

Huw Irranca-Davies MS

Deputy First Minister and Cabinet Secretary for

Climate Change and Rural Affairs

13 November 2024

Dear Huw

Written Statement: Independent Commission and Review of the Water Sector

At our meeting on Monday 4 November 2024 we noted your written statement concerning the joint launch with the UK Government of an Independent Commission and Review of the Water Sector. This matter is of interest to us given our consideration of the Welsh Government's legislative consent memorandum on the UK Government's Water (Special Measures) Bill and our scrutiny of intergovernmental relations.

In the statement, you refer to the "fresh approach of our two governments to cross-border cooperation on an issue which affects us all". You also note that "water is a complex and highly sensitive aspect of the devolution settlement in Wales, *which needs to be considered when developing future arrangements*" and that recommendations from the Commission "will *form the basis of further legislation to attract long-term investment* and clean up our waters for good." [Our emphasis].

In addition you state that "*We* have clear priorities for reform and a *shared sense* of the work that will be needed across both countries' policy and regulatory regimes to make this change happen. There will need to be a *consensus for action*, and this includes where distinctive solutions are needed in Wales and in England to *deliver a reset* and secure a resilient water sector and framework that will work for the long term." [Our emphasis].

Reference is also made to "This crucial work will complement the wide range of work on water quality that is already underway in other areas" and "our continued collaboration with our counterparts in England on this vital issue."



We anticipate that a primary legislative solution may be required to deliver some of the Commission's potential recommendations and that this will likely arise during the Seventh Senedd. Given that it is likely that the UK Government would introduce a Bill to implement recommendations for England arising from the Commission's work, a few questions arise:

- (i) How will the Welsh Government approach the Commission's work and implement its recommendations that relate to Wales, and are your officials working and preparing on the basis (during this Senedd) that a Bill will be introduced into the Seventh Senedd?
- (ii) As part of the cross-border cooperation you refer to in your written statement, what representations have you made to the UK Government about future legislative solutions to deliver the Commission's recommendations? Have you or your officials discussed with counterparts in the UK Government using a UK Bill to deliver the recommendations that relate to Wales?
- (iii) In terms of your collaboration with your counterparts in the UK Government, how might this be affected if legislation was introduced to the Senedd, rather than the UK Government legislating for Wales?
- (iv) What information have you provided to the Commission about possible future legislative solutions and your preferred approach?
- (v) Your statement refers to "a dedicated representative of the sector in Wales" being on the Commission, and seeking the views of Wales' experts to ensure the Welsh perspective is considered at the highest level. On what basis will these representatives input to the Commission: on the basis of a Bill coming before the Senedd or a joint legislative solution in a UK Bill?

I look forward to receiving a reply by 28 November 2024. I am copying this letter to the Chair of the Climate Change, Environment and Infrastructure Committee.

Yours sincerely,



Mike Hedges

Chair