

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

Bill Summary

June 2025



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The **Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill** and accompanying **Explanatory Memorandum** were introduced into the Senedd on 2 June 2025.

The Bill aims to establish:

- an environmental objective and environmental principles;
- a statutory body; the “Office of Environmental Governance Wales”, responsible for ensuring public authorities comply with their duties under environmental law; and
- a biodiversity target setting framework.

This briefing provides context to the Bill’s introduction, summarises its provisions section by section, and sets out the legislative process.

Further Senedd Research publications for the Bill will be published on the **Bill’s resource page**, as it progresses through the Senedd.

1. Background

This section provides context behind the Bill's introduction, including previous consultations. It gives background information on environmental principles and governance with reference to the EU context from which the UK has withdrawn. It also explores biodiversity policy and targets for Wales within the global context.

Welsh Government policy development

Parts 1 and 2 of the Bill, on the environmental principles and establishment of an environmental governance body, have been developed in response to gaps following the UK's departure from the European Union (EU).

In 2019, the Welsh Government carried out a **consultation on environmental principles and governance in Wales post-EU exit**, and in 2020 it convened an **Environmental Governance Stakeholder Task Group** to further shape the proposals.

Part 3 of the Bill, on biodiversity targets, has been developed following the Welsh Government's 2022 '**biodiversity deep dive**' where a **group of experts and practitioners** identified **key themes** and **recommendations for specific actions**, including the setting of domestic biodiversity targets. This work was in the context of the **Kunming-Montreal Global Biodiversity Framework** (GBF) which is an international commitment to halt biodiversity loss by 2030 and "live in harmony with nature" by 2050.

All of this work culminated in a **White Paper for the Bill** to which the Welsh Government responded with **updated proposals** last year. Senedd Research analysed these proposals in its briefings:

- **Establishing an environmental governance body: a comparative analysis**; and
- **Biodiversity targets and environmental principles**.

Environmental principles

Calls for domestic environmental principles, to underpin and guide policy making, were raised in the context of EU-exit. This is because the EU environmental principles were not carried over into UK law.

EU environment policy is grounded in its environmental principles which aim to ensure high environmental standards and integrate environmental protection across EU policies and activities.

Article 191(2) of the Treaty on the Functioning of the European Union (TFEU) lists four core EU environmental principles:

- the prevention principle;
- the principle that environmental damage should as a priority be rectified at source;
- the polluter pays principle; and
- the precautionary principle.

The European Commission and the Court of Justice of the European Union (CJEU) apply these principles in the development, interpretation and enforcement of EU legislation. Rather than applying directly to Member States, the EU environmental principles instead flow through the EU's policies and laws.

While the principles are undefined in the TFEU, the European Commission has **issued guidance** on the application of the precautionary principle. The principles are also defined elsewhere, including in international law and case law.

In addition, an 'integration' principle is enshrined in **Article 11 of the TFEU**; "environmental protection requirements must be integrated into the definition and implementation of the Union's policies and activities, in particular with a view to promoting sustainable development".

Post-EU withdrawal, the EU Treaties and the environmental principles do not apply in the UK.

The Welsh Government proposed to legislate to fill the post-EU gap with its own domestic environmental principles. In developing these, the Welsh Government highlighted the importance of considering international and EU principles. In addition it emphasised the need to consider the Welsh context e.g. the existing Sustainable Management of Natural Resources principles of the **Environment**

(Wales) Act 2016 and the Sustainable Development principle of the **Well-being of Future Generations Act 2015**.

The **Environmental Governance Stakeholder Task Group** recommended that the four core EU principles should be provided for in Welsh legislation. It said these should be supported by an overarching objective setting out environmental ambitions in Wales, including integration of environmental policy considerations across government. The Task Group recommended a duty for the Welsh Ministers to apply these principles in the development of policy and legislation.

In other parts of the UK, domestic environmental principles have been established for England and Northern Ireland by the **Environment Act 2021** (UK Environment Act) and for Scotland by the **UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021** (Scottish Continuity Act). These are explored in a **Senedd Research briefing**.

Environmental governance body

‘Environmental governance’ in this context refers to an accountability system, whereby implementation and compliance with environmental law by public authorities is monitored, improved and (where needed) enforced by an independent body or ‘watchdog’.

In the EU, the European Commission monitors Member States’ implementation of, and adherence to, EU environmental laws. Citizens and organisations can complain to the Commission if they believe a breach of environmental law has taken place. If the Commission believes there is a case to answer, it can refer cases to the Court of Justice of the EU (CJEU). This can result in enforcement action (including fines) against Member States breaching those laws.

