ RoP, para 103, 26 June 2025

¹⁹⁰ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee

“that will ultimately be a decision for the OEGW to make independently. In my view it is not something which should be imposed by statute given we are seeking to ensure the independence of the OEGW and provide it with as much discretion as possible, where appropriate.”¹⁹¹

314. He explained the UK CCC is a reserved authority, therefore, including provision in the Bill to require the UK CCC to enter into an MoU with the OEGW would require UK Government consent. He added, the OEGW could enter into an MoU with the UK CCC using its general powers under paragraph 23 of Schedule 1.

Procedural requirements

315. In commenting on the four-yearly review of the strategy, the Cabinet Secretary said:

“We think that within four years of its initial publication is the right timeline to review the strategy, and we think this is important for several reasons. It allows the strategy to remain responsive to emerging environmental challenges and to refocus those priorities for the OEGW if the OEGW feels that is needed. It also, I have to say, supports public accountability so that the strategy needs to be consulted upon and published so that the OEGW’s intentions are clear and transparent and visible and open to scrutiny.”¹⁹²

Sections 11 to 13

Monitoring and reporting on environmental targets

316. The Cabinet Secretary explained that the Bill enables the OEGW to monitor and report on environmental targets, including biodiversity targets, but does not require them to do so. He explained:

“we have been cautious not to prescribe how the OEGW should carry out its functions. As an independent body of experts, the OEGW is best placed to determine its own priorities. If it considers that any statutory targets, not just biodiversity targets, warrant focused attention, there is nothing in the legislation to

¹⁹¹ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee

¹⁹² RoP, para 176, 18 September 2025

*prevent it from doing so. We believe this approach respects the principle of independence while ensuring the necessary powers and transparency are in place to support effective environmental governance”.*¹⁹³

317. On the matter of biodiversity targets, he said:

*“the OEGW has to demonstrate how it will comply with the environmental objective, which includes halting and reversing biodiversity decline. So, it’s really embedded there within it.”*¹⁹⁴

Representations on matters relating to environmental law

318. The Cabinet Secretary confirmed that, as drafted, the Bill would enable the public to make representations to the OEGW on matters relating to environmental law. However, he added:

*“I recognise this could be an area where it’s helpful to remove any doubt whatsoever, because...one of the benefits we had previously before we withdrew from the EU was the ability of citizens or citizens’ organisations to bring representations. That is within the Bill already. But if it helps presentationally, we think there might be ways to surface this more clearly within the Bill, given the importance of providing citizens access to environmental justice.”*¹⁹⁵

319. In explaining why the Bill uses the term “representations” rather than “complaints”, the Cabinet Secretary said:

*“if we were purely to define this in terms of ‘complaints to’, it creates some expectations around things such as automatic consideration, investigation and immediate outcomes...It’s more proportionate and more effective for OEGW to consider any representations, but alongside the wider body of evidence that it gathers and then makes a judgment as to whether to investigate.”*¹⁹⁶

¹⁹³ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Legislation, Justice and Constitution Committee, 12 September

¹⁹⁴ RoP, para 186, 18 September 2025

¹⁹⁵ RoP, para 182, 18 September 2025

¹⁹⁶ RoP, para 108, 26 June 2025

Section 15

320. The Cabinet Secretary asserted that “the [OEGW’s] ability to investigate based on breaches that have occurred ‘at any time’ is very important”. He explained:

“The intention of including “at any time” is to allow for representations to be made about alleged failures that may have been made in the past (and may only recently have come to light) and to ensure there is no gap between the IEPAW and the new Body. Without this, the OEGW would only be able to investigate breaches that occurred following its establishment...”¹⁹⁷

321. The Cabinet Secretary emphasised that “if an investigation concluded that a failure to comply is no longer ongoing then the OEGW will not be able to issue a compliance notice but...could use its other functions in respect of that alleged failure”.¹⁹⁸ He said that a failure to comply with environmental law must be ongoing at the time the compliance notice is issued, adding “The “at any time” element refers only to the OEGW’s ability to investigate and not its ability to enforce”.

Sections 16 to 19

Review of compliance notices

322. In explaining the rationale for the review provision, the Cabinet Secretary said the ability for public authorities to request a review of a compliance notice “provide[s] a procedural safeguard to enhance fairness and strengthen the legitimacy and accountability of the enforcement process”.¹⁹⁹ He added, “It provides public authorities with an avenue to challenge decisions made without being reliant solely on escalations to judicial review or the first-tier tribunal which can be time consuming for all parties”.²⁰⁰

¹⁹⁷ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

¹⁹⁸ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

¹⁹⁹ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²⁰⁰ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

Review committees

323. The Cabinet Secretary asserted that review committees “will be formed by the OEGW but will have key elements that enable [them] to act independently of the wider organisation”, including co-opted members drawn from a list of experts.²⁰¹ He added:

“This list will be held by the Welsh Government to provide separation between the OEGW and the reviewers of the original compliance notice. It is important to note however that the individuals to sit on each review committee when convened will be selected from the list by the OEGW itself.

We have considered the alternative of the OEGW itself holding this list but reached the conclusion that if the OEGW were to maintain the list of experts it may call into question the fairness of the review process itself.”²⁰²

Review of urgent compliance notices

324. The Committee asked the Cabinet Secretary whether there was a danger that a request for the review of an urgent compliance notice could delay action needed to prevent or mitigate risk of serious damage to the environment or to human health. He said:

“we have developed this approach specifically to ensure that the request for a review reflects the urgency of a particular case. We fully recognise the OEGW must be empowered to quickly and effectively manage instances where urgent action is needed by a public authority.”²⁰³

325. The Cabinet Secretary explained:

“In most cases it is our view the OEGW would wish to undertake this review and respond to the request for a review within 7

²⁰¹ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²⁰² Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²⁰³ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

days to recognise the urgency of the matter, but this will be for their own independent determination.”²⁰⁴

326. He added:

“whilst it is feasible the First-tier Tribunal of England and Wales, for example, could turn around appeal cases within a short-timeframe, this may not always be possible. So, there is a risk that potential delays associated with using the tribunal system could prolong instances of imminent risk of serious damage to the environment or to human health.”²⁰⁵

High Court review

327. The Cabinet Secretary explained if a public authority fails to comply with a court order enforcing a compliance notice, “either an application can be made to the Court to find the public authority in contempt of court, or the Court may decide to instigate these proceedings itself”.²⁰⁶ He added, “There are a range of sanctions available on a finding of contempt of court which would then be available to the Court, which include financial penalties”.²⁰⁷

Judicial review and intervention in court proceedings

328. In commenting of the lack of an express power for the OGEW to apply for judicial review and intervene in court proceedings, the Cabinet Secretary said

“We don’t think it’s required...The OEGW would be able to apply for judicial review without any express provision on the face of the Bill. Anyone can apply for a JR under the existing mechanisms. The courts decide ultimately if the applicant has sufficient standing to proceed. So, in our view, a statement on the face of the Bill that the OEGW can apply for JR and intervene in proceedings would carry no greater weight

²⁰⁴ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²⁰⁵ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²⁰⁶ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Legislation, Justice and Constitution Committee, 12 September 2025

²⁰⁷ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Legislation, Justice and Constitution Committee, 12 September 2025

whatsoever than existing provisions in law to bring a JR to intervene.”²⁰⁸

329. The Cabinet Secretary acknowledged the OEP and ESS’ judicial review powers, but said “this reflects the design of their enforcement system; it differs from ours”.²⁰⁹ He asserted the OEP and ESS’ powers are “in some ways, more restrictive, because they require applications from their environmental bodies to relate to serious failure to comply with environmental law”.²¹⁰

330. The Cabinet Secretary asserted the OEGW’s ancillary powers (set out in paragraph 23 of Schedule 1) could be used should it wish to apply for judicial review or intervene in court proceedings.

Sections 23 to 27

Co-operation between OEGW and its counterparts

331. When asked why the Bill does not include a requirement on the OEGW to consult with its counterparts on relevant matters, the Cabinet Secretary said:

“We have not sought consent, which would be required, for a specific statutory obligation on the OEGW to consult with, or otherwise compel these bodies to collaborate. We consider this is a matter for the OEGW to consider further when they are established.”²¹¹

332. He noted the existing non-statutory MoU between the IEPAW and the OEP and ESS, referring to it as “effective”. He added, “the OEGW has general powers that could be used [to enter into an MoU with its counterparts]”.²¹²

333. On the matter of sharing confidential information with the OEP and ESS, the Cabinet Secretary said:

“the confidentiality clauses within the Bill already support the effective treatment of information provided to the OEGW, including the capability to share information with the consent

²⁰⁸ RoP, para 192, 18 September 2025

²⁰⁹ RoP, para 118, 26 June 2025

²¹⁰ RoP, para 195, 18 September 2025

²¹¹ Letter from the Cabinet Secretariat to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

²¹² Letter from the Cabinet Secretariat to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

*of the public authority that provided the information or the correspondence”.*²¹³

334. He cautioned

*“including provisions stating that confidential information can or will be shared with third parties would undermine the confidence of public authorities in the OEGW, and it could actually reduce those collaborative efforts to obtain information, and even resolve non-compliance without resorting to stricter formal measures, which could take much more time and much more resource.”*²¹⁴

Sections 29 to 32

Meaning of “environmental law”

335. The Cabinet Secretary told the Committee:

*“there is no set criteria for determining whether a devolved provision is, or is not, within the definition of environmental law. This would be something the OEGW determines based on their interpretation of the definition and, if challenged, on which the courts would adjudicate.”*²¹⁵

336. He added, “Arguments around what would and would not fit into the scope of environmental law may be broad and complex, covering areas like air quality, water, waste, biodiversity, and more”.²¹⁶

337. In explaining the rationale for the power in section 29(4), the Cabinet Secretary said it “will enable the Bill/Act to be futureproofed for an evolving legislative landscape”.²¹⁷ He added that regulations would be subject to formal

²¹³ RoP, para 203, 18 September 2025

²¹⁴ RoP, para 203, 18 September 2025

²¹⁵ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²¹⁶ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²¹⁷ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

consultation, “to which the Welsh Government is committed”, and Senedd approval.²¹⁸

Meaning of “public authority”

338. The Cabinet Secretary said bodies that would fall within the oversight “gap” include National Rail, the Crown Estate and the Ministry of Defence. He said this “gap” could be addressed “through co-operation between the OEGW, the OEP and the public authorities themselves”.²¹⁹

339. The Cabinet Secretary explained, while the matter would be for the OEGW and OEP to resolve, Welsh Government officials have entered into discussion with the OEP with a view to “informing a future solution that could be brought forward to the OEGW for their consideration”.²²⁰

Our view

Sections 8 and 9

Given the clear need for a new environmental governance body for Wales to address the oversight gap arising from the UK’s departure from the EU, we are content with section 8.

Wales has already been without an environmental governance body for five years. We are keen, therefore for the OEGW to be fully operational in the shortest time possible. The Cabinet Secretary stated his intention for the OEGW to be fully operational within two years of the Act receiving Royal Assent. However, it will be a matter for the next Welsh Government to determine when to commence the provisions in Part 2 that confer functions on, and provide powers to, the OEGW. There will be no obligation on any new government to deliver to a two-year timeframe unless it is expressly provided for in the Bill.

While we note the Cabinet Secretary’s assertion that including a statutory timeframe for commencement of the relevant provisions would be “high risk”, we do not agree. We believe it would serve as a crucial safeguard against further delay, including as a result of any change in government. We expect the Cabinet Secretary to bring forward an amendment to ensure that the relevant provisions

²¹⁸ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August

²¹⁹ RoP, para 215, 18 September 2025

²²⁰ RoP, para 215, 18 September 2025

in Part 2 are commenced within 2 years of the Act receiving Royal Assent, to the extent they have not been commenced by Order sooner than this.

In our reports on the current interim environmental protection arrangements, we have called for a planned and well-managed transition from the IEPAW to the new governance body. We reiterate those calls and emphasise the importance of minimising disruption in governance arrangements during the transition.

OEGW's general purpose

We acknowledge contributors' concerns that the OEGW's general purpose, as defined in section 9(a), is too broad. This is primarily because it is centred on contributing towards the environmental objective. We are content that attainment of a high level of environmental protection and the improvement of the environment is an appropriate general purpose. However, we heard concerns that the reference to the WFC Act in section 1(1)(a) could lead to a dilution of the OEGW's focus on the environment.

