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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

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Mike Hedges MS
Legislation, Justice and Constitution
Committee
Senedd Cymru
Cardiff Bay
CF99 1SN

14 November 2025

Dear Mike,

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

Thank you for the Legislation, Justice and Constitution Committee's Report, published on 24 October, regarding the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill as part of Stage 1 scrutiny.

I am grateful to the Committee for its considered stage 1 scrutiny and pleased the Bill has passed Stage 1 general principles successfully.

I have carefully considered the committee's report and please see my response in Annex 1 to the set of recommendations as outlined in the Stage 1 general principles debate.

Yours sincerely,

Huw Irranca-Davies AS/MS

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a Materion Gwledig
Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

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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: Response to Legislation, Justice and Constitution Committee’s report on the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill – November 2025

Recommendation 1. The Cabinet Secretary should provide the Committee with a flow diagram explaining in detail how the Welsh Government envisages section 3 of the Bill being applied by Welsh Ministers in a real-world context. In particular, the explanation should include the processes in place to identify relevant policies, the assessment of whether a policy has (or may have) any effect on the environment, and the practical application of the duty to have special regard to the environmental principles.

ACCEPT

I welcome this recommendation and consider this product would be helpful to include with the section 6 environmental principles statement or in supporting materials. I am therefore happy to commit to providing this to the committee ahead of the public consultation on the statement, which I intend to launch shortly after the Bill receives Royal Assent.

As the precise processes will be subject both to amendments to the Bill itself, as well as collaboration with stakeholders on the content and approach, it would not be appropriate to produce and share this until that work has completed.

Recommendation 2. The Bill should be amended to include an interpretation provision that explains, using a non-exhaustive list, what constitutes “making policy” in section 3 of the Bill.

ACCEPT IN PRINCIPLE

The Bill and supporting materials already clarify the meaning of “policy” and “making policy” in connection with the Welsh Ministers’ and NRW’s duties. We have not sought to define policy more explicitly on the face of the Bill to avoid any unintended consequences, for example where matters not listed are considered outside scope, which may not be the case. We think a broader, more encompassing approach is preferable.

However, we recognise that certain stakeholders would welcome further clarity and reassurance around this intended scope. I am therefore considering whether it is appropriate to include further clarification by amending the Bill or the supporting materials to support its interpretation but am unable to commit to making an amendment until this further exploration has concluded.

Recommendation 3. The Bill should be amended to require the Welsh Ministers to expressly set out how the four environmental principles are to be interpreted in the section 6 statement.

ACCEPT

Section 6 of the Bill sets out a number of specific and detailed matters that the Welsh Ministers are required to explain in the statement. This includes explaining how the Welsh Ministers propose to comply with their duties to apply the principles and integrate environmental protection.

However, on balance we consider there may be benefits to making it clearer on the face of the Bill that the section 6 statement will include a requirement to explain how the principles should be interpreted. I therefore intend to bring forward an amendment to this effect for stage 2.

Recommendation 4. The Bill should be amended to provide that a statement laid under section 7(2) of the Bill must not be published and come into force if the Senedd resolves that the guidance should not be published within 40 days of laying.

ACCEPT IN PRINCIPLE

The Bill currently provides for laying the statement before the Senedd, along with details of the consultation carried out, a summary of the consultation representations, and the Welsh Ministers' response. Whilst we consider this to provide a satisfactory level of transparency and accountability, we agree this could be enhanced by further scrutiny by the Senedd.

I intend to bring forward an amendment at Stage 2 to enable the Senedd to consider the post-consultation draft of the statement, with opportunity to submit recommendations to the Welsh Ministers. This is also explained in my response to the CCEI report. I am content to consider providing 40 days for this consideration as the recommendation requests. In turn, I intend to place a requirement on the Welsh Ministers to consider and respond to any such recommendations before the statement can be finalised.

The statement is one of government policy, and the approach reflects this whilst also providing a significantly strengthened role to enable Senedd recommendations to be provided. It also requires the Welsh Ministers to respond to these recommendations.

I can therefore accept the recommendation in principle only as I do not consider it appropriate for the Senedd to be able to approve a government policy statement. I welcome the opportunity for further scrutiny and refinement that this process could provide.

Recommendation 5. The Bill should be amended to ensure that the statement prepared under section 6 of the Bill must be capable of coming into force within 6 months of Royal Assent, taking into account the 40 day standstill period in Recommendation 4.

