

Agenda – Climate Change, Environment, and Infrastructure Committee

Meeting Venue:	For further information contact:
Committee room 4 Tŷ Hywel and video Conference via Zoom	Marc Wyn Jones Committee Clerk
Meeting date: 4 June 2025	0300 200 6565
Meeting time: 09.15	SeneddClimate@senedd.wales

Hybrid

Private pre-meeting (09.00–09.15)

Public meeting (09.15–13.00)

1 Introductions, apologies, substitutions, and declarations of interest

(09.15)

2 Disused Mine and Quarry Tips (Wales) Bill – Stage 2 Proceedings (09.15–13.00)

Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Chris Jones, Deputy Director, Mining Legacy and Reservoir Safety – Welsh Government

Madeline Rees, Lawyer – Welsh Government

Documents relevant to Stage 2 proceedings will be available on the [Bill page](#).

The Climate Change, Environment, and Infrastructure Committee agreed on [7 May 2025](#), under Standing Order 26.21, that the order of consideration for Stage 2 proceedings would be:



Section 1; Schedule 1; Sections 2–48; Schedule 2; Section 49; Schedule 3; Sections 50–88; Long Title.

3 Papers to note (13.00)

3.1 Pre–appointment hearing: Chair of Natural Resources Wales

(Pages 1 – 2)

Attached Documents:

Letter from the Chair to Candidate in relation to the pre–appointment hearing of Chair of Natural Resources Wales

3.2 Cardiff Airport

(Pages 3 – 5)

Attached Documents:

Letter from the Chair to the Cabinet Secretary for Transport and North Wales in relation to subsidy support to Cardiff Airport

3.3 Inter–Ministerial Group for Environment, Food and Rural Affairs

(Page 6)

Attached Documents:

Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs to the Chair of the Legislation, Justice and Constitution Committee in relation to the Inter–Ministerial Group for Environment, Food and Rural Affairs

3.4 Legislative Consent: Planning and Infrastructure Bill

(Pages 7 – 30)

Attached Documents:

Letter from Wildlife Trusts Wales to the Chair in relation to the Legislative Consent Motion for the Planning and Infrastructure Bill

Letter from RSPB Cymru to the Chair in relation to the Legislative Consent Motion for the Planning and Infrastructure Bill

Letter from Wales Environment Link to the Chair in relation to the Legislative

Consent Motion for the Planning and Infrastructure Bill

Letter from the Cabinet Secretary for Economy, Energy and Planning to the Chair in relation to the Legislative Consent Motion for the Planning and Infrastructure Bill

3.5 The Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill
(Page 31)

Attached Documents:

Response from the Chair to the Llywydd and Chair of the Business Committee, in relation to the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

4 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of this meeting
(13.00)

Private meeting (13.00)

5 The Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – Consideration of scope and approach to Stage 1 scrutiny

(Pages 32 – 36)

Attached Documents:

Paper – Approach to scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

6 Chair of Natural Resources Wales – consideration of approach to pre-appointment hearing

(Pages 37 – 43)

Attached Documents:

Briefing note – consideration of approach to pre-appointment hearing of
Chair of Natural Resources Wales

Dyddiad | Date: 19 May 2025

Dear candidate,

Pwnc | Subject: Natural Resources Wales: Pre-appointment hearing

The Climate Change, Environment, and Infrastructure Committee has agreed to conduct a pre-appointment hearing as part of the recruitment process for the new Chair of Natural Resources Wales. This will be a public hearing and the proposed date is Wednesday 11 June, with time to be confirmed nearer the date.

To assist the Committee in its preparation, I would be grateful if you could complete the questionnaire appended to this letter. Your responses will inform the Committee's questions at the pre-appointment hearing. Please note that the information you provide in response will be published on the Committee's website and excerpts may subsequently be included in the Committee's report on the appointment.

I would be grateful if you could email the Committee at: SeneddClimate@senedd.wales with your response as soon as possible and by Monday 2 June at the latest.

If you would like to discuss the questionnaire or require further details on the pre-appointment hearing itself, please do not hesitate to contact the Committee clerking team on 0300 200 7323.

Yours sincerely



Llyr Gruffydd MS,

Chair, Climate Change, Environment and Infrastructure Committee.

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.

Pre-appointment questionnaire

Your response to this questionnaire will be used to inform the pre-appointment hearing with the Senedd's Climate Change, Environment and Infrastructure Committee.

Personal background

1. Do you have any business or financial connections, or other commitments, which might give rise to a conflict of interest in carrying out your duties, or impact on the time you are able to commit to the role?
2. Have you ever held any post or undertaken any activity that might cast doubt on your political impartiality?
3. How were you recruited: were you encouraged to apply, and if so, by whom?
4. Please explain how your experience to date has equipped you to fulfil your new responsibilities.

Performance of the role

5. What will be your key priorities in your new role?
6. What criteria should be used to judge your performance over your term of office?

The organisation

7. What criteria should be used to judge the performance of NRW as a whole?
8. What do you see as the key risks to delivering NRW's objectives?
9. What do you consider to have been the main successes and failures of NRW? What lessons can be learned from the failures?
10. What is your assessment of the public profile and reputation of the organisation?



Ken Skates MS

Cabinet Secretary for Transport and North Wales

19 May 2025

Dear Cabinet Secretary,

Proposed subsidy support to Cardiff Airport

I am writing as Chair of the Climate Change, Environment, and Infrastructure Committee following the open letter to you, dated 29 April, from Mr Dave Lees, Chief Executive of Bristol Airport.

In his letter, Mr Lees outlines a series of concerns about the scale, transparency, and economic impact of the proposed subsidy for Cardiff Airport. He notes that this support package would exceed Cardiff Airport's current annual turnover. Mr Lees describes this level of support as unprecedented within the UK airport sector.

I note Mr Lees' comments that the full amount of £205.2 million of subsidy support was not announced in your Written Statement of 2 April but appeared later on the UK Subsidy Transparency Database. In his letter, he raises significant questions about transparency and accountability in the consultation and decision-making process.

I also note you have included additional information about the subsidy support in your responses to written questions, made since the Welsh Government's announcement on 2 April 2025.

Given the Committee's scrutiny role in relation to this policy area, and in light of these concerns, I would be grateful if you could answer the following questions:

1. How do you respond to the concern that your Written Statement on 2 April 2025 did not set out the full value of the subsidy support but referred to a "first investment of £20 million", with the total of £205.2 million only appearing the following day in your entry on the UK Subsidy Transparency Database?