While we note the Cabinet Secretary's explanation for the approach taken, we believe he should give further consideration to the OEGW's general purpose, with a view to addressing the concerns raised in evidence.

OEGW's independence

The OEGW will be responsible for overseeing compliance with environmental law. It will hold the Welsh Government and other public authorities to account for their environmental obligations. Independence from the Welsh Government is therefore critical if the OEGW is to establish credibility and build political and public confidence.

There was a clear view among contributors that the Bill, as drafted, does not adequately define or safeguard the OEGW's independence. We heard calls for express provision in the Bill to make clear the OEGW's independence, akin to provision in the UK and Scottish Acts, which establish the OEP and ESS.

We note that there is precedent in Welsh law for such provision. The legislation establishing the Senedd Commissioner for Standards and the Independent Remuneration Board of the Senedd made explicit their independence from the Senedd. We believe the inclusion of such provision in the Bill would remove uncertainty about the OEGW's independence and mitigate the risk, or the

perceived risk, of government interference. We expect the Cabinet Secretary to bring forward an amendment to give effect to this.

Appointments to OEGW

We are concerned that the appointment process for the OEGW could be seen to undermine its independence. We note that the process is similar to that for other significant public roles, such as the Future Generations Commissioner and the Chair of Natural Resources Wales. However, we believe the OEGW's role, in particular its ability to take enforcement action against the Welsh Government, sets it aside from other public roles. Consequently, the appointment process for the OEGW requires stronger safeguards.

Our preference is for appointments to the OEGW to be subject to the approval of the Senedd to ensure accountability, transparency and independence. This would reflect the approach taken in Scotland for appointments to the Board of the ESS. If the Cabinet Secretary is unwilling to adopt this approach, we would be satisfied with a more substantive role for the relevant Senedd committee. In this regard, we believe the approach taken to the appointment of the Welsh Language Commissioner, whereby a committee member sits on the selection panel, provides a useful precedent. We expect the Cabinet Secretary to give consideration to this.

Sufficiency of funding

We note the explanation put forward by the Cabinet Secretary for the OEGW to be directly funded by the Welsh Government. On balance, we are content with this approach. However, we share contributors' concerns that it could expose the OEGW to future funding challenges and undermine its independence.

We heard compelling evidence that the "sufficiency of funding" provisions in the UK and Scottish Acts, have proved valuable in ensuring transparency and enabling scrutiny of the adequacy of resourcing for the OEP and ESS. We believe comparable provision should be included in the Bill. We expect the Cabinet Secretary to bring forward an amended to this effect.

We have not considered the estimated cost of the OEGW's establishment or on-going operational costs. These matters fall to the Senedd's Finance Committee, which is responsible for scrutinising the financial implications of the Bill.

Section 10

Content of strategy

We note the concerns raised by some contributors that Schedule 2 is overly prescriptive. We welcome the Cabinet Secretary's confirmation that he is engaging with stakeholders on this matter. We expect him to reflect on stakeholders' views ahead of Stage 2.

Avoiding overlapping functions

We are content with the approach taken in the Bill to managing potential overlap between the functions of the OEGW and existing oversight bodies in Wales. However, we are concerned that certain bodies, whose functions may overlap with the OEGW, have not been listed in Paragraph 1(1)(e) of Schedule 2.

The omission of the UK CCC from the list is particularly striking, given its proposed inclusion in the White Paper. It is not clear from the Cabinet Secretary's evidence why the Welsh Government has changed its position. We acknowledge contributors' view that the UK CCC is a significant and obvious omission, therefore we expect the Cabinet Secretary to bring forward an amendment to address this. We note that including the UK CCC in the list will likely require consent from the UK Government. That being the case, we expect the Cabinet Secretary to seek consent at the earliest available opportunity.

We also note that Ofwat and the Drinking Water Inspectorate have not been listed. We would welcome an explanation from the Cabinet Secretary as to why this is the case, given their role as water industry regulators.

Procedural requirements

The evidence we received suggests there is a clear expectation for the OEGW to consult widely in preparing its strategy. While Paragraph 2(1) of Schedule 2 requires the OEGW to consult, the specific consultees are largely left to its discretion. We believe the Bill should include an express requirement for the OEGW to undertake public consultation. We expect the Cabinet Secretary to bring forward an amendment to the Bill to give effect to this.

We are broadly content with the requirement on the OEGW to review its strategy every four years. However, we believe there is merit in providing the OEGW with the flexibility to review its strategy more frequently should it wish.

We expect the Cabinet Secretary to bring forward an amendment to the Bill to provide for this.

Sections 11 to 13

Monitoring progress towards environmental targets

The White Paper set out that the new governance body would assess delivery of a range of statutory environmental targets, including biodiversity targets set under Part 3 of the Bill (see Chapter 6). Although the Bill enables the OEGW to monitor and report progress towards delivery of targets, it is not required to do so. This was a concern for many contributors and is one that we share.

In our 2025 report, we set out our concerns about the lack of progress made to date in addressing the on-going decline in Wales' nature. The introduction of statutory biodiversity targets has the potential to drive transformative change. However, robust and effective monitoring and reporting arrangements are needed to ensure transparency, scrutiny and accountability. While the Welsh Ministers' reporting requirements in Part 3 of the Bill will go some way to achieving this, they are missing the crucial element of independence.

The OEP is required to monitor and report on progress towards environmental targets for England and Northern Ireland, including biodiversity targets. If the Scottish Bill, as drafted, becomes law, ESS will evaluate progress towards Scotland's biodiversity targets. We believe there is a strong case for the OEGW to have an equivalent role in relation to Wales' biodiversity targets. While we note the Cabinet Secretary's rationale for the approach taken, given the on-going decline in Wales' nature, we believe biodiversity targets warrant special attention. We expect the Cabinet Secretary to give further consideration to this.

Representations on matters related to environmental law

Receiving representations from the public on matters relating to environmental law must be a key function of the OEGW. We are concerned that, as drafted, the Bill does not adequately provide for this. The provisions in relation to representations are effectively buried in Schedule 2. While the OEGW must set out in its strategy how it will enable persons to make representations, a citizen's right to make representations is merely inferred from the Bill.

The Cabinet Secretary has acknowledged that the approach taken in the Bill may warrant further consideration, which is encouraging. We expect him to bring forward amendments to provide a rights-based approach for citizens to

make representations. The approach taken in the UK Act provides a useful precedent.

Section 15

We acknowledge the concerns expressed by some contributors regarding the scope of the OEGW's investigatory powers. However, we are reassured by the Cabinet Secretary's explanation. As such, we are satisfied with the provisions as drafted.

We note that the OEGW will be required to outline its investigation policy as part of its strategy. As already stated, we expect the OEGW to consult stakeholders and the public in preparing its strategy.

Sections 16 to 19

Review of compliance notices

We support the principle that public authorities should have the right to request a review of a compliance notice. However, we have two concerns about the approach taken to reviews. First, delegating decisions to a review committee that includes external members risks undermining the OEGW's authority and credibility. Second, the Welsh Government's involvement in compiling panel lists risks undermining the OEGW's independence.

We heard examples of oversight bodies that conduct internal reviews of compliance notices and/or complaints, including the Welsh Language Commissioner. We believe a similar approach should be adopted for reviewing compliance notices issued by the OEGW, subject to appropriate safeguards. We expect the Cabinet Secretary to bring forward amendments at Stage 2 to give effect to this.

We share the concerns raised by contributors that the time taken to review a compliance notice could lead to delays in resolving the underlying compliance issues. This is of particular concern in the case of urgent compliance notices, given the circumstances under which they are served. While we acknowledge that the time taken to complete a review will vary depending on the type of notice and the complexity of the case, the Bill should set a clear expectation that reviews are completed as soon as practicable.

High court review

We welcome the clarification provided by the Cabinet Secretary that a range of sanctions, including financial penalties, would be available to the High Court if a public authority were to be found to be in contempt of court having failed to comply with a relevant order granted under section 19.

Fines

We note that some contributors would have preferred for the Bill to make provision for fines. We acknowledge that, while fines have been a useful tool within the context of the EU environmental governance system, there are challenges associated with operating a fining system within the Welsh context. We are therefore content that the Bill does not make provision for fines.

Judicial review and intervention in court proceedings

We note the concerns raised in evidence that the lack of express power in the Bill could be a barrier for the OEGW to apply for judicial review or intervene in court proceedings. However, the Cabinet Secretary has provided us with assurance that this is not the case, emphasising that any person can apply for judicial review or intervene in court proceedings provided they have legal standing. We are therefore content that the Bill does not include such an express power.

Sections 23 to 27

We are keen to ensure that the OEGW develops strong working relationships with its counterparts across the UK. While the Bill does not expressly provide for this, the Cabinet Secretary has assured us that the OEGW would be able to enter into Memoranda of Understanding with the OEP and ESS using its general powers, and share confidential information with them, subject to certain conditions. On this basis, we are content with the co-operation duties.

We note the view of the Information Commissioner's Office that the Bill provides enhanced protection from disclosure for information notices and compliance notices beyond that already provided under the Freedom of Information Act 2000 and the Environmental Information Regulations 2004. We would welcome an explanation from the Cabinet Secretary on the rationale for this approach.

Sections 29 to 32

Meaning of “environmental law”

We are content with the meaning of “environmental law” in section 29.

We are concerned that the Bill does not expressly require the Welsh Ministers to consult before exercising the power in section 29(4), even though this could have a substantial bearing on the scope of the OEGW’s oversight powers.

While the Cabinet Secretary has affirmed the Welsh Government’s commitment to consultation, as outlined earlier in this report, a future Welsh Government would not necessarily be obliged to meet this commitment. Given this, we believe the Bill should include a requirement on the Welsh Ministers to consult the OEGW, stakeholder and the wider public before making regulations under section 29(4). We expect the Cabinet Secretary to bring forward an amendment at Stage 2 to give effect to this.

Meaning of “public authority”

We acknowledge the concerns raised in evidence that certain reserved public authorities exercising devolved functions in Wales will not be subject to oversight by either the OEGW or the OEP. While we are aware that this oversight “gap” is partly a consequence of the devolution settlement, we are concerned that the Cabinet Secretary has not taken sufficient steps to address or minimise it. If the Cabinet Secretary is unwilling or unable to broaden the scope of public authorities under the Bill, or is otherwise unable to obtain the necessary consents from the UK Government, we believe the OEGW’s strategy should set out how it intends to work with the OEP to address non-compliance of such authorities. We expect the Cabinet Secretary to bring forward an amendment to this effect.

Recommendations

Recommendation 10. The Welsh Government should bring forward an amendment(s) at Stage 2 to ensure that all provisions in Part 2 of the Bill will automatically come into force two years from the day on which the Act receives Royal Assent, to the extent they have not previously been commenced by Order.

Recommendation 11. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide that the OEGW’s general purpose is to ensure

the effectiveness of environmental law, and contribute to the attainment of a high level of environmental protection and an improvement of the environment.

Recommendation 12. The Welsh Government should bring forward an amendment at Stage 2 to include in the Bill express provision setting out the OEGW's independence from the Welsh Government.

Recommendation 13. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide that appointments (or reappointments) of non-executive members of the OEGW are subject to approval by the Senedd.

Recommendation 14. If the Welsh Government is not minded to accept Recommendation 13, it should bring forward an amendment(s) at Stage 2 to provide a more substantive role for the relevant Senedd Committee in the appointment (or reappointment) process for the OEGW's non-executive members. The model used for the Welsh Language Commissioner's appointment provides a useful precedent.

Recommendation 15. The Welsh Government should bring forward an amendment(s) at Stage 2 to include in the Bill express provision aimed at ensuring sufficiency of funding for the OEGW. The approaches taken in the Environment Act 2021 and the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 provide useful precedents.

Recommendation 16. The Welsh Government should bring forward an amendment at Stage 2 to include the UK CCC in the list of oversight bodies to which the OEGW should seek to avoid overlapping functions under paragraph 1(1)(e) of Schedule 2. If consent is required for this provision, the Welsh Government should engage in early discussions with the UK Government, with a view to obtaining consent before the Bill reaches its final stage in the Senedd.

Recommendation 17. The Welsh Government should explain the outcome of any assessment it has undertaken of potential overlap of functions between the OEGW and OfWat, and between the OEGW and the Drinking Water Inspectorate. If potential overlaps have been identified, it should also explain why OfWat and the Drinking Water Inspectorate have not been listed at paragraph 1(1)(e) of Schedule 2.