ACCEPT IN PRINCIPLE

I consider the section 6 statement essential for the Part 1 provisions to operate effectively. It is, therefore, my policy intention to publish the statement on commencement of the substantive duties under the Part 1 provisions, but I also recognise that provision in the Bill for a date by when the final statement must be laid and published can add clarity and enforceability to this intent.

As we are giving further consideration to the Senedd procedure and the impacts on the delivery timeline, I am unable to commit to the statement taking effect within 6 months of Royal Assent. Other matters will need to be factored in, including for example, the need for time to respond to any recommendations and potential further consultation if substantive changes are warranted.

I intend, however, to clarify by amendment to the Bill, a firm date by when the statement must be laid before the Senedd and published, to provide clarity and certainty and to ensure that the Part 1 provisions can operate effectively.

Recommendation 6. The Bill should be amended to include provision which expressly confirms the independence from government of the Office of Environmental Governance Wales

ACCEPT

I agree the independence of the OEGW is paramount to its effective operation, and I am content that the Bill, as drafted, already provides for this effect.

However, reflecting on feedback from stakeholders and committee, I consider a statement about the independence of the OEGW on the face of the bill would further enhance the importance of its independence.

I intend to bring forward a Government Amendment for Stage 2 placing a clear requirement on Welsh Ministers to have regard to protecting the OEGW's independence.

Recommendation 7. We invite the Welsh Government to undertake an assessment of the broader pre-appointment's regime with a view to better reflecting the operation of the regime on the face of primary legislation.

ACCEPT

I am happy to provide the committee with my further reflections on this in relation to this Bill. As identified in the committee report, the framework for pre-appointments operates outside of this Bill. This Welsh Government remains committed towards making pre-appointment hearings a routine part of the appointment of chairs of public bodies in Wales to enhance the scrutiny and transparency of the public appointment making process.

The Bill provides sufficient legislative flexibility to deliver upon this political commitment. However, it will be for future governments to determine the level of this commitment, including the extent to which it wishes the Senedd to have a direct role in scrutinising the public appointments.

I have considered this recommendation further and concluded it is not necessary to legislate for such matters on the face of this Bill. It is a matter of discretion as to which public appointments merit the further scrutiny provided by pre-appointment hearings. The operation of this regime is rightly subject to flexibility depending on the appointment at hand and will differ depending on the nature and level of role which is being appointed.

The Committee will also note that we have responded to the CCEI committee outlining my intention to bring forward an amendment that will enable Senedd members be involved in the appointment process, which I consider is a more direct method of strengthening Senedd involvement.

Recommendation 8. The regulation-making power in section 29(4) of the Bill should be subject to an enhanced form of the Senedd's approval procedure. In particular, the Bill should be amended to require mandatory consultation (including

public consultation) and a longer laying period in the Senedd to allow sufficient time for meaningful scrutiny.

ACCEPT IN PRINCIPLE

We recognise the potential impact of this power and, in response to the CCEI committee's report, I am intending to bring forward amendments to ensure, before making regulations under section 29(4), the Welsh Ministers must consult the OEGW and any other persons considered appropriate.

The regulations will be subject to the Senedd approval procedure. I consider the current scrutiny process in the legislation is sufficient and provides the appropriate opportunity for the Senedd to provide meaningful scrutiny of the proposals, including any responses from the consultation with the OEGW and other stakeholders.

I also wanted to take this opportunity to respond to a few of the comments raised in relation to Part 3 – Biodiversity Targets

- The target-setting framework in Part 3 of the Bill complements existing provision in the Environment (Wales) Act 2016. Section 6 of that Act requires public authorities to seek to maintain and enhance biodiversity in the exercise of their functions in Wales, meaning they must consider biodiversity in their day-to-day functions. The targets will give measurable goals to guide and assess progress toward halting and reversing the decline in biodiversity in Wales, and action taken by designated public authorities to contribute to achieving those targets will complement the section 6 duty.
- We recognise that inserting new substantive provisions into existing legislation can present challenges for readability. However, our intention in amending the Environment (Wales) Act 2016 was to retain all biodiversity-related duties within a single legislative framework. This approach avoids fragmentation, improving long-term accessibility and legal certainty. This is considered more accessible than splitting the provisions over two Acts.
- We note the Committee's broader concern about the complexity of the environmental legislative framework. The Bill has been carefully designed to complement existing legislation, including the Well-being of Future Generations (Wales) Act 2015, the Environment (Air Quality and Soundscapes) (Wales) Act 2024, and the Agriculture (Wales) Act 2023. The biodiversity targets framework is intended to strengthen strategic oversight and drive action, not to duplicate or confuse.