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Title: Summary of responses to the Consultation on Environmental principles, governance, and biodiversity targets: White Paper

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Views expressed in this report are those of the researcher and not necessarily those of the Welsh Government

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Glossary

<i>Acronym / Key word</i>	<i>Definition</i>
EU	European Union
CJEU	Court of Justice of the European Union
OEP	Office for Environmental Protection
WBFG	Wellbeing of Future Generations
EIA	Environmental Impact Assessments
NRW	Natural Resources Wales
IEPAW	Interim Environmental Protection Assessor for Wales
ESS	Environmental Standards Scotland
AHDB	the Agriculture and Horticulture Development Board
PEDW	Planning and Environment Decisions Wales
MOD	Ministry of Defence
NICW	National Infrastructure Commission for Wales
UKCCC	UK Climate Change Committee
JNCC	Joint Nature Conservation Committee
MoU	Memorandum of Understanding
NDPB	Non-Departmental Public Body
LNPs	Local Nature Partnerships
NGOs	Non-Governmental Organisations
SoNaRR	State of Natural Resources Report

LERCs	Local Environmental Records Centres
BNG	Biodiversity Net Gain
LNRAPs	Local Nature Recovery Action Plans
SEWBRcC	South East Wales Biodiversity Records Centre
GBF	Global Biodiversity Framework
SSSI	Sites of Specific Scientific Interest
SEA	Strategic Environmental Assessment
EIA	Environmental Impact Assessment
LAEPs	Local Area Energy Plans

Executive Summary

- i. This report provides a summary of the responses to the Welsh Government consultation on the Environmental Principles, Governance and Biodiversity targets for a Greener Wales White Paper and focus groups. The White Paper details proposals to introduce a Bill into the Senedd that will embed environmental principles into Welsh law, establish a new governance body to oversee compliance with environmental law, and introduce new a biodiversity framework and targets.
- ii. The consultation received engagement from individuals and organisations totalling 1171 responses received including responses to the online survey, campaigns by organisations, and responses sent directly to the Welsh Government. There was also a total of 56 individuals who attended focus groups.

Summary of findings

- iii. There was widespread agreement to Part A (Environmental Principles) and Part C (Biodiversity Targets) of the White Paper, whilst Part B (The Governance Body) saw a more mixed response.
- iv. The consultation asked a series of specific questions relating to the proposals allowing several concerns to emerge as themes throughout the responses received. These were as follows:
- v. **The importance of independence for a future Governance Body:** Many responses were consistent in stressing the need for a fully independent governance body to meet the aims of the White Paper proposals, one that would not be influenced by Welsh Government or Welsh Ministers.
- vi. **The need to collaborate and avoid overlap:** it was recognised throughout the consultation that there are a number of other bodies already carrying out regulatory, monitoring, and compliance roles throughout Wales and the UK in the environmental sector with most respondents agreeing with the proposals in the White Paper surrounding the requirement to collaborate and avoid overlap. There was attention drawn to particular stakeholders not mentioned in the White Paper as having responsibilities, and

respondents wished to see a very specific remit for the governance body, and reporting requirements.

- vii. **The significance of access to financial penalties;** Many respondents felt access to financial penalties to be an important factor for the Governance body to 'have teeth', with even those who agreed with the Welsh Government's stance that financial penalties would be an ineffective or counterproductive method stating that an option to use financial penalties should be available as a last resort.
- viii. **Requests for sufficient resource:** Resource was a repeated concern throughout all aspects of proposals. It was felt there would be a need to source long term funding not only for the proposed Governance Body, but also for local authorities, Local Nature Partnerships, and Natural Resources Wales to be able to deliver on the proposals. Whilst planning and monitoring was repeatedly mentioned, other comments also mentioned the need to resource the action necessary to reach 2030 and 2050 targets. Respondents also pointed out the risk of implementing costly legislation at a time of financial insecurity.
- ix. **The importance of clear and transparent guidance and communication:** due to the vast number of organisations with different responsibilities relating to the environment, respondents wished to see guidance and communication which explicitly set out the role of the governance body to both public authorities and the public. Clear complaints procedures, publishing of reports, and guidance were important elements for respondents – stressing the need for transparency.