Recommendation 18. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the OEGW to undertake public consultation in preparing its strategy (or revised strategy).

Recommendation 19. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide an enabling power for the OEGW to review its strategy at any time. This power should supplement, rather than replace, the requirement for the OEGW to review its strategy once every four years.

Recommendation 20. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide a clearly defined role for the OEGW in monitoring and reporting on progress towards statutory biodiversity targets and plans (set under Part 3 of the Bill).

Recommendation 21. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide a rights-based approach for citizens:

- to make representations to the OEGW on matters relating to environmental law,
- to be kept informed of the OEGW's response to representations and any action taken.

Sections 32 and 34 of the Environment Act 2021 provide useful precedents.

Recommendation 22. The Welsh Government should bring forward an amendment(s) at Stage 2:

- to enable the OEGW to conduct an internal review of a compliance notice following a request by a public authority under section 18, and
- to ensure that a member of the OEGW's personnel cannot be involved in the review of a compliance notice if they were involved in investigating the alleged compliance failure or in the decision to serve the compliance notice.

Recommendation 23. The Welsh Government should bring forward an amendment at Stage 2 to provide that a review of a compliance/urgent compliance notice must be completed as soon as reasonably practicable following a request by a public authority under section 18.

Recommendation 24. The Welsh Government should set out the rationale for providing enhanced protection from disclosure for information notices and compliance notices (under sections 25(1) and 26(1)) beyond the protection already provided under the Freedom of Information Act 2000 and the Environmental Information Regulations 2024..

Recommendation 25. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to consult the OEGW, stakeholders and the wider public before making regulations under section 29(4).

Recommendation 26. The Welsh Government should provide an exhaustive list of reserved public authorities that exercise devolved functions in Wales that would fall outside oversight of the OEGW or OEP.

Recommendation 27. The Welsh Government should commit to seeking consent from the UK Government to bring reserved public authorities that exercise devolved functions in Wales within the OEGW's oversight. If it is unwilling or unable to obtain consent, it should bring forward an amendment(s) at Stage 2 to require the OEGW to set out in its strategy how it intends to work with the OEP to address compliance issues in relation to those authorities.

5. Part 3: Biodiversity targets

Section 33 – Biodiversity targets

340. Section 33 amends Part 1 of the Environment (Wales) Act 2016 (the 2016 Act) to insert seven new sections which collectively introduce a biodiversity target setting framework.

341. New section 6B empowers the Welsh Ministers to set targets in respect of any matter relating to biodiversity in Wales if they are satisfied that meeting the target would contribute to halting and reversing the decline in biodiversity. Each target must specify a standard to be achieved which is capable of being objectively measured and a date by which the standard is to be achieved.

342. New section 6C requires the Welsh Ministers to lay draft regulations before the Senedd within three years of Royal Assent setting a target in respect of at least one matter within each of the four priority areas.

343. New section 6D sets out the process Welsh Ministers must follow in setting any target under the framework, including seeking advice from an independent expert.

344. New section 6E requires the Welsh Ministers to ensure that any targets set in regulation are met.

345. New section 6F empowers the Welsh Ministers to designate a public authority in relation to a target set under the framework. The effect of designation is a requirement to take action to contribute to meeting the target applicable to the public authority.

346. New section 6G sets out when the Welsh Ministers may, or must, review any biodiversity targets set under new section 6B.

347. New section 6H generally prohibits the Welsh Ministers from revoking or lowering a biodiversity target set under section 6B unless an exception applies.

348. New section 6I requires the Welsh Ministers to publish a statement in connection with a target on or before the date by which it is to be achieved. The statement must indicate whether the target has been met. To the extent it has not, the Welsh Ministers must subsequently publish a report within 12 months explaining why the target has not been met and setting out the intended steps to ensure the target is met as soon as reasonably practicable.

Evidence from stakeholders

349. While there was widespread support for the introduction of the target-setting framework, many contributors raised concern that it lacked clarity, certainty and ambition. They called for the Bill to be amended to address these issues.

350. The Royal Society of Chemistry suggested the Bill could have been used as an opportunity to address environmental challenges beyond biodiversity loss. It said:

“the Bill only mandates target-setting in relation to biodiversity. While this is a welcome and necessary step, we encourage the Welsh Government to consider a broader suite of targets across other environmental domains to reflect the interconnected nature of environmental pressures.”²²¹

Biodiversity targets: general

351. RSPB Cymru raised concern that “contribute to halting and reversing biodiversity decline” (in new section 6B(2) of the 2016 Act to be inserted by section 33) is “a weak test” for determining whether a target should be set.²²² It explained:

“As in the GBF, the aim to restore biodiversity as well as halting and reversing decline should be clear, and Ministers should be satisfied that each target will ‘significantly contribute’ to this ambition.”²²³

352. WildFish expressed a similar view.

353. New section 6B(7) defines “native species” for the purpose of setting targets. NFU Cymru raised concern about the potential implications of the definition in the context of “species re-introduction”, referring to the practice as “controversial”.²²⁴ It suggested the definition be amended, “for example limiting it to species currently present in Wales, or which have been naturally present in Wales within a particular timeframe”.²²⁵

²²¹ Written evidence, Royal Society of Chemistry

²²² Written evidence, RSPB Cymru

²²³ Written evidence, RSPB Cymru

²²⁴ Written evidence, NFU Cymru

²²⁵ Written evidence, NFU Cymru

354. Peat-free Partnership Wales Advisory Group suggested target-setting should take account of “‘offshored’ biodiversity destruction for activities such as the use of peat in horticulture”.²²⁶

A “headline target”

355. The White Paper proposed the Bill include a “headline target”, mirroring the Global Biodiversity Framework (GBF) commitment, and the WFG Act milestone to:

“Reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050.”

356. In its response to the White Paper consultation, the Welsh Government said it was considering replacing the “headline target” with a nature positive “purpose or mission statement” to provide the basis for the Bill’s nature recovery framework. The Bill does not include either of these.

357. Commenting more generally on the importance of an “apex” or “headline” target, the OEP explained that, in relation to environmental targets for England, “We have advocated for a clear hierarchy of targets in each environmental area where government aspires for significant improvement”.²²⁷ It added:

“In our view, there should be an apex or headline target that sets out the overall intended environmental outcome supported by a suite of SMART (Specific, Measurable, Attainable, Realistic and Time-bound) interim targets in each area. We judge this clarity and coherence to be essential if targets are to have the intended galvanising effect.”²²⁸

358. Environmental organisations and Derek Walker expressed disappointment at the move away from the White Paper’s proposed “headline target”. WWF Cymru said:

“WWF remains disappointed about the lack of a headline, timebound target to reverse the decline in species abundance in line with the international community. This is a key part of

²²⁶ Written evidence, Peat-free Partnership Wales Advisory Group

²²⁷ Written evidence, OEP

²²⁸ Written evidence, OEP

biodiversity recovery and should be included in the Bill to give a clear signal of the urgency of action needed.”²²⁹

359. As an alternative to the White Paper proposal, Dr Victoria Jenkins suggested a “headline target” of 2050 (rather than both 2030 and 2050), aligned with the GBF vision. She said:

“I don’t think there’s anything wrong with an aspirational goal, and I think it’s very much within the Welsh way of environmental law that we have aspiration and that we put that on the face of the legislation.”²³⁰

360. Dr Victoria Jenkins outlined the benefits of “headline target”, highlighting the net zero target as an example. She explained:

“[The net zero target] captures the public imagination, it tells us what’s gone wrong—that we’ve been emitting too many greenhouse gases, that we need to address that—and I think to say ‘We need to recover biodiversity by 2050’ would give us the same sort of perspective, which I think we actually really need.”²³¹

361. WEL called for “a long term target for biodiversity recovery by 2050” (as well as short-term/interim and long-term targets).²³²

362. FUW suggested a “longer term vision” backed by short term targets, highlighting the role of carbon budgets in supporting the net zero target.²³³

363. While Neil Parker (NRW) acknowledged the net zero target was “powerful”, he did not consider a comparable “headline target” for biodiversity would be workable.²³⁴ He said:

“there are many more moving parts [in terms of biodiversity]. How you then track that and monitor that and deliver upon that becomes much more difficult.”²³⁵

²²⁹ Written evidence, WWF Cymru

²³⁰ RoP, para 142, 9 July 2025

²³¹ RoP, para 143, 9 July 2025

²³² Written evidence, WEL

²³³ Written evidence, FUW

²³⁴ RoP, para 235, 17 July 2025

²³⁵ RoP, para 235, 17 July 2025

364. Beth Stoker (JNCC) said, “We absolutely understand the value of having a headline target, particularly from a communications perspective, and building that narrative around the importance of nature”.²³⁶ However, she explained there is no precedent for a “headline” biodiversity target, either in England or internationally. Therefore, she concluded it is unclear what the real-world value would be.

A 2035 target for species abundance

365. Environmental organisations called for the Bill to include a target to reverse the decline in species abundance by 2035 (the 2035 target). The FGC supported this call.

366. In explaining the rationale for the 2035 target, RSPB Cymru said:

“This short-term target, addressing a key biodiversity measure, would act as a ‘north star’ - giving an indication of the scale and pace of change required to set biodiversity on a path to recovery, and embedding the ambition and commitment of the current Welsh Government and Senedd as they prepare to hand the delivery of this vital legislation onto the next.”²³⁷

367. A similar target is included in the UK Act (along with duties to establish long term environmental targets).²³⁸ In commenting on the effect of that target, Ruth Chambers said:

“We see it everywhere. It’s pervasive, but in a good way. It drives Government action, the civil service talk about it, there are programmes of activity attached to it. What we know is that one of the single biggest drivers of civil service activity is fear of legal risk and worries about compliance.”²³⁹

368. WEL asserted that without the 2035 target “there is no signal on the face of the Bill of ambition or urgency...leaving Wales’ environmental efforts directionless until targets are set by regulations, which could be years away”.²⁴⁰

²³⁶ RoP, para 231, 17 July 2025

²³⁷ Written evidence, RSPB Cymru

²³⁸ Section 3 of the Environment Act 2021 places a requirement on the Secretary of State to set a target by regulations in respect of a matter relating to species abundance. The specified date for the species abundance target must be 31 December 2030.

²³⁹ RoP, para 130, 17 July 2025

²⁴⁰ Written evidence, WEL

369. Ruth Chambers said:

"I fear that [without the 2035 target] the drift that we've experienced [to date]...will continue, and just be put off to the next deadline and the next deadline".²⁴¹

Target duration

370. Environmental organisations raised concern that the Bill does not specify the duration of targets to be set in regulations (under new section 6B of the 2016 Act). They said this would enable a future government to set all short-term or all long-term targets, emphasising the need for both. WEL explained:

"Long-term targets are required to set out a vision for nature restoration, providing a point (or outcome) to aim for as actions are taken, over many years, to recover and restore biodiversity...Interim or shorter-term targets drive immediate action, create accountability, and serve as good indicators of progress".²⁴²

371. Environmental organisations called for the Bill to be amended to ensure both types of targets are set. Green Alliance said:

"Just as the Global Biodiversity Framework describes both 2030 targets and longer-term 2050 goals, the bill should ensure that Welsh Ministers are accountable for delivering legally binding interim and long-term targets, with at least one long-term and one short-term target required for each priority area".²⁴³

372. WEL, WWF Cymru and RSPB Cymru called for long-term targets of at least 15 years (in line with the approach taken in the UK Act for setting environmental targets for England and Northern Ireland).

373. WWF Cymru said short-term targets should be set "for each Senedd term until [the attainment of long-term targets]".²⁴⁴

374. Other contributors emphasised the importance of setting both short-term and long-term targets, but did not go so far as to suggested the Bill should expressly provide for this. Beth Stoker (JNCC) advocated for "a suite of targets that

²⁴¹ RoP, para 130, 17 July 2025

²⁴² Written evidence, WEL

²⁴³ Written evidence, Green Alliance

²⁴⁴ Written evidence, WWF Cymru

represents different timelines”.²⁴⁵ Regardless of the target duration, she emphasised the importance of regular monitoring and reporting against progress.

Priority areas

375. There was general support for the four priority areas for targets.²⁴⁶ NRW said they provide “a strong foundation” for action now and in the long term.²⁴⁷ JNCC commented on the alignment of the priority areas with the wider GBF.