When the UK left the EU, it left the EU’s system of environmental governance.

While the Welsh Government has been developing the legislation to fill, what stakeholders refer to as, the post-EU ‘**environmental governance gap**’, it has established interim measures. An **Interim Environmental Protection Assessor for Wales** (IEPAW) was appointed to consider the functioning of environmental law ahead of establishment of a permanent governance body. The Senedd’s Climate Change, Environmental and Infrastructure (CCEI) Committee has **carried out annual scrutiny** of these interim arrangements, calling for a permanent body to be established as a priority.

Statutory domestic environmental governance bodies have been established for the other UK countries:

- The **Office for Environmental Protection** (OEP) for England and Northern Ireland was legally established by the UK Environment Act in 2021; and
- **Environmental Standards Scotland** (ESS) was legally established by the Scottish Continuity Act in 2021.

Another Senedd Research briefing explores the OEP and ESS and their legal foundations.

Biodiversity targets

The Senedd declared a ‘nature emergency’ in 2021 - in recognition of the human induced decline in biodiversity.

In 2022, the UK signed up to the **Conference of the Parties to the Convention on Biodiversity** international commitment (**COP15**). This includes a suite of 23 targets and four goals collectively termed the **Kunming-Montreal Global Biodiversity Framework** (GBF). The **GBF’s overarching aim** is a world “living in harmony with nature” by 2050, and to “halt and reverse biodiversity loss” by 2030, relative to a 2020 baseline. A high profile GBF target is **‘30 by 30’** – to protect at least 30% of land, inland waterways, and seas by 2030. As a devolved area, the Welsh Government has a role to play, and the **biodiversity deep dive** aimed to develop a set of collective actions to achieve ‘30 by 30’.

There are a variety of existing policies and statutory duties to restore biodiversity in Wales. This includes the **Nature Recovery Action Plan**, and policies/duties arising from the **Environment (Wales) Act 2016** (amongst others **outlined in a Senedd Research briefing**). The CCEI Committee **carried out an inquiry** into biodiversity calling for better implementation and resourcing of biodiversity policy. It highlighted disappointment at the speed of biodiversity target development.

Natural Resources Wales (NRW), alongside the other UK Statutory Nature Conservation Bodies, published the **Nature Positive 2030** report in 2021. It noted nature positive targets are needed so that nature goals are put on an equal footing with climate change ambitions, stating:

Setting and achieving targets, underpinned by a strong evidence base, guides the type and scale of action required and encourages action by others.

In March, over 300 organisations under the banner of Climate Cymru wrote an

open letter to the First Minister calling for a ‘Nature Positive Bill’ that “Enshrines a commitment to a Nature Positive Wales in law, underpinned by legally binding nature recovery targets”.

In terms of other UK countries, the UK Environment Act provides the statutory basis for introducing biodiversity targets and a wider framework for England. The Scottish Government intends to introduce biodiversity targets through its **Natural Environment (Scotland) Bill**. This Bill was introduced on 19 February 2025 and is currently passing through the Scottish Parliament.

Another **Senedd Research briefing** discusses biodiversity targets in further detail and compares approaches in other UK countries.

2. Summary of provisions

This section summarises what the Bill does, section by section.

The Bill as introduced comprises 45 sections and four schedules. It is split into four Parts as follows: -

Part 1 - Environmental Objective And Principles

- Part 1 establishes certain environmental principles and an environmental objective. It will require the Welsh Ministers and NRW, when making policy, and certain other public authorities, when carrying out environmental assessments, to apply the principles, and to integrate environmental protection.

Part 2 - The Office of Environmental Governance Wales

- Part 2 establishes an independent environmental governance body, the Office of Environmental Governance Wales (the “**OEGW**”) to provide strategic oversight of requirements on public authorities to: comply with environmental law; make effective environmental law; implement and apply environmental law effectively; and to hold those public authorities to account.

Part 3 - Biodiversity Targets, Etc.

- Part 3 amends the *Environment (Wales) Act 2016* to establish a biodiversity target setting framework aimed at halting and reversing the decline in biodiversity in Wales, as well as imposing a duty on the Welsh Ministers to promote awareness in Wales of the importance of, and the threats to, biodiversity.

Part 4 - General

- Part 4 makes the usual general provisions, such as interpretation and commencement.

Part 1 - Environmental Objectives and Principles

Section 1 of the Bill establishes the “environmental objective”.

