

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: MA/JJ/2793/23

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

6 November 2023

Dear Llŷr,

Thank you for your letter of 21 September enclosing a copy of the Climate Change, Environment, and Infrastructure Committee's: *Report on operation of interim environmental protection measures 2022-23*.

I would like to thank the Committee for its work on this important matter. I have thoroughly considered the Committee's report and its recommendations and enclose a detailed response.

Yours sincerely,

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

Julie James AS/MS
Y Gweinidog Newid Hinsawdd
Minister for Climate Change

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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.

Annex A

Written Response by the Welsh Government to the report of the Climate Change, Environment and Infrastructure Committee entitled 'Report on operation of interim environmental protection measures 2022-23'.

Recommendation 1

The Minister should report back to the Committee on:

- the findings of the resource review, including when additional resources will be made available; and
- steps that have been taken to date to appoint a Deputy IEPAW. This should include an indicative timetable for the remaining stages of the appointment process.

Response: Accept

I wrote to the Committee on 8 June 2023 to update on the findings of the review conducted to assess the resourcing requirements of the IEPAW.

As noted in my letter, the Welsh Government agreed to take the following steps to ensure the IEPAW has the resources she needs to carry out this work:

- *The appointment of a Deputy IEPAW,*
- *The recruitment of designated staff to provide secretariat support to the IEPAW, and*
- *Further money to be made available to the IEPAW to secure additional drafting support and expertise, including through a call-off contract.*

Progress to date:

- *The designated staff have been appointed and are providing focused secretariat support to the IEPAW*
- *Additional funding has been allocated for the IEPAW's work so that extra drafting capacity and specialist and legal support can be commissioned, including through a call-off contract.*
- *The advertisement for the post of Deputy IEPAW went live on 23 October 2023. It is my intention to fill this post as soon as possible but the time frame is dependent on the applications received.*

Financial Implications - These costs are from existing programme budgets. The existing budget for the IEPAW has been increased by £75,000 to appoint the Deputy IEPAW and for extra drafting capacity and specialist and legal support.

Recommendation 2

The IEPAW should establish a formal process to monitor the impact of its recommendations on Welsh Government decisions and environmental outcomes. This will allow the IEPAW to assess its impact.

Response: This is a matter for the IEPAW but I will discuss this recommendation with the IEPAW at our next regular meeting.

Recommendation 3

The Minister should:

- provide details of the proposed options for monitoring and evaluating the effectiveness of interim measures;
- clarify when an evaluation of the interim measures will be undertaken; and
- explain how the findings of the evaluation will be used to inform the design and development of a permanent environmental governance body for Wales.

The Welsh Government is bringing forward legislation to establish an environmental governance body for Wales and to introduce targets to protect and restore biodiversity. The learning from the impact and effectiveness of the IEPAW and the interim measures is informing our legislative proposals for an environmental governance body and will also inform the implementation project to establish the body.

Response: Accept

Financial Implications - These have not yet been quantified.

Recommendation 4

The Minister should clarify whether she intends to seek to reappoint the IEPAW when her current appointment comes to an end in February 2024. If this is not the Minister's intention, she should explain how she will ensure "there will be no gap between [the IEPAW's] role and any permanent [environmental governance] arrangements".

Response: Accept

Discussions are ongoing between the IEPAW and my officials concerning the position beyond February 2024. I will write to inform the Committee with the outcome.

Financial Implications - The IEPAW fees for 2024/25 will be drawn from existing programme budgets.

Recommendation 5

The Welsh Government should commit:

- to publishing its response to the forthcoming White Paper on a Bill to establish an environmental governance body and introduce statutory biodiversity targets within six months of the consultation's end;
- to bringing forward the Bill in year four of the Legislative Programme; and
- to ensuring the new environmental governance body is fully operational before the end of the Sixth Senedd.

Response: Accept in principle

The First Minister announced the Welsh Government's Legislative Programme on 27 June 2023. As part of this, he reaffirmed the Government's intention to bring forward legislation during this Senedd term to establish an environmental governance body for Wales and to introduce a statutory duty and targets to protect and restore biodiversity. He confirmed the Government would bring forward a White Paper on Environmental Governance and Biodiversity Targets by January 2024.

The Welsh Government will publish its response to the White Paper consultation as soon as practical, but the time frame will be influenced by the volume and complexity of the representations. The timing of the Body's establishment will depend on the precise timing of the Bill's passage through the Senedd. It is Welsh Government's intention that the Body should be established swiftly but further detailed implementation planning is required.

Financial Implications - None. Any additional costs will be drawn from existing programme budgets.

Recommendation 6

The Minister should commit to establishing an interim / shadow environmental governance body at the earliest opportunity.

Response: Accept, in principle

The Welsh Government has committed to bring forward legislation to establish an environmental governance body for Wales. Once the White Paper response is finalised, I will progress the arrangements for developing the operational arrangements for the new body.

The IEPAW provides interim environmental governance arrangements.

Financial Implications – Not yet quantified. Costs in addition to the IEPAW will be established through the development of the Regulatory Impact Assessment for the proposed Bill and any additional costs will be drawn from existing programme budgets.

Recommendation 7

The Minister should engage the OEP and ESS in discussion to understand the lessons learned from the establishment of their respective bodies. The outcome should be reflected in the forthcoming White Paper for the Bill.

Response: Accept

In addition to closely monitoring developments at the OEP and ESS, my officials continue to liaise with those of the OEP and ESS, as well as with counterparts in DEFRA and the Scottish Government. This information will assist in developing the Welsh body.

Financial Implications - None. Any additional costs will be drawn from existing programme budgets.