376. WEL highlighted the need for “a suite of biodiversity targets...to collectively drive action to recover threatened species, transform our protected sites and embed them in resilient ecological networks, and restore ecosystems that provide benefits for people and wildlife”.²⁴⁸ It called for the Bill to include a requirement “that [Welsh] Ministers must be satisfied that the suite of targets set will significantly contribute to halting and reversing the decline in biodiversity, and ultimately restoring it to healthy and resilient levels”.²⁴⁹

377. Professor Steve Ormerod emphasised the need for targets to be “outcome focused rather than action-led”.²⁵⁰ WEL, RSPB Cymru and TfW echoed this.

378. RSPB Cymru sought assurance that multiple targets would be set for each priority area over time, asserting “a single target in these priority areas would be insufficient”.²⁵¹ WEL and Dr Victoria Jenkins shared this view.

379. Contributors sought clarification on, and suggested drafting changes to, certain “priority areas”, and highlighted matters to be prioritised within those areas.

Reducing the risk of the extinction of native species

380. RSPB Cymru raised concern that, as drafted, the “reducing the risk of extinction of native species” priority area “could be limiting” as it “could be read as focusing only on extinction risk, rather than wider species measures”.²⁵² It asserted:

²⁴⁵ RoP, para 233, 17 July 2025

²⁴⁶ New section 6C of the Environment (Wales) Act, to be inserted by section 33 of the Bill sets out the following priority areas for targets: reducing the risk of 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 application.

²⁴⁷ Written evidence, NRW

²⁴⁸ Written evidence, WEL

²⁴⁹ Written evidence, WEL

²⁵⁰ Written evidence, Professor Steve Ormerod

²⁵¹ Written evidence, RSPB Cymru

²⁵² Written evidence, RSPB Cymru

“It is vital that this framework seeks to drive the recovery not only of threatened species, but also species that are widespread but declining, as well as keeping common species common (this is in keeping with Target 4 and Goal A of the GBF).”²⁵³

381. It called for the priority area to be redrafted “more broadly”, suggesting “improving the status of native species”.²⁵⁴

The effective management of ecosystems

382. RSPB Cymru said the “effective management of ecosystems” priority area “makes a welcome connection to both the ecosystem restoration target (target 2) and the 30 by 30 target (target 3) of the GBF”. It emphasised the importance of targets addressing “both extent and condition of ecosystems – rather than only considering management as an action-based proxy for these”.

383. NRW said the “effective management of ecosystems” priority area is the most helpful in the marine context, particularly in relation to resilience for the Marine Protected Area network.

Reducing pollution

384. While Professor Steve Ormerod supported “pollution” as a priority area he questioned whether focussing on pollution might mean “miss[ing] the need to control other drivers of biodiversity decline” such as degrading habitat and invasive non-native species.²⁵⁵ He added, “I think the assumption is that some of other major drivers are captured by the actions that will be taken around ecosystem resilience or preventing extinction”.²⁵⁶

385. Dr Victoria Jenkins expressed concern that pollution targets set under the Bill “could be confused and overlap with wider targets”.²⁵⁷

386. WWF Cymru called for the Welsh Government “to set a clear target to halve excess nutrient loss by 2030 as part of [the pollution] priority area”. It added, “This

²⁵³ Written evidence, RSPB Cymru

²⁵⁴ Written evidence, RSPB Cymru

²⁵⁵ Written evidence, Professor Steve Ormerod

²⁵⁶ RoP, para 159, 9 July 2025

²⁵⁷ Written evidence, Dr Victoria Jenkins

would reflect the COP15 agreement²⁵⁸ and drive government and public authority action to addressing freshwater pollution which remains rife across Wales”.²⁵⁹

The quality of evidence etc.

387. Dr Jenkins said there is “clearly a need for a robust system of evidence to underline the system of governance for halting and reversing biodiversity decline”.²⁶⁰ However, she referred to the “quality of evidence” priority area as “confusing”. She considered it would be important for targets within this priority area to focus on evidence quality, rather than access to and the use and application of evidence.

Timeframe for priority area targets

388. There was widespread criticism of the three-year timeframe for laying regulations setting the first suite of targets, with contributors asserting it is insufficiently ambitious, particularly in the context of on-going decline in biodiversity in Wales and the GBF 2030 targets.

389. WEL said:

“The Bill currently requires targets to be set within 36 months of Royal Assent – this timeframe means that targets might not be set until 2029. Given that the target priority areas are based on the GBF 2030 Targets, it would be unacceptable to delay target setting to a point where no measurable progress could be made by 2030. There is a clear risk the urgent change needed to reverse biodiversity loss would be delayed as a result.”²⁶¹

390. RSPB Cymru said the timeframe is “unacceptably long...given the nature emergency that Wales currently faces”.²⁶² Ruth Chambers referred to the timeframe as “a luxury we can’t afford”. BASC said three years to set the targets is “excessive”.²⁶³

391. Environmental organisations and the Royal Society for Chemistry highlighted that targets were set for England within 13 months of the UK Act receiving Royal

²⁵⁸ Target 7 of the GBF is to reduce pollution risks to non-harmful levels by 2030.

²⁵⁹ Written evidence, WWF Cymru

²⁶⁰ Written evidence, Dr Victoria Jenkins

²⁶¹ Written evidence, WEL

²⁶² Written evidence, RSPB Cymru

²⁶³ Written evidence, BASC

Assent. Further, the proposed timeframe to set targets for Scotland is 12 months (after the relevant section of the Natural Environment (Scotland) Bill comes into force). Ruth Chambers said, “Other Governments have done it within 12 months, so we have to ask why that wouldn’t be possible in Wales?”.²⁶⁴

392. In advocating for the Bill to provide for a more ambitious timeframe, the Royal Society of Chemistry asserted:

“Given the urgency of the biodiversity crisis in Wales...action should not be delayed until all information is available. Committing to early and ambitious targets can help front-load mitigation, delivering environmental, health and economic benefits earlier in the target period.

Introducing such targets would also help drive earlier action, accountability and investment, allowing relevant stakeholders to adapt practices and deliver meaningful change early. Furthermore, acting sooner enables better alignment [of] efforts across the UK, increasing coherence and amplifying the collective impact to shared environmental challenges.”²⁶⁵

393. Environmental organisations noted that considerable work has already been undertaken towards the development of targets and suitable indicators. They considered a 12-month timeframe would be achievable, calling for the Bill to be amended to this effect.

394. The Welsh Government has commissioned the JNCC to undertake two projects (on potential biodiversity indicators and scenario modelling for targets) to inform target development. The Committee sought an update from JNCC on progress to date. JNCC explained that work on potential indicators would be completed in October 2025, with the possibility of further work on indicator development, subject to need and resource availability. Work on scenario modelling was expected to be completed around June 2026.

395. JNCC has supported the development of targets for England and the proposed targets for Scotland. In commenting on the timeframe for target development, Beth Stoker (JNCC) said, “I think experience and evidence suggests that the targets can be developed within a tight 12-month timetable”.²⁶⁶ She

²⁶⁴ RoP, para 148, 17 July 2025

²⁶⁵ Written evidence, Royal Society of Chemistry

²⁶⁶ RoP, para 247, 17 July 2025

added, “I understand there are Welsh-specific issues that might mean that that longer timetable is needed in Wales”.²⁶⁷

396. DCWW explained that, for water companies, the timing of the targets will be “critical”, highlighting the need to ensure they are adequately reflected in investment proposals. It called for the Welsh Government to “provide early direction through strategic guidance, including incorporation into Strategic Direction Statements”.²⁶⁸

Target-setting process

397. The Committee received limited evidence on the target-setting process (new section 6D of the 2016 Act (to be inserted by section 33 of the Bill)).

398. RSPB Cymru said the requirement on the Welsh Ministers to publish a summary of independent advice under the target-setting provision “will provide some transparency”.²⁶⁹ However, it called for a requirement on the Welsh Ministers to take account of that advice, in line with the approach taken in the Natural Environment (Scotland) Bill.

399. Several contributors emphasised the importance of stakeholder engagement and public consultation before making regulations to set targets.

400. DCWW called for a “a clear consultation process” on all regulations made under the Bill, including those to set targets.²⁷⁰

401. Professor Maria Lee reiterated the need for a requirement for public consultation, consistent with the Aarhus Convention.

402. Academics from University of Wales Trinity St David and UNESCO-MOST bridges²⁷¹ called for a requirement to consult with community groups, local heritage organisations and other “non-institutional knowledge holders” before making regulations.²⁷²

²⁶⁷ RoP, para 247, 17 July 2025

²⁶⁸ Written evidence, DCWW

²⁶⁹ Written evidence, RSPB Cymru

²⁷⁰ Written evidence, DCWW

²⁷¹ UNESCO-MOST BRIDGES is a humanities-driven transdisciplinary sustainability science coalition focused on solving the social problems highlighted by the UN Sustainable Development Goals (SDGs).

²⁷² Written evidence, Gareth Thomas, Louise Steel and Luci Attala, University of Wales Trinity St David and UNESCO-MOST

403. Countryside Alliance emphasised the importance of consultation with the farming sector and others likely to be impacted by the targets. Similarly, NFU Cymru advocated a duty on the Welsh Ministers to consult landowners and their representatives, given the potential impact of targets on land use/management. It added failure to consult could place strain on, or damage, relations between the Welsh Government and farmers.

404. NWFRS and South Wales Fire and Rescue Service (SWFRS) called for the Welsh Fire and Rescue Service Authorities to be statutory consultees for the target-setting regulations.

Review of targets

405. New section 6G of the 2016 Act (to be inserted by section 33 of the Bill) provides that the Welsh Ministers may review a target “from time to time”. Further, they are required to review a target if it appears to them that the target may not be met, or that the target may no longer be appropriate.

406. Many contributors raised concern that the review provisions provide the Welsh Ministers with complete discretion over whether and when to review targets. There were calls for the Bill to be amended to include a requirement for regular review of targets.

407. Ruth Chambers said enabling the Welsh Ministers to review targets from “time to time” is “the start of a potentially very slippery slope, and it gives future Ministers maximum headroom to obfuscate if they wanted to do that”.²⁷³ She added:

*“‘From time to time’ could mean tomorrow, it could mean in three months, it could mean in 20 years; we just simply don’t know. So, I don’t think it would be unreasonable to ask for a more specific and sensible timescale to be put into the Bill for reviewing targets”.*²⁷⁴

408. RSPB Cymru, Green Alliance and the Royal Society of Chemistry highlighted that, under the UK Act, the Secretary of State is required to review environmental targets (including biodiversity targets) every three years.²⁷⁵ Further, the Scottish Bill

²⁷³ RoP, 150, 17 July 2025

²⁷⁴ RoP, para 150, 17 July 2025

²⁷⁵ The UK Act places a duty on the Secretary of State to review environmental targets set under the Act every five years from the first review, which was required by 31 January 2023. The purpose of the review is to consider whether the targets (and other relevant targets) would significantly

proposes a requirement on the Scottish Ministers to review biodiversity targets every ten years.²⁷⁶

409. RSPB Cymru asserted that a requirement for regular review, combined with a requirement to seek independent advice “would enable the Welsh Government to ensure a sufficiently ambitious suite of biodiversity targets is established and maintained in the long term”.²⁷⁷ Friends of the Earth Cymru echoed this.

410. The Royal Society of Chemistry said:

*“[A requirement for regular review] would ensure that targets remain ambitious, evidence-based, and responsive to emerging challenges. It would also provide a clear cadence for progress, helping to maintain momentum and public confidence. Waiting until all conditions are ideal before acting risks delaying the very interventions needed to reverse environmental decline.”*²⁷⁸

411. UKELA and Dr Victoria Jenkins suggested targets should be reviewed regularly, for example, every three or five years. NFU Cymru suggested reviews at suitable intervals, for example, the mid-point, “to ensure that the targets remain relevant and up to date”.²⁷⁹

Revoking or lowering targets

412. New section 6H(1) of the 2016 Act) (to be inserted by section 33 of the Bill) limits the power for the Welsh Ministers to revoke or lower a target and sets out the circumstances under which a lowering or revocation may be permissible.

413. It was generally accepted that the power to revoke or lower targets is necessary to provide flexibility over the longer term. However, WildFish called for the power to be removed, saying it would allow the Welsh Ministers “to move the goalposts at a later date”.²⁸⁰

improve the natural environment in England. Following the review, the Secretary of State must report to the UK Parliament.

²⁷⁶ The Natural Environment (Scotland) Bill places a duty on Scottish Ministers to review and report on targets set under the Bill once every ten years. It also enables the Scottish Minister to review the targets “as they consider appropriate”.