1. Introduction / Background

Introduction

- 1.0 In February 2024, the Welsh Government commissioned Miller Research to analyse the responses to the consultation on the ‘Securing a Sustainable Future: Environmental Principles, Governance and Biodiversity Targets for a Greener Wales a White Paper,’ and conduct consultation focus groups with members of the public. This report provides a brief background to the policy area and consultation before summarising the consultation methodology and findings.
- 1.1 The White Paper sets out proposals to introduce a Bill into the Senedd that will embed environmental principles into Welsh law, strengthen environmental governance in Wales by establishing a new body to oversee compliance with environmental law by Welsh public authorities, and introduce a new and ambitious biodiversity targets framework to combat the ongoing nature emergency. The proposals reflect the Welsh Governments commitment towards “a greener Wales to tackle climate change and the nature emergency” as set out in the Programme for Government and Cooperation Agreement.

Policy background

Background to the consultation

- 1.2 Oversight of environmental law and the accountability of EU Member States was previously provided by the European Commission and the Court of Justice of the European Union (CJEU) (the latter in addition to the UK’s domestic courts). However, Brexit posed challenges for the governance of environmental law, as the oversight of the CJEU (Court of Justice of the European Union) and the Treaties of the European Union, which included environmental principles, would no longer apply post-EU exit.
- 1.3 While England and Northern Ireland adopted a UK-wide governance framework with the Environment Act 2021 and the Office for Environmental Protection (OEP), Scotland and Wales pursued their own frameworks due to their ambitious environmental laws. Wales, in particular, sought to align new governance with existing legislation like the Environment (Wales) Act 2016 and the Wellbeing for Future Generations (Wales) Act 2015.

- 1.4 In Spring 2019 the Welsh Government launched a 12-week consultation on Environmental principles and governance in Wales post European Union exit¹, seeking views on how to deliver an effective environmental governance framework in Wales post-EU exit. It formed part of an ongoing open discussion with stakeholders by:
- considering how environmental principles were applied in EU law, and in law and policy in Wales and the rest of the UK
 - outlining the current environmental governance structure within the EU and the available mechanisms in Wales
 - outlining the context of environmental law after EU exit
 - providing an analysis of the gaps in environmental principles and governance which would occur in Wales once the UK left the European Union
 - seeking views on which environmental principles should apply in Wales and how
 - seeking views on the key features a new governance system would require
 - considering whether any environmental governance mechanisms may be relevant at UK level
- 1.5 Following the 2019 consultation, the Welsh Government subsequently commissioned a stakeholder task group, the “Environmental Governance Stakeholder Task Group” (the Task Group), to assist with the development of options for environmental governance arrangements in Wales.
- 1.6 Now, the Welsh Government is prioritising the development of environmental law to address climate change, biodiversity loss, and environmental pollution. They aim to introduce a Bill that will incorporate environmental principles into Welsh law, establish a new body for overseeing compliance with environmental regulations by public authorities, and implement ambitious biodiversity targets. These efforts align with the government's commitment to creating a greener Wales, as outlined in the Programme for Government and Cooperation Agreement. The First Minister has pledged to introduce the Bill during the current Senedd term. The White Paper outlines proposals for the Bill, seeking input from stakeholders on three key areas: embedding environmental principles, enhancing environmental governance, and establishing biodiversity targets.

1.7 The Welsh Government published the Environmental principles, governance and biodiversity targets: White Paper Consultation in January 2024, and it was closed to responses in April 2024.

Report structure

1.8 This report is structured as follows:

- Section 2 outlines the methodology utilised for this commission.
- Section 3 sets out the findings under response type:
 - Consultation form responses
 - Focus Groups
 - Campaign Responses
 - Easy Read Responses
 - Focus Group Attendees
- Section 4 presents the complete consultation analysis on a question-by-question basis, differentiating between individual and organisational, easy read and focus group responses
- Section 5 is an analysis of additional comments and campaign responses to the consultation
- The Annex contains the research materials:
 - Consultation questions
 - Focus group topic guides
 - Focus group quantitative polls

2. Methodology

2.1 This methodology outlines the approach employed to analyse the data collected through the five focus groups and the written survey responses to the consultation. The following sections detail the approach for qualitative and quantitative data collection, analysis, and interpretation.