It is defined as the attainment of a high level of environmental protection and an improvement of the environment, with a view, in particular to:

- meeting the needs of the present without compromising the ability of future generations to meet their own needs and contributing to achieving the well-being goals in section 4 of the *Well-being of Future Generations (Wales) Act 2015*,
- maintaining and enhancing the resilience of ecosystems and the benefits they provide,
- mitigating and adapting to climate change, and
- contributing to halting and reversing the decline in biodiversity.

Section 2 establishes four environmental principles:

- the precautionary principle so far as relating to the environment;
- the principle that preventative action should be taken to avoid environmental damage;
- the principle that environmental damage should as a priority be rectified at source; and
- the polluter pays principle.

Section 3 places a duty on the Welsh Ministers to contribute to the environmental objective by:

- having special regard to the environmental principles when making policy in relation to Wales that has, or could have, any effect on the environment, and
- integrating environmental protection into the making of such policy.

Section 4 amends the legislation which established NRW to impose a duty on it to have special regard to the environmental principles when making policy in relation to Wales, and to integrate environmental protection into the making of such policy.

Section 5 places a duty on public authorities in Wales to contribute to the environmental objective by:

- having regard to the environmental principles when assessing plans and programmes relating to Wales under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004; and
- integrating environmental protection when carrying out those functions.

For the purposes of sections 5 and 6 of the Bill, a public authority is defined as:

- A devolved Welsh authority under section 157A of the Government of Wales Act 2006 ("GoWA"). Essentially a list of approximately 100 Welsh public bodies set

out in Schedule 9A to GoWA, or other public bodies which meet the statutory definition of ‘devolved Welsh authority’ as narrowly defined in section 157A of GoWA.

- Those listed in paragraph 9(2) or 9(6) of Schedule 7B to GoWA:

Paragraph 9(2) public authorities	Paragraph 9(6) public authorities
<ul style="list-style-type: none"> the Electoral Commission; the Food Standards Agency; the Water Services Regulation Authority; the Joint Committee on Vaccination and Immunisation; the Human Tissue Authority; the NHS Business Services Authority or Awdurdod Gwasanaethau Busnes y GIG; NHS Blood and Transplant or Gwaed a Thrawsblaniadau'r GIG; the Open University; and the Controller of Plant Variety Rights. 	<ul style="list-style-type: none"> a water or sewerage undertaker; the Consumer Council for Water; the Chief Inspector of Drinking Water for Wales; and electoral registration officers.

Section 6 requires the Welsh Ministers to prepare and publish an “*environmental principles and integrating environmental protection statement*” and sets out what the statement must contain, including: an explanation of how the environmental principles relate to each other, and guidance to public authorities about how to comply with their duties under the Bill.

Section 7 sets out the procedural and consultation requirements in connection with the preparation and publication of the statement required under section 6.

Part 2 – The Office of Environmental Governance Wales

Section 8 establishes the Office of Environmental Governance Wales (the “**OEGW**”) as a body corporate.

Section 9 provides that the OEGW must exercise its functions for the general purpose of contributing to the environmental objective in an impartial, objective,

proportionate and transparent manner.

Section 10 requires the OEGW to prepare and publish a strategy setting out how it intends to exercise its functions. It also introduces Schedule 2 which makes further provision about the required contents of the strategy.

Section 11 requires the OEGW to monitor public authorities' compliance with environmental law (as defined in section 29) and the implementation and application of environmental law. It also confers a discretion on the OEGW to report on any matter it's required to monitor, or any other matter concerned with the making of environmental law or its effectiveness.

Section 12 provides that the OEGW may give advice to Welsh Ministers relating to new proposals for environmental legislation, or changes to existing legislation. The OEGW has discretion as to whether it provides advice requested by Welsh Ministers, but must explain in a statement if it chooses to refuse.

Section 13 provides that the OEGW may issue or give guidance on any matter relating to environmental law. If the guidance is provided to a public authority and contains recommendations, the OEGW may require the authority to respond to such recommendation.

Section 14 empowers the OEGW to serve information notices on public authorities requiring them to provide it with information reasonably required for the purposes of exercising its functions. Public authorities have at least two months to provide the requested information.

Section 15 empowers the OEGW to investigate (on its own initiative, or in response to any representation made to it by any person) any matter relating to:

- whether a public authority is failing or has at any time failed to comply with environmental law (including breaches existing before the Bill becomes law);
- how environmental law is implemented and applied; or
- the effectiveness of environmental law.

Section 16 empowers the OEGW to serve 'compliance notices' on public authorities if it considers that they are failing to comply with environmental law, or have failed to comply with an information notice. Amongst other things, a compliance notice must set out the actions required to address the alleged failures, and a timescale of at least 30 days from service of the notice for compliance. The public authority has a right to request a review of any compliance notice before the deadline for

compliance (see section 18).