²⁷⁷ Written evidence, RSPB Cymru

²⁷⁸ Written evidence, Royal Society of Chemistry

²⁷⁹ Written evidence, NFU Cymru

²⁸⁰ Written evidence, WildFish

414. Several contributors sought clarification on, or raised concerns about, the circumstances under which the power to set targets can be exercised to lower or revoke them.

415. WEL emphasised the need to ensure that “targets are not reduced to an extent as to undercut progress made towards meeting the targets”.²⁸¹ It added:

“As drafted, future Governments could seek to undermine the delivery against the biodiversity targets by re-setting targets of substantially reduced ambition, resulting in backsliding which nature can’t afford.”²⁸²

416. Dr Victoria Jenkins asserted the circumstances “appear to give Welsh Government a great deal of discretion”, calling for the drafting of new section 6H(1) to be “tightened up”.²⁸³ Similar views were expressed by Public Health Wales.

417. RSPB Cymru suggested consideration should be given to including a requirement on the Welsh Ministers to replace a target that is revoked with an alternative target. It explained comparable provision is included in the Natural Environment (Scotland) Bill, saying this “appears to provide a safeguard against biodiversity targets simply being dropped”.²⁸⁴

418. Friends of the Earth Cymru and BASC suggested the Bill should make clear that provisions to revoke or lower targets would enable the Welsh Ministers to set more ambitious targets if needs be.

Statement about targets

419. New section 6I of the 2016 Act (to be inserted by section 33 of the Bill) places a requirement on the Welsh Ministers to make a statement in relation to a target.

420. Where the Welsh Ministers make a statement that a target has not been met, they must, within 12 months, lay and publish a report explaining why the target has not been met, and steps they have taken, or intend to take, to ensure that the target is met “as soon as reasonably practicable”.

421. RSPB Cymru said “12 months seems unduly long...particularly given that, if a target has not been met, there is likely to be an urgent need for remedial actions

²⁸¹ Written evidence, WEL

²⁸² Written evidence, WEL

²⁸³ Written evidence, Dr Victoria Jenkins

²⁸⁴ Written evidence, RSPB Cymru

to be taken”.²⁸⁵ It called for reports to be laid and published within six months. Dr Victoria Jenkins raised concern that “as soon as reasonably practicable” is too vague and “may be significant in delaying progress”.²⁸⁶

Biodiversity data and monitoring

422. Many contributors highlighted that high-quality and appropriately resourced monitoring would be essential to delivering biodiversity targets. JNCC commented:

*“... effective delivery requires robust local monitoring and evaluation mechanisms that can capture spatial variation, inform place-based decision-making, and support adaptive management. Strengthening these elements is critical to ensuring that setting biodiversity targets leads to tangible outcomes on the ground.”*²⁸⁷

423. Many contributors identified insufficient resource for monitoring as a potential barrier to effective implementation of Part 3. Professor Steve Ormerod said resourcing is already an area of concern in monitoring organisations, commenting that “our capacity to monitor environmental change is declining, rather than increasing”.²⁸⁸

424. Professor Colin Reid said, “Gathering [biodiversity] data is currently a fragmented process, relying heavily on voluntary inputs”.²⁸⁹ He added, “how data is gathered, collected and made available all require attention”.²⁹⁰

425. BASC emphasised the importance of accurate and comprehensive baseline data to avoid “disproportionate regulation in the name of caution, rather than targeted interventions based on site-specific evidence”.²⁹¹

426. Several contributors highlighted the role of local people and organisations in monitoring. Academics from University of Wales Trinity St David and UNESCO-

²⁸⁵ Written evidence, RSPB Cymru

²⁸⁶ Written evidence, Dr Victoria Jenkins

²⁸⁷ Written evidence, JNCC

²⁸⁸ RoP, para 173, 9 July 2025

²⁸⁹ Written evidence, Professor Colin Reid

²⁹⁰ Written evidence, Professor Colin Reid

²⁹¹ Written evidence, BASC

MOST commented that the Bill should recognise the legitimacy of “community and heritage-based evidence”.²⁹²

427. NRW and Professor Steve Ormerod said monitoring frameworks should increase citizen science roles and include opportunities for collaboration.

428. WEL called for the Bill to include a duty on the Welsh Ministers to ensure data is available for the purpose of monitoring progress towards the biodiversity targets. It highlighted section 16 of the UK Act as an example to draw from. WEL said this would ensure work to increase monitoring capacity begins immediately, rather than waiting for a target to be set under the “quality of evidence etc.” priority area.

Section 34 – Public authorities’ duties

429. New section 6F of the 2016 Act (to be inserted by section 33 of the Bill) enables the Welsh Ministers by regulations to designate a public authority in relation to a target. Before making regulations, the Welsh Ministers must consult the relevant authority and “such other persons as they consider appropriate”.

430. Section 34 amends section 6 of the 2016 Act to add provision requiring a public authority designated under new section 6F to take action to contribute to meeting a target in relation to which it has been designated.

431. These provisions are intended to complement the existing biodiversity duty in section 6 of the 2016 Act (the existing biodiversity duty)²⁹³, which has been subject to significant criticism from environmental organisations, Audit Wales²⁹⁴ and this Committee²⁹⁵.

Evidence from stakeholders

432. Most contributors who commented on designation and the associated duty were generally supportive of the approach taken. However, some contributors

²⁹² Written evidence, Gareth Thomas, Louise Steel and Luci Attala, University of Wales Trinity St David and UNESCO-MOST

²⁹³ Section 6(1) of the Environment (Wales) Act 2016 places a duty on public authorities (defined in section 6(9) of the Act) to seek to maintain and enhance biodiversity in the exercise of functions in relation to Wales, and in so doing promote the resilience of ecosystems, so far as consistent with the proper exercise of those functions.

²⁹⁴ In its report, The Biodiversity and Resilience of Ecosystems Duty (March 2025), Audit Wales found poor implementation of the duty. It made a series of recommendations to the Welsh Government aimed at addressing this.

²⁹⁵ In its report, Halting and reversing the loss of nature by 2030 (January 2025), the Committee found shortcomings in the implementation of the duty and made several recommendations aimed at addressing these.

called for clarification on and/or raised concern about what designation would mean in practice.

433. Annie Smith said public authorities have a “fundamental role to play” in target delivery. She referred to the weaknesses in the existing biodiversity duty, suggesting designation and the associated duty may help address this. She said:

“it is really welcome that the Bill thinks about a way of binding public authorities into delivery... I think the question is: what’s the best way of enabling this bit of the Bill to almost act as something that gives new responsibilities to those public authorities, so that it is absolutely in their remit to be delivering for biodiversity and contributing to those targets?”²⁹⁶

434. The FGC commented that the approach taken “likely means that the wider public sector will have no requirement to contribute to nature targets ahead of the 30x30 deadline, which is a missed opportunity”.²⁹⁷

435. Hafren Dyfrdwy raised concern about the ask for water companies if designated. It said:

“Given that water companies now have statutory biodiversity [Outcome Delivery Incentives] to deliver against, we would want reassurance that this would not result in an expectation of delivering more than our ‘fair share’.”²⁹⁸

436. It went on to emphasise the importance of “balancing ambition with [water] bill affordability”, adding water companies “should not be placed in a position where we are not funded for additional obligation”.²⁹⁹

437. The WLGA emphasised the need to ensure local authorities have sufficient powers to enable them to effectively contribute to target delivery, in particular through the planning regime.

438. Audit Wales and the WLGA suggested further clarity is needed on which public authorities could be designated, thereby subject to the new duty. This follows Audit Wales’ [report on implementation of the biodiversity duty](#) (March 2025), which found uncertainty about which authorities are covered by the

²⁹⁶ RoP, para 165, 17 July 2025

²⁹⁷ Written evidence, FGC

²⁹⁸ Written evidence, Hafren Dyfrdwy

²⁹⁹ Written evidence, Hafren Dyfrdwy

existing biodiversity duty. In its report, Audit Wales recommended the Welsh Government publish a list of authorities covered by the biodiversity duty. The Welsh Government committed to do this by the end of 2025.

439. Audit Wales told the Committee:

“To maintain clarity following the amendment inserted by section 34(4) of the Bill, we think the Welsh Government will need to provide additional lists (or a segmented list) that set out which bodies are covered by the particular duties (the s6(5)(d) duty and the s6(2A) duty).”³⁰⁰

440. Several contributors considered that all public authorities should have a role in supporting target delivery, rather than authorities designated by the Welsh Ministers.

441. UKELA advocated for a general duty on authorities “to consider how their functions might be discharged in a manner which fulfils the objective of halting and reversing the decline of biodiversity”.³⁰¹

442. WEL called for a duty on all authorities “to deliver and report against the biodiversity targets”.³⁰²

443. Climate Cymru suggested all public authorities should be required to “actively deliver” or “achieve” these nature recovery targets where their functions impact nature”.³⁰³

Importance of funding

444. Contributors emphasised the need for designated authorities to be properly funded to take action to support target delivery.

445. Alex Phillips said:

“I think that [designation and the associated duty] could actually really change things, but this can’t be an excuse for Welsh Government to just palm off responsibility onto other

³⁰⁰ Written evidence, Audit Wales

³⁰¹ Written evidence, UKELA

³⁰² Written evidence, WEL

³⁰³ Written evidence, Climate Cymru

bodies. It needs to come with money to do that as well, and sufficient wider resources.”³⁰⁴

446. Ruth Chambers said, “Targets won’t deliver themselves, so assigning that responsibility could be really significant. It shouldn’t come without resourcing”.³⁰⁵

447. Jean-Francois Dulong (WLGA) highlighted “resources, funding, expertise and capacity” as barriers for local authorities to drive biodiversity action.³⁰⁶ While he welcomed the steps the Welsh Government had taken to date to support authorities, he said it was insufficient to ensure effective implementation of the existing biodiversity duty. He referred to Audit Wales’ March 2025 report, which found poor implementation of the duty across the public sector.

448. Jean- Francois Dulong added:

“if we are already failing in some aspects of the [existing biodiversity duty], I am not sure how strengthening the section 6, without adequate funding, is going to solve the problem”.³⁰⁷

449. SWFRS said the duty “is a significant, unfunded mandate”, adding:

“Meaningful action beyond our existing response function and greening activities within the current estate will require new investment and without a clear “new burdens” funding commitment from the Welsh Government, this duty has the potential to divert funds from other activity or remain unfunded and conceptual.”³⁰⁸

450. NWFRS echoed this and cautioned that without additional resource the duty would “divert critical funds from our core life-safety functions, creating an unacceptable public risk”.³⁰⁹

Guidance to support implementation

451. There is no requirement on the Welsh Ministers to publish guidance to support designated public authorities to comply with their new duties under Part 3 of the Bill (i.e. the duty to contribute to target delivery and the associated

³⁰⁴ RoP, para 168, 17 July 2025

³⁰⁵ RoP, para 170, 17 July 2025

³⁰⁶ RoP, para 56, 18 September 2025

³⁰⁷ RoP, para 70, 18 September 2025

³⁰⁸ Written evidence, SWFRS

³⁰⁹ Written evidence, NWFRS

planning and reporting duties). According to the EM, the Welsh Government intends to review and update the biodiversity duty guidance to align with Part 3.

452. There was a general view that clear and timely guidance will be needed to support public authorities' compliance with the new duties (under all Parts of the Bill, including the new planning and reporting duties). DCWW said the success of the Bill will "depend heavily on the quality of the guidance". It added, if "these materials are delayed or lack clarity, public authorities may struggle to understand and fulfil their obligations".³¹⁰

453. Jean-Francois Dulong suggested a requirement for the Welsh Ministers to publish guidance to support implementation of the new duty would be helpful.

454. Audit Wales said its March 2025 report "highlighted specific concerns raised by public authorities about guidance and supporting information regarding the [biodiversity] duty". It said:

*"The Bill (when enacted) will no doubt be accompanied by new guidance. This provides a key opportunity to review and refresh existing guidance. However, the Welsh Government will need to be mindful of the inherent risk that new guidance could add to current complexities and confusion for public authorities. Any new guidance will need to be clear about how expectations and requirements from the Bill will interact with those set out in the 2016 Act."*³¹¹

Section 35 – Welsh Ministers' plans under section of the 2016 Act

455. Section 6 of the 2016 Act places a duty on public authorities (including the Welsh Ministers) to publish plans setting out their proposed actions to meet the biodiversity duty.