Overview of qualitative engagement

2.2 As part of the consultation, a total of five focus groups were held throughout March and April 2024:

- one online group with Welsh speakers, conducted in Welsh
- two online groups with individuals with protected characteristics
- two face-to-face groups with those who were considered ‘digitally excluded’

2.3 An overview of the focus groups delivered can be found in Table 2.1

Table 2.1: An overview of focus groups delivered

Group	Demographic focus	Delivery	Date
1	Protected Characteristics	Online	14/03/2024
2	Digitally Excluded	Face to Face	16/03/2024
3	Welsh Speakers	Online	19/03/2024
4	Protected Characteristics	Online	21/03/2024
5	Digitally Excluded	Face to Face	13/04/2024

Source: Miller Research

2.4 Miller Research contracted DJS Research, a specialist recruitment agency, to recruit participants based on the criteria outlined in Table 2.1.

2.5 To capture responses to the questions in the white paper, qualitative and quantitative methods were used in the online workshops. The online software Mentimeter was utilised to gather polling results during the online workshops, whilst face to face workshops used printed questionnaires. The topic guides, which were used to guide discussions and the quantitative questions used are included as Annexes B and C.

2.6 During both online and face-to-face focus groups, the team presented an overview of each section of the consultation. The presentation outlined:

- an introduction to the consultation

- an explanation of Part A of the consultation: Environmental Principles
- an explanation of Part B of the consultation: The Environmental Governance Body
- an explanation of Part C of the consultation: Biodiversity Targets

2.7 Online focus groups were held on Microsoft Teams, with each session moderated by two researchers from Miller Research. Notes were taken during the session, and sessions were also recorded to aid notetaking and analysis. Notes were also taken during face-to-face focus groups.

Qualitative Analysis Method: Focus Groups

2.8 Analysis involved cross-checking notes from multiple researchers with reference to session recordings when necessary as well as internal workshops to discuss and sense check findings.

2.9 Findings were compiled into thematic analysis software (Miro) before being examined through a two-stage analysis process. An initial analysis of focus group comments based on the level of consensus with proposals followed by the second analysis stage which thematically grouped findings to identify key issues raised by focus group participants.

2.10 Interim findings of the focus groups were presented to Welsh Government.

2.11 Findings and sentiment from focus groups have been split into the relevant section of the consultation; Part A, B and C, and analysis reported separately from the standard responses.

Quantitative Analysis Method: Focus Groups

2.12 Focus groups included polling on a limited number of questions relevant to each part of the consultation. These questions were pre-agreed with Welsh Government ahead of the focus groups.

2.13 Results of the polls were input into an Excel spreadsheet and a distribution of answers was calculated. The result of this analysis is presented throughout Section 4.

Overview of responses to official consultation

2.14 The consultation received 1171 responses in total, consisting of 161 online responses, 5 Easy Read responses and 1005 campaign responses.

- 2.15 Of the 1171 responses, 9 were received in the medium of Welsh, with the remaining 1162 responses submitted in English.

Qualitative Analysis Method: Standard individual and organisation responses to the consultation

- 2.16 Qualitative consultation responses were analysed iteratively for each of the 32 questions posed in the consultation. An initial sample of 26 responses were undertaken to develop a thematic analysis. This involved an iterative process where key concepts were identified from the initial sample of responses. This framework facilitated the categorisation of responses into coherent themes that reflected the key areas of discussion for the respondents.
- 2.17 Following analysis of the sample, the full set of standard individual and organisational responses, totalling 161, was subjected to a comprehensive analysis. Each response was analysed, with attention paid to the emergence of new themes and the evolution of existing ones. This phase allowed for the refinement and reorganisation of the thematic framework, accommodating new perspectives that were not evident from the sample.
- 2.18 Throughout the process, particular attention was given to changes in the relative weighting of themes based on the volume of responses. Themes that emerged more frequently were given greater emphasis, highlighting the areas of most interest to the respondents.

Qualitative Analysis Method: Non-standard responses

- 2.19 Both individuals and organisations submitted free form responses, which were analysed separately. A similar approach to the analysis was adopted based on that of standard responses, with key themes identified, a framework developed, and all responses analysed to understand the weight of themes.