2. What steps has the Welsh Government taken to engage with Bristol Airport and other stakeholders, particularly following the Competition and Markets Authority's (CMA) findings?
3. The CMA criticised "unevidenced assumptions" in its assessment of the market impact of the subsidy and you said, in your Written Statement on 2 April 2025, you have "refined the technical details of the ten-year programme" following your consideration of the CMA report. Can you outline the changes made to the funding programme in light of the CMA's findings?
4. How do you respond to Mr Lees' statement that the "subsidy could move activity between locations at huge cost to the taxpayer but without any net economic benefit. Distorting competition between airports and airlines will lead to higher prices for consumers and unbalanced public subsidies will have a chilling-effect on future private sector investment"?
5. Your response on 16 April 2025 to a written question (WQ96201) said Welsh Government policy officials commissioned an external, independent study by Grant Thornton to "determine the estimated economic benefits that the airport would bring to Wales and the local economy". You added "we are *currently* unable to disclose the full report". Why is this the case, and when do you expect to be able to do so?

6. The Welsh Government's entry to the UK Subsidy Database says:

"For all proposed developments, CIAL must make every reasonable effort to deliver without recourse to public subsidy. WGC Holdco Ltd will provide assurance to WG that, where subsidy is required CIAL: can demonstrate it has explored all reasonable private financing options can demonstrate that it will use the minimum amount of subsidy needed to deliver the project."

In September 2019, officials told the Public Accounts Committee of the Fifth Senedd the Airport is restricted from seeking its own private investment/funding and is reliant on the Welsh Government for loan/equity funding. Can you explain what has changed and the private financing options the Airport is now able to explore to fund its projects?

7. Your response to a written question on 16 April 2025 (WQ96208) noted WGC Holdco Ltd will "perform robust, professional, independent assurance and monitoring duties against the airport's progress with the agreed Key Performance Indicators (KPIs)". Can you share more information about the monitoring and evaluation mechanisms that will be in place, as well as the KPIs and grant conditions that have been agreed, to ensure that the funding delivers its intended outcomes and provides value for money to the Welsh taxpayer?

8. Your response on 16 April 2025 to a Written Question (WQ96210 (e)) said:

"Funding within each subsidy package will be awarded on an annual basis, as part of the Welsh Government annual budget planning process. As part of this process, the Welsh Government will make indicative allocations of funding for the Airport for future financial years. The final amount to be awarded each year will be determined on a rolling annual basis by progress against the Airport's business plan and the timing of potential business growth deals. This will ensure that the annual level of investment is justified and growth led."

What information do you propose to make available about these decisions? How will you ensure transparency and facilitate effective scrutiny of the allocations by this Committee and the Senedd?

9. Finally, in the light of the decision to allocate funding from the total package annually can you commit to provide details of these annual allocations in the draft budget to allow scrutiny by the Senedd, and outline your assessment of the implications of this approach for value for money, and in particular the Airport's ability to use the funding to deliver multiannual investment programmes?

I look forward to your response.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg. We welcome correspondence in Welsh or English.

Agenda Item 3.3

Huw Irranca-Davies AS/MS
Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet
dros Newid Hinsawdd a Materion Gwledig
Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/HIDCC/0246/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

21 May 2025

Dear Mike,

I am writing in accordance with the inter-institutional relations agreement to let you know that the Inter-Ministerial Group for Environment, Food and Rural Affairs will be held on 23 June. I will be representing the Welsh Government.

The meeting is expected to focus on the circular economy, animal diseases, discussions on the EU-UK Common Understanding Agreement, including a potential SPS Agreement, and the impact of the Internal Market Act on the EFRA sector. I will update you on discussions, and a communique will be issued, after the meeting.

I have also copied this letter to the Climate Change, Environment and Infrastructure Committee and the Economy, Trade and Rural Affairs committee.

Yours sincerely,

Huw Irranca-Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd
a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1SN

Gohebiaeth.Huw.Irranca-Davies@llyw.cymru
Correspondence.Huw.Irranca-Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.



Llyr Gruffydd MS
Chair, Climate Change, Environment and Infrastructure Committee
Welsh Parliament
Cardiff Bay
CF99 1NA

Re: Legislative Consent Motion for UK's Planning and Infrastructure Bill
CC: Huw Irranca-Davies MS Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs
Rebecca Evans MS Cabinet Secretary for Economy, Energy and Planning
Julie James MS Counsel General and Minister for Delivery

22nd May 2025

Dear Mr Gruffydd

I am writing to you as Chair of the Climate Change, Environment and Infrastructure Committee as the committee will consider the Legislative Consent Motion for the UK Government's Planning and Infrastructure Bill. As parts of the UK Government's [Planning and Infrastructure Bill](#) directly apply to Wales, and other sections may also have consequences for Wales we wish to raise concerns covered in this letter. In sum, this direct coverage and wider consequences amount to a threat to nature recovery in Wales and will undermine Planning Policy Wales and environmental legislation in Wales.

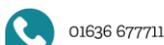
As the Climate Change, Environment, and Infrastructure Committee and the Legislation, Justice and Constitution Committee consider a legislative consent motion for the Bill, Wildlife Trusts Wales urges a refusal of consent on the following environmental grounds.

Indirect consequences from Part 3

Part 3 of the Bill (Development and Nature Recovery) extends to England and Wales but applies to England only.

Part 3 would empower Natural England to create Environmental Delivery Plans (EDP) covering geographic areas, within which developers could choose to pay towards the delivery of EDP actions instead of discharging Habitats Regulations and other environmental obligations. The Wildlife Trusts and other environmental organisations have raised serious [concerns](#) about these proposals, including the lack of:

- Adherence to the mitigation hierarchy (avoid harm to nature first, then seek to mitigate and only then seek to compensate).
- Stipulation to avoid harm to irreplaceable habitats.
- Sequencing of EDP actions, prioritising avoidance of harm to habitats and species.



01636 677711



wildlifetrusts.org



enquiries@wildlifetrusts.org



x.com/wildlifetrusts



facebook.com/wildlifetrusts



instagram.com/the-wildlifetrusts



linkedin.com/company/the-wildlife-trusts

Patron HM King Charles III

President Liz Bonnin

Chief Executive Craig Bennett

- Requirements for each EDP to evidence that it will result in significantly improved environmental outcomes.

The UK Government's own environmental watchdog, the Office for Environmental Protection (OEP) produced [advice](#) agreeing with this analysis, labelling the current proposals as '*environmentally regressive*'. At the time of writing, the UK Government has refused to accept amendments to improve Part 3.

Despite the England-only coverage, this environmental regression could affect Wales. Clause 49 states that an EDP must cover an area in England, or in '*the waters adjacent to England*'. This opens up the possibility of EDPs leading to the degradation of terrestrial, freshwater and coastal habitats adjacent to the Welsh border, with spillover effects for Welsh wildlife. Habitats and species extend across the national border and harm on the English side will result in adverse impacts on the Welsh side. These spillover effects are likely to be particularly apparent in rivers running across the Welsh-English border, including the River Wye and the River Severn, due to the inherently interconnected nature of freshwater habitats. They will also affect cross-boarder SAC, SPA, SSSI and NNR's.