456. Section 35 of the Bill amends section 6 of the 2016 Act to require the Welsh Ministers to specify in their plan (subsequently referred to in this report as the 'augmented plan'): actions they proposed to take to ensure that the biodiversity targets are met, when they propose to take that action and how the targets, if met, will contribute to halting and reversing the decline in biodiversity.

³¹⁰ Written evidence, DCWW

³¹¹ Written evidence, DCWW

Evidence from stakeholders

457. RSPB Cymru welcomed the new requirement, saying:

“The connection to statutory targets, and Welsh Ministers’ duty to ensure the targets are met, should make this process more robust than current arrangements [under section 6], with clear additional opportunities to hold Government to account.”³¹²

458. While the OEP did not comment directly on section 35, it emphasised the importance of “planning and transparency in setting out how targets are to be achieved”.³¹³ It asserted:

“Statutory targets should be supported by statutory requirements for delivery plans that ensure clear, sufficiently detailed and plausible delivery pathways are in place and followed. This is not least so that all who are to play their part understand the contribution they are intended to make, and so progress can be properly tracked and delivery pathways adjusted if needed.”³¹⁴

459. RSPB Cymru and NRW highlighted the need for a cross-government approach to target delivery and for the augmented plan to reflect this. RSPB Cymru noted that, under Part 1 of the 2016 Act, the Welsh Government’s net zero plan “must set out proposals and policies covering the areas of responsibility of each of the Welsh Ministers”. It suggested a comparable requirement should be included in the Bill in respect of the augmented plan.

460. RSPB Cymru drew attention to the lack of requirement on the Welsh Ministers to engage/consult stakeholders when developing the augmented plan.

Section 36 – Reports under section 6 of the 2016 Act

461. Section 6 of the 2016 Act places requirements on public authorities and the Welsh Ministers to publish a three-yearly report on implementation of the biodiversity duty.

462. Section 36 amends section 6 of the 2016 Act to require:

³¹² Written evidence, RSPB Cymru

³¹³ Written evidence, OEP

³¹⁴ Written evidence, OEP

- a public authority to explain in a report what it has done to contribute to meeting the biodiversity target to which it has been designated (where applicable); and
- the Welsh Ministers' to explain in their report the progress being made towards meeting the biodiversity targets set, and whether they are likely to be met.

Evidence from stakeholders

463. The Committee received limited evidence on section 36.

464. Audit Wales referred to its March 2025 report, which found “that current approaches to reporting [on the biodiversity duty] are inconsistent and of variable quality”. In commenting on section 36, it suggested the new reporting requirements “have potential to help strengthen monitoring and reporting [under section 6 of the 2016 Act]”.³¹⁵

465. Audit Wales raised concern that, despite the various reporting requirements in Part 3, “in practice, there may be no overall report that sets out the activity and effects of all relevant public authorities in relation to biodiversity targets”.³¹⁶ It drew attention to its recommendation for the Welsh Government to produce reports that provide an overall view on public authorities' actions, progress, and compliance with the duty.

Reporting cycles

466. DCWW and NFU Cymru considered the current three-year reporting cycle may not allow sufficient time to assess the effectiveness of measures. DCWW said a longer-term reporting framework, supported by simplified interim updates, may provide a more meaningful assessment of progress. NFU Cymru expressed a similar view, suggesting a five year reporting cycle for long-term targets, and a three-year cycle for short term targets.

Section 37 – Evaluation report

467. Section 37 amends the 2016 Act to add new section 6A requiring the Welsh Ministers to publish an ‘evaluation report’ before the end of 2031 and every three years thereafter. The evaluation report must outline the Welsh Ministers’

³¹⁵ Written evidence, Audit Wales

³¹⁶ Written evidence, Audit Wales

assessment of the impact and effectiveness of the proposals set out in their plans to maintain and enhance biodiversity under section 6 of the 2016 Act.

Evidence from stakeholders

468. The Committee received limited evidence on section 37.

469. RSPB Cymru said that the Welsh Ministers should not be solely responsible for reviewing the effectiveness of biodiversity plans. It suggested the OEGW should be given an evaluation role similar to that of the OEP in respect of environmental plans for England and Northern Ireland. This issue was explored in more detail in paragraphs 198 to 205.

Section 38 – Promoting awareness of biodiversity

470. Section 38 amends the 2016 Act to confer a duty on Welsh Ministers to take steps to promote awareness in Wales of the importance of biodiversity and the threats to biodiversity.

Evidence from stakeholders

471. The Committee received limited evidence on section 38.

472. While the FGC welcomed the duty on the Welsh Ministers to promote awareness of biodiversity, he commented that it lacked detail.

473. Public Health Wales said, as part of the duty, the Welsh Ministers should promote awareness of the importance of biodiversity to human health and well-being.

Evidence from the Cabinet Secretary

Section 33

A “headline target” or “mission statement”

474. When asked about the move away from a “mission statement”, the Cabinet Secretary said:

“instead of a mission statement, which...would have been a declaratory statement, the Bill incorporates our ambition to tackle the nature emergency through how the powers and duties in the Bill interact...We think that this new

*approach...reflects the intent of the previously proposed mission statement. In fact, it takes a further step, because it sets out the specific aspects of biodiversity that we must contribute to. So, we've done it in a different way, but we think in a much more explicit way and a way that will drive that in trying to halt and reverse biodiversity loss.*³¹⁷

2035 target for species abundance

475. The Cabinet Secretary explained that the approach taken in the Bill reflects the Welsh Government's commitment to "an ecosystem-based approach", which focuses on the health and resilience of that overall ecosystem. He asserted:

*"It gives that much more holistic, sustainable pathway to nature recovery in the round. So, if we go for a headline species abundance target, it would diverge from this ecosystem-based approach, which underpins all of our environmental policies, which are well established...[and] based on the global biodiversity framework approach".*³¹⁸

476. The Cabinet Secretary said the Bill reflects the importance of species abundance, adding:

*"[It] is as a key consideration for Welsh Ministers in setting out our targets. So, in setting the targets, Welsh Ministers, I and others have got to be satisfied that those targets contribute to halting and reversing biodiversity decline, and in particular that they contribute to increasing the abundance of native species or enhancing the resilience of ecosystems and increasing genetic diversity".*³¹⁹

477. The Cabinet Secretary explained that including a species abundance target "would mean doing so without undertaking the necessary scenario modelling to enable us to get to that much more specific, measurable, achievable and realistic target".³²⁰ He added that setting such a target without consultation with a broad range of stakeholders, could jeopardise deliverability.

³¹⁷ RoP, para 131, 26 June 2025

³¹⁸ RoP, para 218, 18 September 2025

³¹⁹ RoP, para 219, 18 September 2025

³²⁰ RoP, para 220, 18 September 2025

Target duration

478. The Committee asked the Cabinet Secretary why the Bill is silent on the duration of targets. He said, this would enable the Welsh Ministers to adopt “a much more flexible approach”, allowing short, medium and long-term target to be set.³²¹

479. The Cabinet Secretary added:

“This...reflects the complexities of our environmental systems...So for example, setting the target to determine the condition of all our protected sites is likely to be a very short-term target. However, a habitat extent and condition target is likely to be a longer timeframe. It can take decades for some habitats to be turned around and to become well established.”³²²

480. The Cabinet Secretary said he was open to suggestion for how to include target durations in the Bill, while allowing for flexibility to set a meaningful range of targets.

Priority areas

481. The Cabinet Secretary explained that the priority areas had been developed in the context of the 23 GBF targets and “following extensive engagement and prioritisation with a range of stakeholders”.³²³ He said he was “confident...that we are addressing the most pressing, urgent biodiversity challenges and issues in Wales”.³²⁴

482. The Cabinet Secretary asserted that the priority area for “reducing the risk of extinction of native species” “doesn’t preclude setting a target that addresses abundance, distribution or extinction”.³²⁵ He added:

“in considering how [the] target-setting requirements work alongside the priority areas, this provides additional confidence that targets will be set that reflect the importance of other species than those only at risk of extinction”.³²⁶

³²¹ RoP, para 221, 18 September 2025

³²² RoP, para 221, 18 September 2025

³²³ RoP, para 136, 26 June 2025

³²⁴ RoP, para 136, 26 June 2025

³²⁵ RoP, para 231, 18 September 2025

³²⁶ RoP, par 231, 18 September 2025

Timeframe for priority area targets

483. The Cabinet Secretary told the Committee that work to inform target development “is happening at pace”.³²⁷ He said JNCC’s work on scenario modelling was due to start shortly and would likely take 12-months to complete. This work “will provide the evidence base so that we can set the appropriate target levels for Wales”.³²⁸

484. The Cabinet Secretary explained that, following target development, time would be needed to bring forward regulations, which would involve completion of impact assessments, public consultation, drafting regulations, and procedural steps in the Senedd. He asserted the Welsh Government would bring forward regulations ahead of time, “if we are able to”.³²⁹

485. In commenting on the time taken to set targets for England, the Cabinet Secretary explained the evidence and analysis that underpinned those targets took two years. He asserted that the timing of the proposed targets for Scotland remains uncertain because of the commencement provisions in the Scottish Bill.

486. The Cabinet Secretary emphasised the importance of taking time to get the targets right. He referred to a recent report by the OEP, which found DEFRA modelling for the 2030 species abundance target “suffered because it had simplified assumptions and data gaps”.³³⁰ He asserted:

“They leapt to it. They went for it. And that undermined it as a target. So, we’re trying to learn from DEFRA’s experience and other people’s experience. So, we have templated a more conservative timeline—I acknowledge that—in developing these targets, but we believe this is important because it will allow us to much more accurately develop our model assumptions, get it right, and lead to much more concrete target ambitions that are really tangible, really measurable, and can be delivered.”³³¹

487. The Cabinet Secretary told the Committee that a 12-month timeframe for target setting “would severely curtail the amount of detailed work and modelling that we’re able to undertake”.³³² He added, “it could potentially reduce the level of

³²⁷ RoP, para 145, 26 June 2025

³²⁸ RoP, para 147, 26 June 2025

³²⁹ RoP, para 148, 26 June 2025

³³⁰ RoP, para 236, 18 September 2025

³³¹ RoP, para 236, 18 September 2025

³³² RoP, para 236, 18 September 2025

our targets, because we'd have to leap at simplified, cruder targets, and perhaps badly informed targets".³³³

Target-setting process

488. The Committee asked the Cabinet Secretary why the Bill does not include a requirement for the Welsh Ministers to consult before making target-setting regulations. He said, while there is no express provision in the Bill, he would expect public consultation to be undertaken, in line with current Welsh Government consultation policy.

489. The Cabinet Secretary's official added that, in making regulations, the Welsh Ministers have to apply the principles of sustainable management of natural resources, which include making appropriate arrangements for public participation in decision making.

Review of targets

490. When asked why there is no requirement on the Welsh Ministers to review targets periodically, the Cabinet Secretary told the Committee:

*"every three years we are compelled to have a progress report, and that progress report can help identify whether targets need reviewing because they are out of date, they are no longer relevant, they are not doing what they were intended to do, we have got some more evidence, and so on. So, that's why we have got 'from time to time'."*³³⁴

491. He added that the Welsh Ministers are required to review a target if it appears that the target may not be met, or that the target may no longer be appropriate.

Revoking and lowering targets

492. In explaining the rationale for the power to revoke and lower targets, the Cabinet Secretary said:

"Ordinarily, a power to make regulations also includes a power to make subsequent regulations that amend or revoke the earlier regulations (section 18 of the Legislation (Wales) Act

³³³ RoP, para 236, 18 September 2025

³³⁴ RoP, para 157, 26 June 2025

2019). *The Bill introduces restrictions on this power, limiting the circumstances in which the Welsh Ministers may use [it] to prevent an unwarranted lowering of ambition.*³³⁵

493. The Cabinet Secretary said he was “open-minded” to including provision to require the Welsh Ministers to replace a revoked target with a new alternative target.³³⁶ He added such provision “could be quite a valuable addition to the Bill” and “could help to further strengthen its impact and its ambition”.³³⁷

Biodiversity data and monitoring

494. The Cabinet Secretary asserted that a duty on the Welsh Ministers to ensure monitoring data is available was not necessary. He said:

*“the Bill already, as drafted, has really strong provisions to support transparency and accountability in monitoring those targets. So, if I can draw your attention to section 6B(5)(b), which puts that duty on Welsh Ministers to specify indicators for measuring progress against the targets, and the use of indicators, of course, requires Welsh Ministers to support the collection and the availability of data needed to inform them. Those will be published as part of the section 6 report, so that the underlying data is very much publicly accessible as well.”*³³⁸

495. Further, he said, the priority area for “the quality of evidence etc.” seeks to ensure robust data and information is made available to support decision-making and policy development, as well as progress monitoring.

