Cyswllt Amgylchedd Cymru | Wales Environment Link

Climate Change, Environment & Infrastructure Committee
Via email

19th April | 2023

To the Committee,

Re: Urgency of a Nature Positive Bill to be introduced

Wales Environment Link has warmly welcomed the Committee's calls, in recent years, for the Welsh Government to bring forward legislation to address the environmental governance gap in Wales and to establish legally binding nature recovery targets.

We would like to draw your attention to an open letter recently sent to the First Minister by Climate Cymru on behalf of over 300 organisations, calling for this "Nature Positive Bill" to be brought forward in this year's legislative programme. With the new Kunming-Montreal Global Biodiversity Framework now in place, there is no justification for further delay. The absence of independent environmental governance body in Wales diminishes Welsh citizens' access to environmental justice, a right that is enshrined in the international Aarhus Convention. Establishing the domestic legal framework to hold Government accountable for nature's recovery in the coming years and decades will be a vital legacy of the sixth Senedd.

Your Committee's 2022 report on interim environmental governance arrangements said: "*Despite continuous calls from this Committee, and from our predecessor committee in the Fifth Senedd, for the Welsh Government to prioritise legislation to establish a statutory oversight body, there will be no Bill in year two of the legislative programme. As pointed out by the First Minister in his recent letter to us, the Welsh Government has committed to bringing forward several Bills in the coming year "aimed at creating a greener Wales". As welcome as this new law may be, it is imperative that environmental law is underpinned by a robust governance framework that provides effective oversight of implementation and accountability of government when it fails to deliver. This is sorely missing in Wales."* The report goes on to state *"It would be unthinkable for a statutory oversight body not to be in place before the end of the appointment [of the IEPAW] in February 2024."*

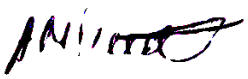
We endorse this view, and point to the Environment (Air Quality and Soundscapes) Bill currently being considered by the Committee as an example that highlights the absence of a robust governance framework. The Bill establishes a framework for Ministers to set air quality targets for Wales, and sets out a process for Ministers to report to the Senedd as to whether or not a target has been met. If a target has not been met, Ministers must lay before the Senedd a report explaining why not, and the steps to be taken to rectify this.

The equivalent framework for England (under the 2021 Environment Act) includes an additional layer of scrutiny: the Office for Environmental Protection (OEP) reports regularly on the UK Government's progress, including assessing compliance with targets and commenting on the adequacy of policy measures to meet them. The UK Government is required to respond to the OEP's recommendations.

Furthermore, the OEP will also be able to consider any future challenges or complaints from citizens about failures to deliver on air quality targets, by the UK Government or other public bodies in England, filling the vitally important gap of providing access to justice for citizens once more. The IEPAW does not have the powers or remit to do either of these things. Until we have fixed this gap through primary legislation to establish a robust permanent environmental governance body, the risk of environmental damage going unchecked will only increase.

We are desperately concerned by the ongoing delay to introduce this legislation to establish an environmental watchdog for Wales and set nature recovery targets. We urge the Committee to revisit this issue in light of the ongoing delays and to raise this directly with the First Minister.

Yours sincerely,



Annie Smith - Chair, Biodiversity Working Group

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