In addition, Schedule 4 of the Bill – which makes enabling changes to the Habitats Regulations 2017 and other environmental regulations to align them with Part 3 provisions – applies directly to Wales, as well as England (see [explanatory notes](#) to the Bill, p133). It is unclear why, as Part 3 is meant only to apply in England, these enabling changes to environmental regulations are also explicitly extended to Wales. This extension amends the flagship Habitats Regulations as they apply in Wales and would seem to open the door to an EDP approach being used in Wales in future. Senedd Members should seek urgent clarification on this point from UK Ministers.

Finally, it should be noted that there have been recent [press reports](#) of a European Commission paper raising concerns that the Part 3 regression could affect the terms of the Brexit Trade and Cooperation Agreement. Given recent concerns from both the [Welsh Government](#) and [opposition parties](#) in the Senedd about the UK Government failing to fully consider Welsh interests in dealings with the European Union, Senedd Members may want to explore these implications further.

Direct impacts from UK Government Bills new clauses 44 and 45

In April the UK Government tabled their own [amendments](#) to the Bill, to use it as a vehicle for amending the Planning Act 2008, applying to both England and Wales. The UK Government new clause 44 removes the Planning Act 2008 section 42-49 requirements for Nationally Significant Infrastructure Project (NSIP) developers to enter into pre-application consultations with a set list of consultees, including any '*county council, or county borough council, in Wales*'. The UK government's new clause 45 replaces this requirement to consult with a requirement to 'have regard' to guidance from the Secretary of State on engagement.

The replacement of a clear duty to consult with a much weaker requirement to have regard to currently unspecified guidance will reduce community and expert input into NSIP projects, increasing the risk of environmental harm. Pre-application stage engagement can be crucial for identifying and ironing out potential environmental problems at an early stage, avoiding harm to nature. The dilution of this engagement opens the door to environmental and community harms being overlooked as projects progress.

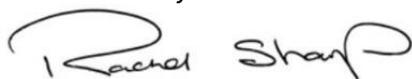
The UK Government has argued that this change is required to reduce NSIP delays. This is a false premise. [Research](#) conducted by Cavendish in 2024 looked at Development Consent Order (DCO) consent times from 2011 to 2023 for NSIP projects. It found that: *'For the first 70 projects going through the DCO process (which covers applications accepted for Examination between July 2011 and June 2017), the average length of time taken from application acceptance to the Secretary of State's decision was around 505 days. For the 65 DCOs that have followed since, the picture is quite different.'*

The pre-application process and the space it gives to nature were in place in an identical manner throughout both periods. What changed from 2017 was not a change to pre-application stages but, in the words of Cavendish, more Westminster political turmoil and *'political manoeuvring'* causing delays to happen once projects hit the Secretary of State's desk, especially with the huge turnover of Ministers.

The amendments risk reducing the voice of Welsh communities and bodies have in the NSIP process, opening the door to environmental and other harms, in order to address problems that actually have their roots in Westminster Government disfunction. Both the UK Government's new clauses 44 and 45 were [passed](#) at the UK Commons committee stage in May and will now form part of the Planning and Infrastructure Bill.

In conclusion, Wildlife Trusts Wales believes that nature recovery is not simply a nice-to-have. Nature plays a [vital role](#) in the Welsh economy, provides recognised health and welfare [benefits](#) and [protects](#) communities and food production from flooding and extreme weather. With species populations in Wales [declining](#) by an average of 20% since 1994, nature's prospects cannot afford the risks introduced by the Planning and Infrastructure Bill. We urge the refusal of legislative consent.

Yours sincerely



Director, Wildlife Trusts Wales
rsharp@wtwales.org



This letter is sent by email only

Llyr Gruffydd MS
Chair, Climate Change, Environment and Infrastructure Committee
Senedd Cymru
Caerdydd
CF99 1NA

23 May 2025

Dear Chair and members of the Committee,

Legislative Consent Motion: Planning and Infrastructure Bill

We write with regard to the Planning and Infrastructure Bill, particularly in relation to the Legislative Consent Motion (LCM) and Supplementary LCM currently under consideration by the Committee.

The RSPB is the largest nature conservation charity in Europe and operates within the planning systems of all four countries of the UK. We also have extensive experience of engaging with Nationally Significant Infrastructure Project (NSIP) Development Consent Order (DCO) proposals. This places us in a strong position in a Wales context to consider the UK Government proposals to accelerate the consenting of major infrastructure development.

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
f RSPB Cymru
@RSPBCymru
@ rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

Planning and Infrastructure Bill – Impacts on Wales

We are concerned that the Planning and Infrastructure Bill will impose a consenting scheme on Wales for the largest and most challenging infrastructure projects that is less rigorous than that which is in place for Developments of National Significance (to be superseded by the Infrastructure Wales Act (IWA)). These proposals are more impactful due to their scale and type and not in the control of Welsh policy makers, legislators and decision makers. This raises significant concern that the Welsh planning system – which is overwhelmingly devolved bar a few exceptions – will be undermined by significant and potentially damaging development, with no recourse for Welsh Ministers.

The March 2025 Memorandum sets out reasons for making provisions for Wales in the Planning and Infrastructure Bill, stating in Paragraphs 62 and 63 Nationally Significant Infrastructure Projects (NSIPs) that:

"I broadly agree that these clauses do not trigger the legislative consent motion process. I consider that clause 4(3) to (5) do trigger this process as it would affect the function of devolved Welsh authorities. The participation of public authorities is critical to the determination of largescale projects. Welsh and UK bodies participate in the Welsh consenting process, currently Developments of National Significance and the future process under the Infrastructure (Wales) Act 2024. These processes place a duty on public bodies to provide a substantive response when they are consulted.

Welsh bodies already participate in the UK Government NSIP process, and these clauses are similar to that found in the Welsh system. I consider these clauses, which introduce a 'duty to have regard to guidance', will help ensure Welsh public authorities engage and provide expert advice in a meaningful and timely manner. This will help shape development and expediate decision making, providing certainty on major development that affects Wales"

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
📧 @RSPBCymru
📧 rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

We agree with the Welsh Government (WG) that these clauses are relevant to Wales and trigger the LCM process. However, we are concerned that the changes proposed will result in less rigour in determining proposals that are by definition larger and more impactful than those captured by Welsh legislation. For example, it is proposed that a more subjective approach is taken to consultation requirements, with the requirement in legislation to consult statutory stakeholders removed, to be replaced by as yet unpublished guidance. This is at odds with the robust approach required for DNS proposals and future applications for Infrastructure Consent under the IWA. Full analysis is set out below.