The Cabinet Secretary asserted that a general duty to collect data “may not always be the most practical or appropriate way forward”, adding certain data collection could be “prohibitively expensive”.³³⁹ He said, “by developing more specific targets and indicators, we can take a much more strategic approach, put those resources where we know they’re going to have the greatest impact”.³⁴⁰

³³⁵ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

³³⁶ RoP, para 240, 18 September 2025

³³⁷ RoP, para 240, 18 September 2025

³³⁸ RoP, para 259, 18 September 2025

³³⁹ RoP, para 261, 18 September 2025

³⁴⁰ RoP, para 261, 18 September 2025

Section 34

496. The Cabinet Secretary said the designation of public authorities and the associated duty “will strengthen and provide further clarity on the implementation of [the biodiversity duty]”.³⁴¹ He asserted it would not be appropriate “to introduce a blanket duty on all public authorities beyond [that duty]”.³⁴² He suggested that, in effect, the biodiversity duty means all public authorities will be contributing to the delivery of biodiversity targets “in that broad sense”.³⁴³

497. When asked to explain the criteria for determining whether a public authority should be designated in relation to a target, the Cabinet Secretary said “[this] will depend largely on the nature of the target itself— specifically, its metrics and thematic focus”.³⁴⁴ He added:

*“The purpose of this duty is to make sure the Welsh Ministers only designate public authorities that are genuinely able to help deliver a target through their existing responsibilities. Before any designation is made, Ministers must consult with the authority in question. This gives us a chance to have a direct conversation with them about whether they have the right tools, expertise, and capacity to contribute meaningfully to the target.”*³⁴⁵

498. The Cabinet Secretary acknowledge the need to develop skills and grow capacity across the board to support the Bill’s implementation. He said, “we’re very seized with that; we’re working on it”.³⁴⁶

Section 35

499. The White Paper proposal was for a statutory National Biodiversity Strategy and an accompanying Nature Recovery Plan. These have not been take forward in the Bill. When asked to explain the reason for this, the Cabinet Secretary said the approach taken builds on existing legal requirements and seeks to avoid

³⁴¹ RoP, para 244, 18 September 2025

³⁴² RoP, para 244, 18 September 2025

³⁴³ RoP, para 244, 18 September 2025

³⁴⁴ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

³⁴⁵ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

³⁴⁶ RoP, para 246, 18 September 2025

duplication. He asserted the augmented plan “will serve Welsh Ministers as the Welsh biodiversity strategy”.³⁴⁷

500. The Cabinet Secretary subsequently clarified the Welsh Government’s intention is for the augmented plan to replace the current Nature Recovery Action Plan (NRAP). He explained, “The NRAP guides biodiversity action in Wales and we therefore see this as an opportunity to consolidate this and the Welsh Ministers’ section 6 plan”.³⁴⁸

501. On the need for cross-government responsibility for the augmented plan, the Cabinet Secretary said the new planning duty applies to all Welsh Ministers, adding “we think [the Bill] is robust already”.³⁴⁹

Section 36

502. The Cabinet Secretary provided an update on actions the Welsh Government is taking to support public authorities in implementation of the existing biodiversity duty, including: writing to public authorities to remind them of the requirement to publish their section 6 reports; issuing of a “resource sheet” with links to existing guidance; and publication of a planning template to support preparation of section 6 plans. He explained these actions are in line with Audit Wales’ recommendations.

503. The Cabinet Secretary said new or updated guidance would be published “as we introduce the biodiversity targets”.³⁵⁰ He said this would “be developed in line with those timescales and milestones of the target-setting process”.³⁵¹

Section 37

504. Given the limited evidence received on section 37, the Committee did not question the Cabinet Secretary on it.

³⁴⁷ RoP, para 161, 26 June 2025

³⁴⁸ Letter from the Cabinet Secretary for Climate Change and Rural Affairs to the Climate Change, Environment and Infrastructure Committee, 4 August 2025

³⁴⁹ RoP, para 249, 18 September 2025

³⁵⁰ RoP, para 256, 18 September 2025

³⁵¹ RoP, para 256, 18 September 2025

Section 38

505. The Cabinet Secretary provided examples of how the Welsh Ministers would comply with the duty in practice, including campaigns, education and skills development.

Our view

Section 33

A “headline target”

In our report, *Halting and reversing the loss of nature by 2030* (January 2025), we recommended the Bill should include a “headline target” aligned with the GBF 2030 goal and 2050 vision, as proposed in the White Paper. The Welsh Government rejected this recommendation. As outlined in that report, Wales’ ambition to achieve net zero by 2050, aligned with global climate change commitments, is enshrined in law, and is now widely understood. We are disappointed the Welsh Government has chosen not to adopt the same approach for nature recovery. We believe the lack of a “headline target” in the Bill is a significant omission.

We acknowledge that the time taken to bring forward this Bill means a “headline target” to align with the GBF 2030 goal would likely be unachievable. However, we remain of the view that the Bill should include a “headline target” to reflect the overall ambition for biodiversity recovery by 2050. This would send a clear signal about the ambition of Part 3 of the Bill, and the long-term direction of travel. We expect the Cabinet Secretary to give further consideration to this.

A 2035 target for species abundance

We acknowledge the strong calls from contributors for the inclusion of a 2035 target on species abundance. We believe this would compliment the “headline target” we have already called for. We note that the UK Act makes provision for a “species abundance target”, with details subsequently set in regulations. We consider this a pragmatic approach, which will embed the commitment in primary legislation, while enabling further detailed work to be undertaken. We consider an 18-month timeframe for bringing forward regulations to be reasonable. We therefore expect the Cabinet Secretary to bring forward amendments at Stage 2 to give effect to this.

Target duration

We note the Cabinet Secretary's assertion that, as drafted, the Bill provides flexibility for the Welsh Ministers to determine the most appropriate duration for each target. While we recognise the advantages of this approach, we share contributors' concerns that the lack of detail on target durations risks Welsh Ministers taking a de minimis approach in future.

Stakeholders were clear that short-term/interim targets are necessary to drive progress towards a future, long-term target. We ask the Cabinet Secretary to consider how best to ensure the Bill secures a framework of both short-term/interim and long-term targets so that ambition is maintained and that stakeholders, the Senedd, and the Welsh public can track progress towards delivery.

Priority areas

We acknowledge the priority areas were informed by extensive stakeholder engagement. We expect this level of engagement to continue when developing proposals for future targets.

We welcome the Cabinet Secretary's assurance that the priority area for "reducing the risk of extinction of native species" would enable targets to be set to address species abundance and distribution, as well as extinction.

Timeframe for priority targets

In our January 2025 report, we made clear that a three-year timeframe for setting the first suite of targets would fail to reflect the urgency of the nature emergency. The evidence we received from contributors reinforced this: early and ambitious targets are needed to drive immediate action to halt the ongoing decline in Wales' nature. The three-year timeframe means that targets may not be set until 2029 – one year before the GBF 2030 targets, including the key 30 by 30 target, need to be met. In addition, we recognise that the rapid change in climate will serve only to exacerbate the decline in biodiversity. As such, we do not believe this timeframe is acceptable.

We have listened carefully to the arguments put forward by the Cabinet Secretary in favour of the three-year timeframe. However, we remain of the view that it is excessive and unnecessary. We do not doubt the Cabinet Secretary's commitment to set targets as soon as possible, but a future Welsh Minister would not be obliged to meet this commitment. The Bill must include a more

ambitious timeframe to ensure that target-setting is prioritised early in the Seventh Senedd. We note the strong calls for a 12-month timeframe. However, in view of JNCC's work on scenario modelling, and the forthcoming Senedd election, we believe an 18-month timeframe would be more realistic and achievable. We expect the Cabinet Secretary to bring forward an amendment to the Bill to provide for this.

Target-setting process

While we are broadly content with the target-setting process, we reiterate the importance of early and extensive engagement with stakeholders to inform target development. We acknowledge the Cabinet Secretary's intention to undertake public consultation before setting targets. However, as noted elsewhere in this report, a future Welsh Government would not necessarily be obliged to deliver on this intention. For clarity and certainty, we believe the Bill should require the Welsh Ministers to undertake public consult before making regulations to set targets. We expect the Cabinet Secretary to bring forward amendments at Stage 2 to give effect to this.

Review of targets

We agree with contributors that the review provisions should be strengthened. Targets should be subject to periodic review to ensure they remain ambitious and responsive to emerging evidence. We note that the statutory target-setting framework for air quality targets includes a requirement on the Welsh Ministers to review targets every five years. It is unclear why the Welsh Government has chosen not to replicate this approach in this Bill. Our preference would be for a review period at least once every Senedd term. We expect the outcome of the review to be published before the end the Senedd term to enable scrutiny. We expect the Cabinet Secretary to bring forward amendments to the Bill to provide for this.

Revoking or lowering targets

We acknowledge concerns that the Bill provides power for the Welsh Ministers to revoke or lower targets. However, we are satisfied that new sections 6B, 6D and 6H of the Environment (Wales) Act 2016, and the use of the Senedd approval procedure, provide adequate safeguards to ensure that the power is exercised appropriately. As set out earlier, we believe the Welsh Government should be required to consult before making regulations to set a target.

We were encouraged to hear that the Cabinet Secretary is willing to consider including provision in the Bill to ensure that a revoked target is replaced with a new alternative target. We ask the Cabinet Secretary to bring forward an amendment at Stage 2 to this effect.

Biodiversity data and monitoring

We heard that high-quality, appropriately resourced monitoring will be essential to making targets meaningful. Targets will be redundant without an ability to track progress towards them. We note the Cabinet Secretary's assertion that the framework will support data collection and monitoring. However, we believe that a duty on the Welsh Ministers to collect data to monitor biodiversity would help strengthen the framework and drive immediate action to secure improvements in data and monitoring. We expect this duty to be met with adequate resource. We are aware that the Environment (Air Quality and Soundscapes) (Wales) Act 2023 includes comparable provision in respect of air quality targets. We expect the Cabinet Secretary to give further consideration to this issue.

Section 34

We note that designation of public authorities, and the associated duty to contribute to a target delivery, aim to complement the existing biodiversity duty and provide focus for the delivery of biodiversity action. While we support this aim, we are concerned that the approach taken is insufficiently robust.

Most contributors who commented on section 34 broadly supported the provisions, but we also heard calls for a wider duty on public authorities to contribute towards target delivery. Given the need to strengthen the public sector response to biodiversity loss and for collective action to ensure target delivery, we believe a wider duty warrants further consideration. We ask the Cabinet Secretary to reflect on this.

Support for implementation

Clear and timely guidance for public authorities will be important to ensure effective implementation of the new duties under Part 3. We are concerned, therefore, that the Bill does not make provision for guidance. While the Cabinet Secretary has previously committed to issue guidance (including by revising guidance on the existing biodiversity duty), a future Welsh Government would not be bound by this commitment. We expect the Cabinet Secretary to bring forward an amendment to the Bill to require the Welsh Ministers to issue

guidance to support public authorities to implement their new duties under Part 3. We reiterate the need to ensure that this guidance is published to coincide with the new duties taking effect.

We expect the Welsh Government to undertake rigorous assessment of the costs for public authorities associated with designation and the associated duty. When placing new duties on public authorities, the Welsh Government must ensure there are adequate resources provided to authorities to support effective implementation.

Section 35

We welcome the clarification from the Cabinet Secretary that the Welsh Ministers' augmented plan will act as Wales' National Biodiversity Strategy and replace the Nature Recovery Action Plan. Given its significance, we expect the plan to be developed in collaboration with a wide range of stakeholders and to be subject to consultation. We call on the Cabinet Secretary to bring forward an amendment to give effect to this.

The Cabinet Secretary has assured us that the augmented plan will be a cross-government plan. While we welcome this, we believe it could be made clearer in the Bill. As highlighted in evidence, the Welsh Government's net zero plan sets out proposals and policies covering the areas of responsibility of each of the Welsh Ministers to meet the requirement of section 39 of the Environment (Wales) Act 2016. We believe a comparable requirement should be included in the Bill to provide certainty about the policy intention.

