

Huw Irranca-Davies MS

Cabinet Secretary for Climate Change and Rural Affairs

2 July 2024

Dear Huw,

Thank you for your [letter of response](#) dated 24 May 2024 in relation to retained EU/assimilated law. The Committee considered your response at its [meeting on 13 June 2024](#) and agreed I should write to you with further questions in respect of your position on the National Emission Ceilings Regulations 2018 (NECR).

We recognise that the Retained EU Law (Revocation and Reform) Act 2023 impacted on some provisions in the NECR but that the targets and reporting duties set out in those Regulations remain in force. Our concerns relate specifically to the Secretary of State's former duty to develop a plan (the National Air Pollution Control Programme (NAPCP)) to meet the legally binding 2020 and 2030 emission reduction commitments for nitrogen oxides, ammonia, non-methane volatile organic compounds, particulate matter and sulphur dioxide, and to consult publicly on that plan.

1. We note the ongoing work with Defra on proposed alternative arrangements. However, could you clarify why you feel it is appropriate not to seek to recreate the effect of the repealed provisions, as they applied in relation to Wales before 31 December 2023, for example by imposing equivalent duties on the Welsh Ministers?
2. Could you clarify the status of the current NAPCP to achieve emission reduction commitments of the NECR, which is still showing as live on the UK Government's website?
3. Could you explain how, in your view, the revocation of Regulations 9 and 10 of NECR does not represent a regression of environmental regulation in Wales?
4. What assurances can you provide that this will not result in a failure to meet the 2030 targets set by NECR? What interim steps are being taken to ensure the 2030 targets will be met?

The position set out in your letter appears to have diverged from that of the former Minister for Climate Change, Julie James MS, who first drew our attention to the conflicting views of the UK and Welsh governments on the inclusion of NECR on Schedule 1 of the Retained EU Law (Revocation and Reform) Act 2023 last year. At that time, the Welsh Government had requested that NECR (and other



environmental REUL) be removed from Schedule 1. She also said that NECR's revocation "may now lead to a lack of transparency in information made available to stakeholders regarding the emission reduction pathway the UK intends to take".

In your letter, you describe the Welsh Government's desire to seek an open and collaborative pan-UK approach to achieving the UK's targets. You also state that, "We are confident that revocation of the legislation listed in Schedule 1 to the Act does not have any immediate and substantial impact for environmental law in Wales".

5. Could you explain the evolution of the Welsh Government's position?

The NECR were described as "vital for reducing air pollution" by [ClientEarth and 47 others](#).

6. What discussions has the Welsh Government had with environmental stakeholders in Wales on the revocation on NECR?

7. What work is being done on a UK-wide basis to consult with stakeholders on the alternative arrangements led by Defra and described in your letter?

I am copying this letter to Mike Hedges MS, Chair of the Legislation, Justice and Constitution Committee.

I should be grateful for a response as soon as possible, and by 30 July at the latest.

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.