NSIP Pre-application requirements

We consider that the proposed UK Government amendment to secure revisions to NSIP pre-application requirements will also impose a less rigorous consenting system on Wales than that applied to applications in the remit of Welsh decision makers. The amendment seeks to remove the requirement in legislation to consult statutory stakeholders prior to the submission validation by the Planning Inspectorate (PINS) of NSIP applications, and instead to make this subject to statutory guidance.

It is proposed that the subsequent guidance will recommend that developers consult with relevant parties, allowing a 'proportionate' approach to be taken. PINS will then assess the pre-application consultation and determine whether it is adequate at the validation stage. This will allow developers more flexibility in who they choose to consult, particularly for re-consultation on any changes made. UK Government claims this change will cut the pre-application stage from two years to one. There are a number of worrying implications associated with this amendment, including:

- No guidance currently exists allowing PINS to make its judgement, with no proposed timeline.

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
✉ @RSPBCymru
📧 @rspscymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

- There is nothing in the Bill that requires guidance to ensure delivery of better-quality information and applications as well as resolution of conflicts prior to submission.
- This amendment could be counterproductive in terms of its principal aim of accelerating timescales. Best practice shows that where thorough pre-application engagement and conflict resolution has been undertaken, the better the quality of applications which follow and proceed more swiftly through the remainder of the process. There is a real risk that this pressure on pre-application timescales, combined with flexibility on consulting requirements, will result in valid and critical issues not being identified until examination stage, thus creating significant delays later in the process.

Further, the rhetoric used by UK Government is deeply concerning, with the Ministry of Housing, Communities and Local Government (MHCLG) on 23 April 2025¹ referring to vital statutory consultation requirements as “burdensome”. Whilst we do not object to aspirations for quicker processes, this must not come at the expense of communities and public bodies’ ability to thoroughly engage with large projects that directly impact our places. The pre-application stage can create a smoother process overall through early identification and addressing of issues, whilst ensuring proper consideration is given to nature and other important matters.

The Government’s own advisor, the OEP, says environmental rules will be weakened and nature and neighbourhoods put at risk if this Bill becomes law. It also goes against Government evidence showing nature is *not* a blocker to development, with only 1% of planning challenges based on environmental concerns.

¹ <https://www.gov.uk/government/news/planning-reforms-to-slash-a-year-off-infrastructure-delivery>

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
✉ @RSPBCymru
📧 rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

The UK approach is in stark contrast to the DNS system in Wales. DNS Procedural guidance sets out strong emphasis on a fully front loaded and comprehensive pre-application process to ensure any potential issues are identified and overcome as soon as possible. Supporting guidance² confirms that post-submission amendments are restricted, and sets out a clear, prescribed list of consultees that must be engaged with. NSIP proposals delivered in the context of the proposed UK Bill would take an opposite approach, essentially rushing through pre-application with incomplete consultation, ending up with significant issues at post-submission stage. Given the UK Government's statements about 'bat tunnels' and 'blockers', this seems a perverse approach, as issues identified late in the process will often need costly and time-consuming engineering solutions, whereas strong early engagement could ensure avoidance of sensitive locations in the first place.

As set out above, the IWA will replace the DNS regime in due course. It will set out in regulations³ requirements on consultation, and Welsh Government consulted on this in July 2024. RSPB Cymru made representations setting out our position, which is that subordinate legislation and accompanying guidance should also set a clear and high bar for the standard of pre-application submissions and their assessment in order to identify and address key issues to avoid delays further down the line.

Further, the development industry itself⁴ is supportive of principles set out in the current DNS process (which establishes a prescribed minimum pre-application requirement), with an emphasis on more rigorous requirements for larger, more complex proposals. Again, the emerging UK Bill's more selective and subjective approach risks de-emphasising early engagement on the largest and most

² <https://www.gov.wales/sites/default/files/publications/2019-07/developments-of-national-significance-guidance-the-pre-application-stage.pdf>

³ <https://www.legislation.gov.uk/asc/2024/3/part/3/crossheading/preapplication-procedure/enacted>

⁴ <https://solarenergyuk.org/resource/infrastructure-wales-bill-re-application/>

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
✉ @RSPBCymru
📧 rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

complex projects in Wales, which could lead to significant delays at examination stage.

The Nature Emergency

Whilst we acknowledge that Part 3 of the Bill is for England only, we wish to stress that we are concerned at the policy direction it sets. Easing the regulatory requirements in England could lead to pressure in Wales and the rest of the UK for a 'race to the bottom'.

We are particularly concerned about the implications of Part 3 for Wales' cross-border protected areas with England. Despite Part 3 being for England only, the environmental damage could spill over into Wales, and we are concerned at Clause 49 stating that Environmental Delivery Plans (EDPs) can include "*waters adjacent to England*". The regression in English environmental regulations will harm habitats and species that extend into Welsh territory. These effects will be most visible in rivers on the Wales-England border, including the Dee, Severn and Wye which are all vitally important ecosystems for birds and fish. Spillover effects will also have direct impacts on cross-border SPAs, SACs, SSSIs and NNRs.

In addition, Schedule 4 of the Bill proposes enabling amendments to environmental regulations including the Habitats Regulations, aligned with Part 3 provisions, and intended to enable the delivery of EDPs in England. However, the Planning and Infrastructure Bill Explanatory Notes⁵ explicitly states in Paragraph 855 that the "*territorial extent of this Schedule is England and Wales*". Part 3 of the Bill does not cover Wales, and we urge the Committee to seek urgent clarification on this point.

⁵ <https://publications.parliament.uk/pa/bills/cbill/59-01/0196/en/240196en.pdf>

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
📧 @RSPBCymru
📧 rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

We are not alone in our concerns around Part 3⁶, with highly respected economists, former government advisers and ecologists issuing an open letter to MPs⁷ where they echo RSPB calls for a key section of the Bill to be changed substantially to avoid a scenario that creates a 'licence to kill nature'.

The group – including Prof Sir Partha Dasgupta and Prof Sir John Lawton - highlights how Part Three of the Bill as currently proposed allows developers to 'buy out' of their legal obligations to nature, and in doing so, dismantles key safeguards that have protected nature for decades, potentially allowing them to 'pay "cash to trash" wildlife and the environment' by instead paying into a Nature Restoration Fund which may or may not deliver some benefits for nature at some point in the future.