Sections 36 and 37

We are broadly content with the reporting duties on public authorities and the Welsh Ministers. We reiterate the need for clear and timely guidance for public authorities to support the effective implementation of the reporting duty.

As outlined earlier in this report, we believe the OEGW should have a prominent role in overseeing progress towards delivery of the Welsh Government's augmented plan and biodiversity targets.

Section 38

We believe that improving public awareness and understanding of biodiversity, and the ongoing threats it faces, are vital to securing the whole-society response

needed to tackle the nature emergency. We therefore welcome the duty on the Welsh Ministers to take steps to promote awareness of biodiversity.

Recommendations

Recommendation 28. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a “headline target” in the Bill to reflect the overall ambition for biodiversity recovery by 2050, aligned with the Global Biodiversity Framework 2050 vision.

Recommendation 29. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a requirement on the Welsh Ministers to:

- make regulations to set a “2035 species abundance target” within 18 months of the Act receiving Royal Assent, and
- consult stakeholders and the public before making regulations.

These regulations must be subject to the Senedd approval procedure.

Recommendation 30. The Welsh Government should bring forward an amendment(s) at Stage 2 to provide that the framework for setting targets under section 6B of the Environment (Wales) Act 2016 (introduced by section 33 of the Bill) should require the setting of both short-term/interim and long-term targets.

Recommendation 31. The Welsh Government should bring forward an amendment(s) at Stage 2 requiring the Welsh Ministers to lay regulations setting targets in the four priority areas within 18 months of the Act receiving Royal Assent.

Recommendation 32. The Welsh Government should bring forward an amendment(s) at Stage 2 to include a requirement on the Welsh Ministers to consult stakeholders and the public before making regulations setting a target under new section 6B of the Environment (Wales) Act 2026 (inserted by section 33 of the Bill).

Recommendation 33. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to review targets once every Senedd term and report to the Senedd on the outcome.

Recommendation 34. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to consult stakeholders

and the public before making regulations that revoke or lower a target under new section 6B of the Environment (Wales) Act 2016.

Recommendation 35. The Welsh Government should bring forward an amendment(s) at Stage 2 to require the Welsh Ministers to replace a target that is revoked with an alternative target.

Recommendation 36. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a duty on the Welsh Ministers to make arrangements for obtaining biodiversity data for the purpose of monitoring progress towards targets set under new section 6B of the Environment (Wales) Act 2016.

Recommendation 37. The Welsh Government should set out the steps it is taking to address existing gaps in biodiversity data, and increase biodiversity monitoring capacity and capability, including through the use of citizens science.

Recommendation 38. The Welsh Government should give further consideration to bringing forward an amendment(s) at Stage 2 to impose a general duty on public authorities to contribute to the delivery of biodiversity targets. Any such duty should replace the power for the Welsh Ministers to designate public authorities in relation to a target and the associated duty to contribute to achieving that target.

Recommendation 39. The Welsh Government should bring forward an amendment(s) at Stage 2:

- to require the Welsh Ministers to issue guidance to public authorities to support implementation of the duties under section 6 of the Environment (Wales) Act 2016, as amended by the Bill, and
- to require authorities to have regard to this guidance.

Recommendation 40. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a requirement on the Welsh Ministers to undertake public consultation before publishing a plan (or a revised plan) under section 6(6) of the Environment (Wales) Act 2016.

Recommendation 41. The Welsh Government should bring forward an amendment(s) at Stage 2 to impose a requirement on the Welsh Ministers to ensure that the plan under section 6(6) of the Environment (Wales) Act 2016 sets

out proposals and policies covering the areas of responsibility of each of the Welsh Ministers.

6. Part 4: General

506. Section 39 empowers the Welsh Ministers to make such supplementary, incidental or consequential provision.

507. Section 40 makes general provision about regulations made under the Bill, setting out the applicable Senedd regulation-making procedure

508. Section 41 makes provision in connection with documents, notices and directions required to be provided under the Bill.

509. Section 42 is an interpretation provision.

510. Section 43 introduces Schedule 4 which makes consequential amendments to certain statutes in connection with the establishment of the OEGW. Section 44 sets out when each provision of the Bill comes into force.

511. Section 45 provides for the short title.

Evidence from stakeholders

512. The Committee received limited evidence on the provisions in Part 4. Those contributors who did comment focused mainly on the importance of consultation before making regulations under the Bill, and adequate Senedd scrutiny of regulations.

OEGW's duties under WFG Act

513. Paragraph 3 of Schedule 4 amends the WFG Act to include the OEGW in the list of public authorities for the purpose of Parts 2 and 3 of that Act. In effect, this means the OEGW would be subject to the duties under the WFG Act.

514. In supporting this provision, the North Wales Fire and Rescue Service (NWFRS) said:

"This is a crucial measure that ensures the [OEGW] is itself bound by the same principles of sustainable development it will oversee in other public authorities, thereby enhancing its credibility and ensuring its own strategies contribute positively to all of Wales's well-being goals."³⁵²

³⁵² Written evidence, NWFRS

515. In contrast, Audit Wales, environmental organisations and Healthy Air Cymru questioned whether it is appropriate for the OEGW to be subject to the WFG Act duties. Audit Wales said:

“Rather like, for example, the PSOW or the Future Generation’s Commissioner, the OEGW’s main functions will essentially be confined to particular areas of oversight rather than service delivery...it is not to have executive, strategic policy or corporate planning functions itself, so does not seem to meet the Welsh Government’s criteria for section 6 of the WFGWA 2015. In any event, it is also hard to see how it could appropriately be required to set and pursue well-being objectives across all the well-being goals. Such a requirement would seem likely to be disproportionate and potentially distracting from effective delivery of its core functions.”³⁵³

516. Green Alliance emphasised the need for OEGW “to focus on delivering its statutory functions”, particularly given the demands likely to be placed on the body.³⁵⁴ RSPB Cymru said, “We do not agree that [making the OEGW subject to the requirements of the WFG Act] is appropriate, given the specific environmental oversight role and functions of the OEGW”.³⁵⁵ It called for the provision to be removed. Healthy Air Cymru echoed this.

517. Environmental organisations and Healthy Air Cymru suggested, as an alternative, the OEGW and FGC should agree how they will work together, and for any such arrangements to be set out in the OEGW’s strategy.

Evidence from the Cabinet Secretary

OEGW’s duties under WFG Act

518. The Cabinet Secretary said it was “reasonable and appropriate” to require the OEGW to comply with the duties under the WFG Act. He asserted the OEGW’s functions are “inherently aligned” with the well-being goals. He added, the body “will make a huge contribution to the wider policy and legal landscape, and that includes sustainable development”.

519. The Cabinet Secretary said, in effect, the OEGW’s approach to resolving non-compliance “should be applied through that lens of the well-being goals”. He

³⁵³ Written evidence, Audit Wales

³⁵⁴ Written evidence, Green Alliance

³⁵⁵ Written evidence, RSPB Cymru

added, “We don’t think this dilutes its environmental oversight function; we consider this as complementary rather than conflicting with the OEGW’s mandate”.

Our view

We acknowledge the concerns raised in evidence that it would not be appropriate for the OEGW to be subject to the duties under the WFG Act. However, the Cabinet Secretary has provided us with the assurance that we sought on this matter.

We note that Schedule 4 does not make provision for the OEGW to be added to the list of public bodies in Schedule 6 to the Welsh Language (Wales) Measure 2011. It is unclear, therefore, whether the Welsh Government intends for the OEGW to be subject to the requirements under that Measure. We would welcome clarification from the Cabinet Secretary on this issue.

Recommendation

Recommendation 42. The Welsh Government should clarify whether it intends for the OEGW to be added to the list of public authorities in Schedule 6 to the Welsh Language (Wales) Measure 2011. That being the case, it should explain why the Bill does not make provision for this.

Annex 1: List of oral evidence sessions.

The following witnesses provided oral evidence to the committee on the dates noted below. Transcripts of all oral evidence sessions can be viewed on the [Committee's website](#).

Date	Name and Organisation
26 June 2025	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Welsh Government Naomi Matthiessen, Welsh Government Alice Teague, Welsh Government Dorian Brunt, Welsh Government Joel Scoberg-Evans, Welsh Government
9 July 2025	Professor Steve Ormerod, Cardiff University Dr Victoria Jenkins, Swansea University Dr Viviane Gravey, Queens University Belfast Professor Robert Lee, UK Environmental Law Association Professor Lynda Warren, Interim Environmental Protection Assessor for Wales John Henderson, Interim Environmental Protection Assessor for Wales Dame Glenys Stacey, Office for Environmental Protection Natalie Prosser, Office for Environmental Protection Mark Roberts, Environmental Standards Scotland

Date	Name and Organisation
17 July 2025	Ruth Chambers, Green Alliance Annie Smith, RSPB Cymru Alexander Phillips, WWF Cymru
	Mary Lewis, Natural Resources Wales Neil Parker, Natural Resources Wales Beth Stoker, Joint Nature Conservation Committee
	Derek Walker, Future Generations Commissioner for Wales Rhiannon Hardiman, Future Generations Commissioner for Wales
18 September 2025	Jean-Francois Dulong, Welsh Local Government Association
	Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Welsh Government Naomi Matthiessen, Welsh Government Alice Teague, Welsh Government Dorian Brunt, Welsh Government Joel Scoberg-Evans, Welsh Government

Annex 2: List of written evidence

The following people and organisations provided written evidence to the Committee. All Consultation responses and additional written information can be viewed on the [Committee's website](#).

Reference	Organisation
EPGBTWB 01	Auditor General for Wales
EPGBTWB 02	Dr Viviane Gravey and Professor Ludivine Petetin
EPGBTWB 03	Gareth Thomas, Louise Steel and Luci Attala
EPGBTWB 04	Dr Victoria Jenkins
EPGBTWB 05	Environmental Standards Scotland
EPGBTWB 06	UK Environmental Law Association
EPGBTWB 07	Individual
EPGBTWB 08	Public Health Wales
EPGBTWB 09	Joint Nature Conservation Committee
EPGBTWB 10	Office for Environmental Protection
EPGBTWB 11	Natural Resources Wales
EPGBTWB 12	RSPB Cymru
EPGBTWB 13	Green Alliance
EPGBTWB 14	WWF Cymru
EPGBTWB 15	Professor Steve Ormerod
EPGBTWB 16	Future Generations Commissioner for Wales
EPGBTWB 17	Welsh Local Government Association
EPGBTWB 18	Professor Colin T Reid
EPGBTWB 19	Dr Fredric Windsor
EPGBTWB 20	WildFish
EPGBTWB 21	Healthy Air Cymru

Reference	Organisation
EPGBTWB 22	Friends of the Earth Cymru
EPGBTWB 23	Professor Maria Lee
EPGBTWB 24	NFU Cymru
EPGBTWB 25	British Standards Institution
EPGBTWB 26	British Association for Shooting and Conservation
EPGBTWB 27	Information Commissioner's Office
EPGBTWB 28	Climate Cymru
EPGBTWB 29	Peat-free Partnership Wales Advocacy Group
EPGBTWB 30	Transport for Wales
EPGBTWB 31	Tirweddau Cymru Landscapes Wales
EPGBTWB 32	Interim Environmental Protection Assessor for Wales
EPGBTWB 33	Game and Wildlife Conservation Trust
EPGBTWB 34	Countryside Alliance
EPGBTWB 35	North Wales Fire and Rescue Service
EPGBTWB 36	National Grid
EPGBTWB 37	South Wales Fire and Rescue Service
EPGBTWB 38	Campaign for National Parks
EPGBTWB 39	Wales Environment Link
EPGBTWB 40	Royal Society of Chemistry
EPGBTWB 41	Justin Groves
EPGBTWB 42	Dŵr Cymru Welsh Water
EPGBTWB 43	Nature Friendly Farming Network
EPGBTWB 44	Campaign response
EPGBTWB 45	RenewableUK Cymru
EPGBTWB 46	Farmers' Union of Wales
EPGBTWB 47	Hafren Dyfrdwy

Additional Information

Title	Date
Letter from the Chair to the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs in relation to the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill	8 July 2025
Response from the Deputy First Minister and Cabinet Secretary for Climate Change to the Chair in relation to the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill	4 August 2025
Letter from the Deputy First Minister and Cabinet Secretary for Climate Change to the Chair following the 18 September meeting in relation to the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill	29 September 2025