Section 17 empowers the OEGW to serve ‘urgent compliance notices’ on public authorities where it considers that steps need to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health. Urgent compliance notices may specify a period of at least 7 days, but less than 30 days for compliance.

Section 18 requires the OEGW’s review committee to review a compliance notice if requested to do so by a public authority in writing. Trivial defects may be disregarded and the committee must either confirm, withdraw or vary a compliance notice after review. A review has the effect of freezing the time limit for compliance by a public authority.

Section 19 empowers the OEGW to apply to the High Court for an order requiring a public authority to take an action specified in a compliance notice if it considers that a public authority has failed to take the specified action within the specified period. The Court may order the public authority to take the specified action, to take such appropriate action as varied by the Court or it may ultimately withdraw any part of a notice it considers unreasonable.

Section 20 empowers the OEGW to publish an ‘improvement report’ if it considers that a public authority is failing or has at any time failed to comply with environmental law, or failed to implement or apply environmental law effectively. It may also publish an improvement report if it considers that the Welsh Ministers or other public authority has failed to make effective environmental law.

Section 21 sets out the specific details required in an improvement report. These include details of the alleged failures, the impact of the alleged failures and recommendations for the Welsh Ministers to take in response to such failures with associated timescales.

Section 22 requires the Welsh Ministers to respond to an improvement report by publishing an ‘improvement plan’ within six months in normal circumstances, or within nine months if a consultation is required. An improvement plan must set out what the Welsh Ministers propose to do in response to the recommendations with associated timescales, or an explanation if the Welsh Ministers do not intend to implement the recommendations.

Section 23 imposes duties on public authorities to co-operate with the OEGW. This includes giving the OEGW reasonable assistance in connection with the exercise

of its functions, and to take reasonable efforts to swiftly resolve alleged failures identified by the OEGW.

Section 24 provides, amongst other things, that a public authority is not required to provide the OEGW with any information that it would be entitled to withhold in connection with legal proceedings or under data protection laws.

Section 25 imposes confidentiality obligations on the OEGW in connection with information and correspondence disclosed to it, or produced by it, subject to certain exceptions.

Section 26 imposes confidentiality obligations on public authorities in connection with correspondence relating to information notices, compliance notices or improvement reports, subject to certain exceptions.

Section 27 stipulates that certain information held by the OEGW or a public authority under the Bill constitutes ‘environmental information’ for the purposes of the *Environmental Information Regulations 2004*. This designation has the effect of allowing a public authority to potentially refuse disclosure under those regulations if it would compromise the confidentiality of an OEGW investigation.

Section 28 introduces Schedule 3 which makes provision in connection with staff transfer schemes from the Welsh Government to the OEGW.

Section 29 defines ‘environmental law’ for the purposes of Part 2 of the Bill. It is defined by reference to devolved provision, which essentially means legislation wholly or mainly relating to environmental protection that has, or could be made, by the Senedd.

Section 30 defines ‘public authority’ for the purposes of Part 2 of the Bill.

Section 31 clarifies that references to the “effectiveness of environmental law” in Part 2 of the Bill are references to its effectiveness in contributing to environmental protection.

Section 32 clarifies that references to “failing to comply with environmental law” in Part 2 of the Bill are references to the relevant public authority exercising its functions in a way that is contrary to environmental law, or failing to exercise its functions where the failure is contrary to environmental law.

Part 3 – Biodiversity Targets

Section 33 amends Part 1 of the *Environment (Wales) Act 2016* to insert seven new sections which collectively introduce a biodiversity target setting framework.

- New Section 6A is inserted by section 37 of the Bill, discussed below.
- New section 6B empowers the Welsh Ministers to set targets in respect of any matter relating to biodiversity in Wales if they are satisfied that meeting the target would contribute to halting and reversing the decline in biodiversity. Each target must specify a standard to be achieved which is capable of being objectively measured and a date by which the standard is to be achieved.
- New section 6C requires the Welsh Ministers to lay draft regulations before the Senedd within three years of Royal Assent setting a target in respect of at least one matter within each of the four priority areas set out in new section 6C.
- New section 6D sets out the process Welsh Ministers must follow in setting any target under the framework, including seeking advice from an independent expert.
- New section 6E requires the Welsh Ministers to ensure that any targets set in regulation are met.
- New section 6F empowers the Welsh Ministers to designate a public authority in relation to a target set under the framework. The effect of designation is a requirement to take action to contribute to meeting the target applicable to the public authority.
- New section 6G sets out when the Welsh Ministers may, or must, review any biodiversity targets set under new section 6B.
- New section 6H generally prohibits the Welsh Ministers from revoking or lowering a biodiversity target set under section 6B unless an exception applies.
- New section 6I requires the Welsh Ministers to publish a statement in connection with a target on or before the date by which it is to be achieved. The statement must indicate whether the target has been met. To the extent it has not, the Welsh Ministers must subsequently publish a report within 12 months explaining why the target has not been met and setting out the intended steps to ensure the target is met as soon as reasonably practicable.