Whatever it does, it will certainly never be able to make-up for the destruction of any habitats and places that are deemed irreplaceable, such as ancient woodland. The RSPB has also been highlighting the sheer number of proposals in the Bill which would weaken existing environmental protections and we are campaigning for changes to the Bill that genuinely could make things better for people, nature and the economy. We're deeply concerned that in disapplying the most important nature protections, and removing core principles such as avoiding harm to nature in the first place (and only mitigating impact and compensation for losses as a last resort), the Bill risks moving us even further away from nature's recovery. This is short sighted – as the economy and wider well-being are dependent on a healthy natural environment – and at odds with the commitment of the Welsh Government and the Senedd to tackle the nature emergency.

⁶ <https://www.theguardian.com/politics/2025/may/22/wildlife-charities-urge-labour-to-scrap-licence-to-kill-nature-in-planning-bill>

⁷ <https://www.rskwilding.com/wp-content/uploads/2025/04/250424-letter-to-mps-from-economists-and-ecology-experts-planning-bill-nature-restoration-levy-a-licence-to-kill-nature.docx-1.pdf>

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
📧 @RSPBCymru
📧 rspbcymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

In summary, RSPB Cymru believes that the Planning and Infrastructure Bill as currently worded has both direct and indirect negative implications for nature in Wales, contrary to the aims of Welsh legislation and policy.

Yours sincerely,



Shaun Gaffey MRTPI – Senior Conservation Planner

Shaun.gaffey@rspb.org.uk

**RSPB Cymru,
Gogledd Cymru**
M-Sparc
Gaerwen
LL60 6AG

**RSPB Cymru,
North Wales**
Menai Science Park
Gaerwen
LL60 6AG

Tel: 01248 672850
Ebost/Email:
cymru@rspb.org.uk
📍 RSPB Cymru
📧 @RSPBCymru
📧 @rspscymru
rspb.org.uk



Mae'r RSPB yn rhan o BirdLife International, rhwydwaith o gyrff angerddol, sy'n cydweithio i achub byd natur ledled y byd.

The RSPB is part of BirdLife International, a network of passionate organisations, working together to save nature across the world.

WEL Paper to Climate Change, Environment and Infrastructure
Committee on the Legislative Consent Motion for Planning and
Infrastructure Bill
Wednesday 28th May 2025

We raise concerns about the nature of the Planning and Infrastructure Bill as proposed. We outline below how, as written, it demonstrates a fundamental misalignment with Welsh policy and legislation which, if unaddressed, will undoubtedly link to the degradation of Welsh nature and wellbeing.

Whilst the Committee will be aware the primary application of the proposed Planning and Infrastructure Bill lies mostly outside of Wales due to the devolved nature of our planning system, we believe that the principle of the Bill requires careful consideration by the Senedd.

As members of the committee will be sadly aware, Wales is ranked in the bottom 10% on the Natural History Museum's Biodiversity Intactness Index (rating 224 out of 240 countries)¹. In recognition of the devastating state of nature within Wales, the Senedd was bold in its response, being amongst one of the first nations to formally vote to declare a nature emergency and in so doing committing, to act on the environmental governance gap². At the time, the Senedd took this step in recognition of the intrinsic relationship between humanity's action and a healthy natural world, unanimously acknowledging their responsibility as Welsh legislators in halting the decline and committing themselves to action.

This position underlines the significance that the Welsh Government and this Senedd place on modelling leadership in responding to the nature and climate emergencies. The policies of Wales have long been held up by colleagues in other nations of the UK

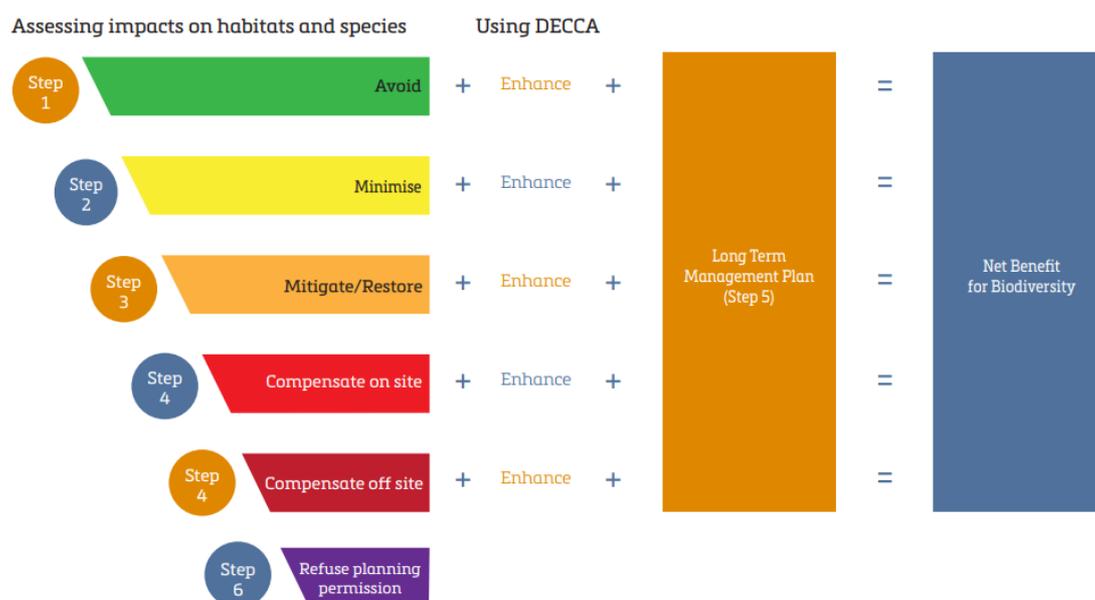
¹ <https://www.nhm.ac.uk/our-science/services/data/biodiversity-intactness-index.html>

² <https://business.senedd.wales/ielistDocuments.aspx?CId=700&MIId=12320&Ver=4>

as exemplary. Planning Policy Wales (PPW), reframed to integrate the principles of the Wellbeing of Future Generations Act, exemplifies the mindset that we have come to expect from the Senedd – taking a whole system approach and re-centring on the socio-economic benefits of working with nature. The step wise approach (although by no means perfectly implemented by Local Planning Authorities) ensures a strong position which prioritises avoidance of adverse impacts on biodiversity – regardless of any statutory designation – as a grounding principle.

[Planning Policy Wales](#) (edition from 12th Feb 2024) is clear in the value placed to local ecosystems and their retention in development schemes. Para 6.4.11 instructs Planning Authorities to “follow a step-wise approach to maintain and enhance biodiversity, build resilient ecological networks and deliver net benefits for biodiversity by ensuring that any adverse environmental effects are firstly avoided, then minimised, mitigated, and as a last resort compensated for. Enhancement must be secured by delivering a biodiversity benefit primarily on site or immediately adjacent to the site, over and above that required to mitigate or compensate for any negative impact”. The text goes on to provide detailed guidance on how the stepwise approach is to be employed by LPAs (see para 6.4.15 and appended to this statement at Annex 2) and clearly illustrated at fig.12 of the document reproduced below.