Qualitative Analysis Method: Campaigns

- 2.20 Some respondents took part in an organised campaign where a standard response was submitted. In some cases, the respondent chose to add additional detail to the response (n=137). This additional detail was analysed separately, and the standard responses counted and recorded. A similar approach was taken to that of the analysis of standard responses.

Quantitative Analysis Method

2.21 Quantitative analysis was undertaken for all closed questions contained within the consultation. In total, this included 29 out of the total 32 questions with each relevant question presented in graph format.

Limitations

2.22 Whilst the quantitative overviews for each question provide an understanding of respondents' overall sentiment towards proposals, the qualitative analysis is only representative of those who went on to provide further comment. It is worth noting that some respondents used the opportunity to provide a caveat or condition to their agreement or disagreement with a question. For this reason, responses were not analysed by positive or negative sentiment, as themes arose across all sentiment type. This approach naturally can expose discrepancies between quantitative and qualitative data, as qualitative representation can be skewed based on the biases of the sample of respondents who chose to comment.

3. Response Breakdown

3.1 The consultation received 1171 responses in total and 56 individuals attended the focus group. The responses are made up of:

- individual
- organisations
- campaign responses
- easy Read responses
- focus groups

Individual responses

3.2 There was a total of 57 responses submitted by individuals to the consultation. Of those who opted to answer, 28% identified as Welsh speakers, and 26% were based in Wales.

3.3 The following tables below outline the demographic spread of individual respondents to the consultation.

Table 3.1: Breakdown of respondent type by age

Age	Respondents
18-34	2
35-49	5
50-64	20
65+	23

Table 3.2: Breakdown of respondent type by primary sector fields

Sector	Respondents
Agriculture	8
Fishing	2
Forestry	3
Minerals and Mining	1
Water	3
Gas and Electricity	3

Table 3.3: Breakdown of respondent type by emissions sectors

Sector	Respondents
Energy and Heat Generation	2

Transport	2
Residential Buildings	2
Industry and Business	1
Agriculture	5
Forestry and Land Use	3
Waste Management	2
Public Sector	2
None of the above/not applicable	20

Organisational responses

3.4 In total, there were 104 organisational responses submitted to the consultation. Of those who chose to respond, 80% were based in Wales.

3.5 The following tables below outline the demographic spread of organisational respondents to the consultation.

Table 3.4: Type of organisations responding to the consultation

Organisation type	Respondents
Third sector / charity	23
Public sector	25
Academia	4
Individual business	7
Trade Unions	2
Umbrella organisations	7

Table 3.5: Breakdown of respondent type by primary sector fields

Sector	Respondents
Agriculture	16
Fishing	6
Forestry	13
Minerals and Mining	5
Water	8
Gas and Electricity	6

Table 3.6: Breakdown of respondent type by emissions sectors

Sector	Respondents
Energy and Heat Generation	9
Transport	9
Residential Buildings	6
Industry and Business	5
Agriculture	13
Forestry and Land Use	15
Waste Management	5

Public Sector	28
None of the above/not applicable	17

Table 3.7: Breakdown of respondent type by organisational focus

Focus	Respondents
Skills	11
Health	8
Sustainability	36
Poverty alleviation	6
Age (e.g., youth, older people)	5
Disability	3
Gender reassignment	1
Marriage and Civil Partnership	2
Pregnancy and maternity	1
Race	1
Religion or belief	2
Sexual Orientation	1
Welsh language	6
None of the above	19

Campaign Responses

- 3.6 There was a total of 1005 campaign responses submitted, of these 137 contained additional information to the standardised response
- 3.7 99% of post codes that were provided from campaign respondents were based in Wales

Easy Read Responses

- 3.8 There were a total of five easy read responses submitted, of these, four came from schools, with three from primary schools, one from a secondary school and one from an individual.

Focus Group Attendees

- 3.9 There were a total of 56 attendees across all five focus groups.
- 3.10 The following tables below outline the demographic spread of focus group attendees.