Section 34 amends section 6 of the *Environment (Wales) Act 2016* to add provision compelling a public authority designated under new section 6F to take action to contribute to meeting a target in relation to which it has been designated.

Section 35 amends section 6 of the *Environment (Wales) Act 2016* to require the Welsh Ministers to specify in a plan what action they propose to take to ensure that the biodiversity targets are met, when they propose to take that action and how the targets, if met, will contribute to halting and reversing the decline in biodiversity.

Section 36 amends section 6 of the *Environment (Wales) Act 2016* to require a public authority to explain in a report what it has done to contribute to meeting the biodiversity target to which it has been designated (where applicable). In the Welsh Ministers' section 6 report, a new provision is added requiring them to report on progress being made towards meeting the biodiversity targets set, and whether they are likely to be met.

Section 37 amends the *Environment (Wales) Act 2016* to add new section 6A requiring the Welsh Ministers to publish an 'evaluation report' before the end of 2031 and every three years thereafter. The evaluation report must outline the Welsh Ministers' assessment of the impact and effectiveness of the proposals set out in their plans to maintain and enhance biodiversity under section 6 of the 2016 Act.

Section 38 amends the *Environment (Wales) Act 2016* to confer a duty on Welsh Ministers to take steps to promote awareness in Wales of the importance of biodiversity and the threats to biodiversity.

Part 4 - General

Section 39 empowers the Welsh Ministers to make such supplementary, incidental or consequential provision as necessary to give full effect to any provision of the Bill.

Section 40 makes general provision about regulations made under the Bill, setting out the applicable Senedd regulation-making procedure

Section 41 makes provision in connection with documents, notices and directions required to be provided under the Bill including how such items may be delivered, and when they are deemed served.

Section 42 is an interpretation provision which defines certain words and terms used in the Bill.

Section 43 introduces Schedule 4 which makes consequential amendments to certain statutes in connection with the establishment of the OEGW.

Section 44 sets out when each provision of the Bill comes into force.

Section 45 provides the short title which is the “*Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2025*” or “*Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026*”

Schedules

Schedule 1 (introduced by section 8) makes provision related to the OEGW’s functions and governance arrangements.

Schedule 2 (introduced by section 10) makes provision detailing the required content of the OEGW’s strategy prepared and published under section 10 of the Bill.

Schedule 3 (introduced by section 28) empowers the Welsh Ministers to make one or more staff transfer scheme(s) providing for members of staff of the Welsh Government to become members of staff of the OEGW.

Schedule 4 (introduced by section 43) makes consequential amendments to certain statutes in connection with the establishment of the OEGW.

3. Next steps

Now the Bill has been introduced, it is subject to the Senedd's Bill scrutiny process.

Stage 1

The Bill has been referred to the CCEI Committee for its Stage 1 scrutiny, where the 'general principles' of the Bill will be considered. The Committee will take evidence from stakeholders and the Member in Charge of the Bill; the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, Huw Irranca-Davies MS. It will also gather written evidence on the Bill over the next few weeks through an online consultation before producing a report based on its consideration of the Bill with recommendations. Other committees may also produce reports on the Bill.

The whole Senedd is then expected to debate the general principles of the Bill (the Stage 1 debate).

Stage 2

Should the Senedd agree the general principles of the Bill, it will move to Stage 2. However before Stage 2 proceedings can begin, the Senedd must agree a financial resolution supporting expenditure required to realise the Bill. If a financial resolution is moved, and agreed by the Senedd, then Stage 2 proceedings can begin and the CCEI Committee will have the opportunity to move and vote on amendments to the Bill.

Stage 3

The Bill would then be subject to further amendments by all Members of the Senedd, debated and voted on in Plenary at Stage 3.

Additional amending stages are also possible; the Bill can move to further Stage 3 proceedings or Report Stage.

Stage 4

The Bill will be subject to a final Plenary vote on whether to pass the legislation at Stage 4.

Royal Assent

If the Bill completes all of its legislative stages, it will become law as an Act of Senedd Cymru after receiving Royal Assent.