Figure 12: Summary of the Step-Wise Approach



Whilst it is acknowledged that some impacts are unavoidable, the approach ensures that, where policy is appropriately implemented, all schemes are designed to go beyond mitigation, providing environmental enhancement on or near the site, ensuring the long-term resilience of the affected ecosystem and locality. This ensures direct accountability from the developers and embeds the value of integrating nature into each and every scheme in Wales.

The proposed Planning and Infrastructure Bill is widely acknowledged to be the antithesis of these foundational values. Part three of the Bill introduces *Environmental Delivery Plans* and the *Nature Restoration Levy*, which enables developers to discharge themselves of this accountability by paying into a fund (where this is not proven to be unviable). This has the potential to detrimentally, and irreversibly, impact irreplaceable habitats – such as ancient woodland and chalk streams – and site-specific protected species. Such plans are proposed to be developed with little public scrutiny and relies heavily on Natural England, whilst placing them in the conflicting position of convener and implementer of such schemes. In their [assessment](#), Wildlife and Countryside Link (our sister Link in England), whilst supportive of aligning planning with environmental recovery, have repeatedly urged for [significant amendments](#) to the Bill. They suggest that without substantive changes, it lacks the safeguards necessary to meet the UK's legally binding climate and nature commitments. Furthermore, it risks regression of the levels of protection currently offered to nature.

The introduction of a fundamentally different and arguably 'nature negative' approach poses significant risks to the wellbeing of Wales, even if the direct legislative impact is minimal. We are thankfully aware and grateful that there are no current plans to review PPW to align it to the processes of the proposed Bill, or apply Part 3 to Welsh developments, we are deeply concerned about the 'streamlining' of the perception of nature within development schemes and the knock-on effects of belittling nature's importance in the mindsets of developers, financiers and decision makers.

Risk of dilution of key principles in policy and application

We caution that there is considerable risk that the acceptance of such an offsetting scheme in England could create pressure on Welsh planners (and consequently policy

makers) to adopt similar measures. Arguments we foresee are well versed in Local Planning Committees, where Local Development Plans between neighbouring areas become policy aligned regardless of local circumstances, via pressure to prevent any potential for an area to be 'less attractive' to development investment. At the local level, the harm such competition brings is mitigated by the robustness of Wales' existing environmental legislation.

More insidiously, the normalisation of 'payments for offsetting nature' elsewhere runs significant risk of subtly shifting public perception. It risks fostering a belief that environmental damage is an acceptable price to pay for economic growth, and can be easily remedied if the scheme can afford it. This fundamentally misunderstands, and detrimentally misrepresents, the complex, interrelated, interconnected and often irreplaceable nature of our relationship with nature within local ecosystems. It is not acceptable to have rhetoric from decision makers which suggests that nature has more or less value depending on external classifications - nature in place is intrinsically valuable to the ecosystem to which it forms a part, and this includes our own wellbeing. For example, there is [a significant correlation](#) between areas experiencing deprivation against all standard measures, and levels of tree cover.

The approach inadvertently promotes the idea that human activity and the natural world are separate domains, where damage in one area can be 'balanced' by improvements elsewhere. The Senedd will know that this is a retrograde step and goes against everything they have been working to address through the Wellbeing of Future Generations Act. Our 'Resilient Wales' goal explicitly outlines that human well-being is inextricably linked to the health of the environment – that we are part of nature, not apart from it. Legislative frameworks that treat nature as a divisible and offsettable commodity threaten to deepen, rather than bridge, the perceived divide between society and the natural world. This divide created the extractive processes which has led to this point of emergency. Wales has been brave in seeking to rectify that. We are asking for bravery again.

Nature does not know boundaries

Ecological systems and environmental impacts do not respect administrative boundaries. The interface between England and Wales is characterised by diverse and ecologically significant landscapes and habitats, many ecosystems, such as river

catchments (e.g. the Wye) estuaries (e.g. Dee and Severn), and unique habits such as (e.g. Fenn's Whixall, and Bettisfield mosses), traverse these administrative boundaries. Consequently, the conservation of these shared natural assets necessitates a coordinated approach. In addition, many species, including some of our most threatened and protected species, are also at risk of diffuse adverse impacts from inappropriate development in England, as reduced habitat connectivity could drastically reduce their range and feeding opportunities. Mobile protected species that move across the border, like bat species that often make use of multiple different roosts or bird species with large ranges, would be at direct risk of harm and disturbance when in England, the effect of which would be felt in Wales.

Annex 1 to this paper identifies the range and extent of designated sites which straddle the England-Wales boundary. It includes the Wye Valley National Landscape, which will be particularly and uniquely impacted by this dualistic approach, given its planning function is exercised within both English and Welsh systems. We await the outcomes of the Cunliffe Review which is currently considering the long-term future of regulation and water company operation in Wales. Amongst other outcomes, we would hope that it will identify long-term regulatory outcomes for cross-border rivers. This Bill is a reminder that rivers do not follow regulatory boundaries.

It is clear that regardless of designation or not, the weakening of environmental safeguards or a shift towards a less stringent mitigation hierarchy across the border has the potential to create or exacerbate environmental pressures in Wales, despite Welsh Government's clear commitment to stringent environmental protection. This is of particular concern given that Wales is already addressing significant challenges in nature recovery and striving to reverse biodiversity loss. The potential for tangible harm to our shared environment, including Welsh ecosystems already under pressure, from development happening across the border is a very real risk.

Senedd Research [highlights](#) the CCEI Committee as commenting that halting biodiversity loss by 2030 will be "an extraordinary challenge", even with a supportive legislative framework. Moreover, Audit Wales have [identified](#) significant failings across public bodies to fully implement their duties. As part of the Welsh Government's declaration of a nature emergency, Julie James – as then Minister for Climate Change – made a commitment for Welsh Government to respond to the

climate and nature emergency in everything it does. With this principle in mind, we are requesting that Welsh Government:

1. Asserts Wales’ distinct and progressive approach to environmental stewardship embedded within the planning system
2. Robustly challenges the principles underpinning the proposed Planning and Infrastructure Bill as
 - (a) Contrary to the Sustainable Development Principle upon which its constitutionally founded; and
 - (b) Detrimental to the UK meeting its shared obligations to the Kunming-Montreal Global Biodiversity Framework, and its harm to Wales position
3. Proposes the following amendment as part of the Senedd’s consideration of the LCM to ensure the conservation and enhancement of designated and non-designated (but ecologically significant sites) within Wales impacted by proposals to allow disposal of Welsh Government Woodland Estate for the purposes renewable energy generation the following amendment is necessary

Clause 24 after subsection (1) insert

- a. Natural Resources Wales may not use or make arrangements under subsection (1) for land placed at the disposal of Natural Resources Wales by the Welsh Government —
- b. (a) that would directly or indirectly have adverse effects on a site designated under the Environment Act Wales (2016) or the Wildlife and Countryside Act 1981; or
- c. (b) that would directly or indirectly have adverse effects on an irreplaceable habitat such as an ancient woodland or other such habitats identified as locally significant.