Table 3.8: Focus Group Attendees

Group	Demographic focus	Number of attendees
1	Protected Characteristics	12
2	Digitally Excluded	12
3	Welsh Speakers	11

4	Protected Characteristics	13
5	Digitally Excluded	8

Table 3.9: Breakdown of participants by age

Age	Respondents
18-34	13
35-49	12
50-64	17
65+	14
Total	56

Table 3.10: Breakdown of participants by gender

Gender	Respondents
Male	28
Female	28
Total	56

Table 3.11: Breakdown of participants by self-identified ethnicity

Ethnicity	Respondents
White British	27
Welsh British	11
White Welsh	6
Mixed ethnicity	3
Black British	2
Indian	2
White European	1
Other White	1
Jamaican	1
British Asian	1
Black African	1
Total	56

Table 3.12: Breakdown of participants by sexuality

Sexuality	Respondents
Heterosexual	49
Gay	5
Bisexual	1
Lesbian	1
Total	56

Table 3.13: Breakdown of participants who identified as having a health condition

Health condition	Respondents
Yes	19
No	37
Total	56

Table 3.14: Breakdown of participants by primary language

Primary language	Respondents
English	45
Welsh	11
Total	56

Table 3.15: Breakdown of participants by county

County	Respondents
Unknown	16
Cardiff	6
Conwy	5
Merthyr Tydfil	5
Swansea	4
Powys	3
Monmouthshire	3
Gwynedd	3
Denbighshire	3
Pembrokeshire	2
Blaenau Gwent	1
Carmarthenshire	1
Ceredigion	1
Neath Port Talbot	1
Newport	1
Torfaen	1
Total	56

4. Consultation Analysis

4.1 This section includes an analysis of the responses to the consultation in the following order :

individual and organisational responses – quantitative analysis followed by qualitative analysis

- easy read responses
- focus group findings

4.2 The themes identified in the qualitative analysis are listed according to the frequency of their appearance in the responses.

4.3 For clarity, Miller Research has used the following definition of qualitative language to denote the prevalence of themes mentioned by respondents:

- 'many respondents' is used to denote a prevalent theme mentioned by more than one in five respondents
- 'several respondents'; a recurring theme raised by between one in 10 and one in five
- 'some respondents'; another theme mentioned by fewer than one in 10
- 'a few / a small number'; fewer than one in 20, a less commonly mentioned theme

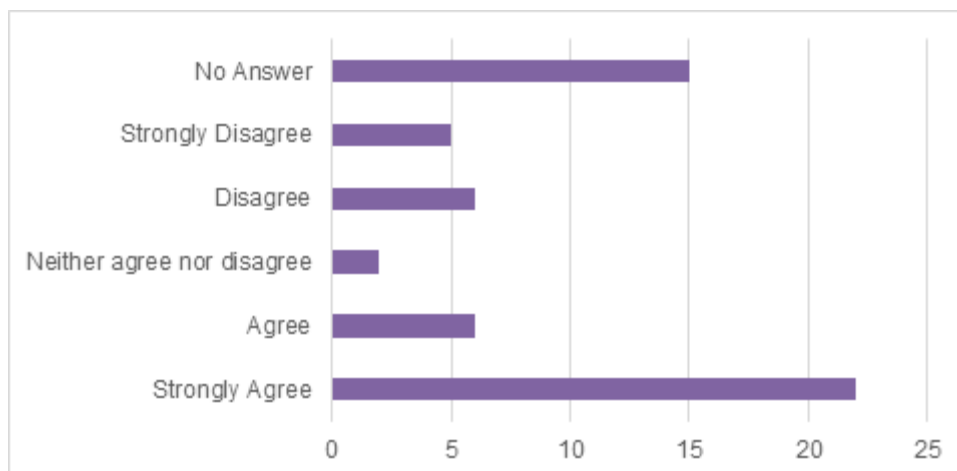
Part A – Environmental Principles

EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted?

Quantitative Analysis: Individual responses

4.4 As shown in Figure 4.1 22 responses strongly agreed with the proposals relating to the preparation of guidance, while 6 responses agreed, and 6 responses disagreed.