Annex 1: Cross Border Designated sites (England & Wales)

Designation type	Site Names
National Landscapes	Wye Valley National Landscape
Special areas of conservation (SAC)	River Wye SAC
Special areas of conservation (SAC)	Dee Estuary / Aber Dyfrdwy SAC

Special areas of conservation (SAC)	Fenn's, Whixall, Bettisfield, Wem and Cadney Mosses SAC
Special areas of conservation (SAC)	Severn Estuary Môr Hafren SAC
Special areas of conservation (SAC)	Bristol Channel Approaches / Dynesfeydd Môr Hafren SAC
Special Protection Area (SPA)	The Dee Estuary SPA
Special Protection Area (SPA)	Severn Estuary SPA
Special Protection Area (SPA)	Liverpool Bay / Bae Lerpwl SPA
Ramsar Site	The Dee Estuary Ramsar Site
Phase 2 Ramsar Site	Midland Meres and Mosses
Ramsar Site	Severn Estuary Ramsar Site
National Nature Reserve (NNR)	Fenn's, Whixall and Bettisfield Mosses, NNR
National Nature Reserve (NNR)	Lady Park Wood NNR
Special Scientific Interest (SSSI)	Dee Estuary SSSI
Special Scientific Interest (SSSI)	Severn Estuary SSSI
Special Scientific Interest (SSSI)	River Wye SSSI (system)
Special Scientific Interest (SSSI)	Fenn's, Whixall, Bettisfield, Wem & Cadney Moss Complex SSSI
Special Scientific Interest (SSSI)	Upper Wye Gorge SSSI
National Trail	Offas Dyke

6.4.15 The Step-Wise Approach

1a) The first priority for planning authorities is to avoid damage to biodiversity in its widest sense (i.e. the variety of species and habitats and their abundance) and ecosystem functioning.

Where there may be harmful environmental effects, planning authorities will need to be satisfied that any reasonable alternative sites (including alternative siting and design options) that would result in less harm, no harm or benefit have been fully considered.

1b) Proposals in statutory designated sites are, as a matter of principle, unacceptable and therefore must be excluded from site searches undertaken by developers.

This principle also extends to those sites containing protected species and habitats which are irreplaceable¹²⁹ and must be safeguarded. Such sites form the heart of resilient ecological networks and their role and the ecosystem services they provide must be protected, maintained and enhanced and safeguarded from development. It will be wholly exceptional for development to be justifiable in such instances.

2. When all locational, siting and design options for avoiding damage to biodiversity have been exhausted, applicants, in discussion with planning authorities, must seek to minimise the initial impact on biodiversity and ecosystems by:

- maintaining the largest possible area of existing habitat supporting biodiversity and functioning ecosystems, particularly Section 7 habitats and species where present, by minimising development size and appropriate orientation on site, paying due regard to the potential for continued long term maintenance and management of retained areas to benefit biodiversity;
- ensuring that retained habitats continue to be well connected to adjacent habitats to provide connectivity for key species and ensuring that the favourable conservation status of local species populations is maintained;
- retaining existing features, develop a management plan for their future care (e.g., trees, hedgerows, species rich grasslands, heath, wetlands, ponds and freshwater habitats) and use appropriate buffers to protect these from construction and operational impacts; and
- using proven innovative/creative solutions (where required) to minimise damage and maintain existing biodiversity features and ecosystems in tandem with robust monitoring and rectification strategies.

3a) Where, after measures to minimise impact, biodiversity and ecosystems could still be damaged, or lost through residual impacts, the proposed development should mitigate that damage. Mitigation measures must be put in place to limit the negative effects of a development.

¹²⁹ Habitats, including the natural resources which underpin them, which would be technically very difficult (or take a very significant time) to restore, recreate or replace once destroyed, taking into account their age, uniqueness, species diversity or rarity. Examples include, ancient woodland and veteran trees, ancient hedgerows, wet woodlands and dunes, heathland, species rich grassland, long undisturbed soils, blanket bog, salt marsh and lowland fen.

- 3b) Effective mitigation or restoration measures should be incorporated into the design proposal following the consideration of steps one and two above. Mitigation or restoration measures must be designed to address the specific negative effects by repairing damaged habitats and disturbed species. They should seek to restore in excess of like for like, accounting for disturbance and time lags for the recovery of habitat and species, and in every case, mitigation or restoration measures should seek to build ecosystem resilience within the site and where possible the wider area. In some circumstances, where like for like mitigation measures are not possible, particularly in respect of restoration measures, it may be necessary to consider on site compensation measures in the first instance. In designing mitigation measures where uncertainty exists, applicants should follow the precautionary principle and assume a significant effect. Off-site compensation measures (as set out in step four below) should be considered as a last resort.
4. When all the steps above have been exhausted, and where modifications, alternative sites, conditions or obligations are not sufficient to secure biodiversity outcomes further on-site/immediately proximate, as a last resort off-site compensation for unavoidable damage must be provided. This must be of significant magnitude to fully compensate for any loss. In the absence of a planned approach, compensation measures must be guided by place-based evidence and the onus is on applicants to address the following:
- a. Off-site compensation should normally take the form of habitat restoration, or habitat creation, or the provision of long-term management agreements to enhance existing habitats and deliver a net benefit for biodiversity. It should also be informed by a full ecological assessment to establish a formal baseline before habitat creation or restoration starts and secured far enough in advance before the loss of biodiversity on site.
 - b. The Green Infrastructure Assessment should be used to identify suitable locations for securing off-site compensation. Where possible, a landscape-scale approach, focusing on promoting wider ecosystem resilience, should help guide locations for compensation. The Green Infrastructure Assessment should provide a spatial guide to opportunities already identified for securing a net benefit for biodiversity. Using the assessment will help determine whether locations for habitat compensation should be placed close to the development site, or whether new habitat or additional management located further away from the site would best support biodiversity and ecosystem resilience at a wider scale.
 - c. Where compensation for specific species is being sought, the focus should be on maintaining or enhancing the population of the species within its natural range. This approach might also identify locations for providing species-specific compensation further away from the site. Where they exist, Spatial Species Action Plans should be used to help identify suitable locations.

- d. Any proposed compensation should be place based, take account of the Section 6 Duty (Biodiversity and Resilience of Ecosystems Duty), the DECCA framework and appropriate ecological advice from the local authority Ecologist, NRW or a suitably qualified ecologist.
5. Each stage of the step-wise approach must be accompanied by a long term management plan of agreed and appropriate avoidance, minimisation, mitigation/restoration and compensation measures alongside the agreed enhancement measures. The management plan should set out the immediate and on-going management of the site, future monitoring arrangements for all secured measures and it should clearly identify the funding mechanisms in place to meet the management plan objectives. The management plan must set out how a net benefit for biodiversity will be achieved within as short a time as possible and be locally responsive and relevant to local circumstances.
- 6 Finally, where the adverse effect on biodiversity and ecosystem resilience clearly outweighs other material considerations, the development should be refused.

6.4.16 The following factors will affect the implementation of the above step-wise approach:

- Pre-application surveys, research and data searches by developers will be necessary to establish the baseline state of biodiversity and ecosystem resilience on site taking into account the site's contribution to resilient ecological networks through its diversity, extent, connectivity and condition and the provision of ecosystem services.¹³⁰ For householder scale applications, planning authorities

should outline expectations regarding information required to accompany an application, recognising that the enhancement measures sought should be proportionate to the scale of the application. Understanding the ecological context of a development will be essential in facilitating/enabling a proportionate response to the significance of any potential impact.

- Potential applicants should not conduct any pre-emptive site clearance works before submitting a planning application as this can make it more difficult for a development proposal to secure a net benefit for biodiversity. Where a site has been cleared prior to development its biodiversity value should be deemed to have been as it was before any site investigations or clearance took place. A net benefit for biodiversity must be achieved from that point. Habitat status can be established through evidence remaining on site and local desk-based assessments (planning authorities must ensure that they have access to these data sources). In such cases, habitat status will be presumed to be good in the absence of any evidence to the contrary.
- All development must deliver a net benefit for biodiversity and ecosystem resilience from the baseline state (proportionate to the scale and nature of the development proposed). Even if the biodiversity value has been maintained, there must still be a pro-active process to look for and secure enhancement through the design and implementation of the development.

Wales Environment Link (WEL) is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales. WEL is a respected intermediary body connecting the government and the environmental NGO sector. Our vision is a thriving Welsh environment for future generations.

This paper represents the consensus view of a group of WEL members working in this specialist area. Members may also produce information individually in order to raise more detailed issues that are important to their particular organisation.



Swyddfa Caerdydd
 Tramshed Tech
 Uned D, Stryd Pendyris Caerdydd CF11 6BH
 F: 07498 228066 | E: enquiry@waleslink.org
 Trydar: @WalesLink

Cardiff Office
 Tramshed Tech
 Unit D, Pendyris Street, Cardiff CF11 6BH
 T: 07498 228066 | E: enquiry@waleslink.org
 Twitter: @WalesLink

www.waleslink.org

Pack Page 28



Ein cyf/Our ref MA/RE/1125/25

Mike Hedges MS
Chair of the Legislation, Justice and Constitution Committee
Senedd Cymru
SeneddLJC@senedd.wales

Llyr Gruffydd MS
Chair of Climate Change, Environment, and Infrastructure Committee
Senedd Cymru
SeneddClimate@senedd.wales

28 May 2025

Dear Mike and Llyr,

I laid a Legislative Consent Memorandum (LCM) regarding the UK Government's Planning and Infrastructure Bill (the Bill) on 26 March¹. I recently laid a Supplementary LCM (SLCM) which set out my position regarding Government amendments made to the Bill during Committee Stage at the House of Commons.

I am writing to you to update you regarding clause 4(3) of the Bill as introduced². This clause, amongst others, was included in the LCM I laid on 26 March. However, recently tabled Government amendment, Gov 58, proposes to remove clause 4(3) from the Bill. This amendment was not included in the SLCM I recently laid as it is consequential on amendment Gov NC44 and it did not meet the test as set out in Standing Order 29.2. This letter provides clarity on the resulting position.

As introduced, clause 4(3) required a relevant public authority to have regard to guidance issued by the Secretary of State to assist such authorities in responding effectively to consultation under section 42 of the Planning Act 2008 – pre-application procedure: duty to consult. A relevant public authority that must have regard to the guidance included a local authority in Wales.

The LCM laid on 26 March included clause 4(3) as a relevant provision as the provisions would affect the functions of the Devolved Welsh Authorities and therefore requires the consent of the Senedd. The change by Government amendment Gov 58 removes this duty at the pre-application stage as a consequence of amendment Gov NC44 which removes that statutory pre-application consultation stage.

¹ [LEGISLATIVE CONSENT MEMORANDUM](#)

² [Planning and Infrastructure Bill](#)

The requirement for Devolved Welsh Authorities to have regard to guidance issued by the Secretary of State is retained in clause 4(4) and (5) of the Bill. These relate to the production of the local impact reports under section 60 and making any representations about an application (oral or written) under the new section 96A of the Planning Act 2008. Both of these clauses were also included in the LCM I laid on 26 March. For the avoidance of doubt, these clauses remain in the Bill and still require the consent of the Senedd.

Yours sincerely,

A handwritten signature in black ink that reads "Rebecca Evans". The signature is written in a cursive, flowing style.

Rebecca Evans AS/MS

Cabinet Secretary for Economy, Energy and Planning

Ysgrifennydd y Cabinet dros yr Economi, Ynni a Chynllunio

Right Honourable Elin Jones MS
Llywydd and Chair, Business Committee

22 May 2025

Dear Elin,

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

Thank you for your letter, dated 13 May 2025, seeking the Committee's views on the proposed timetable for scrutiny of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill ('the Bill'). The Committee considered the proposed timetable at its 22 May meeting.

Further to my letter, dated 17 April 2025, the Deputy First Minister has helpfully shared an in-confidence copy of the draft Bill and Explanatory Memorandum with the Committee, and with key stakeholders. Early feedback from stakeholders suggests that early sight of the proposals will allow them sufficient time to prepare to give oral evidence on the Bill at the end of the summer term. This will help minimise overlap between Stage 1 scrutiny of the Bill and Stage 2 scrutiny of the Bus Services (Wales) Bill in the autumn term.

Given the above, we are content with the proposed scrutiny timetable.

Yours sincerely,



Llyr Gruffydd MS,
Chair, Climate Change, Environment, and Infrastructure Committee
Croesewir gohebiaeth yn Gymraeg neu Saesneg. / We welcome correspondence in Welsh or English.

Agenda Item 5

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

Document is Restricted