Figure 4.1: EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted? (Individual Responses)

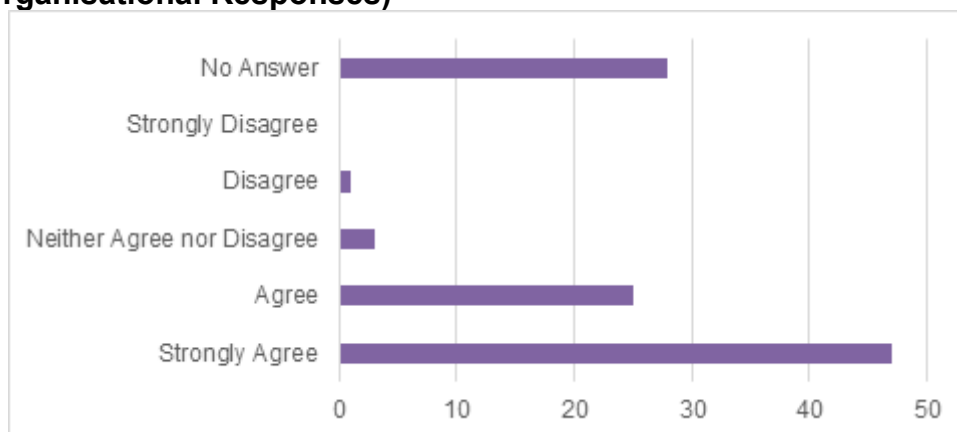


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.5 As shown in Figure 4.2, 47 responses strongly agreed with the proposals relating to the preparation of guidance, while 25 responses agreed.

Figure 4.2: EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.6 Many respondents expressed their agreement that statutory guidance is essential to provide people with a clear understanding of what the principles mean. Embedding principles in government policy mechanisms was considered crucial for improved consideration of environmental issues and outcomes, and guidance will ensure ambiguity

does not obstruct their appropriate application. It was suggested that the principles and underpinning guidance will support work being done by some stakeholders and enable them to meet their own environmental objectives.

- 4.7 Several respondents also urged that the guidance is produced in a timely manner and is accessible to those who work outside of legal professions so that everyone can understand the requirements of the legislation. It was also considered crucial that the guidance is kept up to date as a 'live' document, subject to regular periodic review in line with developments in environmental law and policy. A small number of respondents felt that the current proposed definitions are too broad and immeasurable and require further explanation. Related to this several respondents noted the need to consult on the guidance with interested parties to ensure that it is developed in a clear and understandable manner, which takes practical considerations into account. Any changes made to the guidance would also require further consultation, for example in the event of new scientific discoveries.
- 4.8 Several respondents suggested the inclusion of an additional principle (alongside the five proposed principles) to ensure that environmental standards remain at the level of protection that was provided by previous EU legislation. Critically, it was noted that this would be the principle of 'non-regression', which would ensure legislation is not diluted. A small number of respondents also suggested a 'Progression' principle, which would not only maintain environmental standards, but build upon them, and an 'Intergenerational Equity' principle to secure fairness and justice between present and future generations (in line with the WCFG (Wellbeing of Future Generations) (2015) Act).
- 4.9 Several respondents were concerned about how the precautionary principle would be defined in the guidance, with criticism regarding previous interpretations of the principle and their stringency in practice.
- 4.10 A few respondents expected any environmental legislation in Wales to be aligned with that in other UK nations. It was recommended that the Welsh Government learns from the successes and failures of their counterparts to guide the preparation and delivery of Welsh legislation and provide a shared understanding across the UK.

4.11 A small number of organisations urged the Welsh Government to consider how the new principles would build on the existing Sustainable Management of Natural Resources principles from the Environment (Wales) Act 2016. There was a suggestion to revise the existing principles, which stakeholders already understand, rather than creating entirely new ones.

4.12 Respondents made suggestions on certain details they wished to be provided within the guidance. This included:

- the need for clarity on environmental governance principle, particularly which body holds responsibility for what
- in relation to the 'integration' principle, there should be emphasis in the guidance on win-wins for other policy areas and on opportunities like Natural Capital benefits and Nature-based Solutions
- the need to encompass an understanding of potential future risks or benefits, considering all relevant variables; this will enable informed risk assessment and decision-making processes
- the need to address how principles from different legislative acts intersect, providing clarity on definitions and precedence to prevent legal ambiguity
- the need for details on interpretation of the principles in the context of Wales
- clarity on the extent to which the principles will be applied in decision making (with 'due regard'), and the extent to which they would they be applied to processes like the planning system or licensing
- the need to set out the policy aims that underpin the application of the principles such as the overarching objective to ensure a high level of protection for the environment, the promotion of sustainable development and a commitment to the principle of non-regression of environmental protection standards

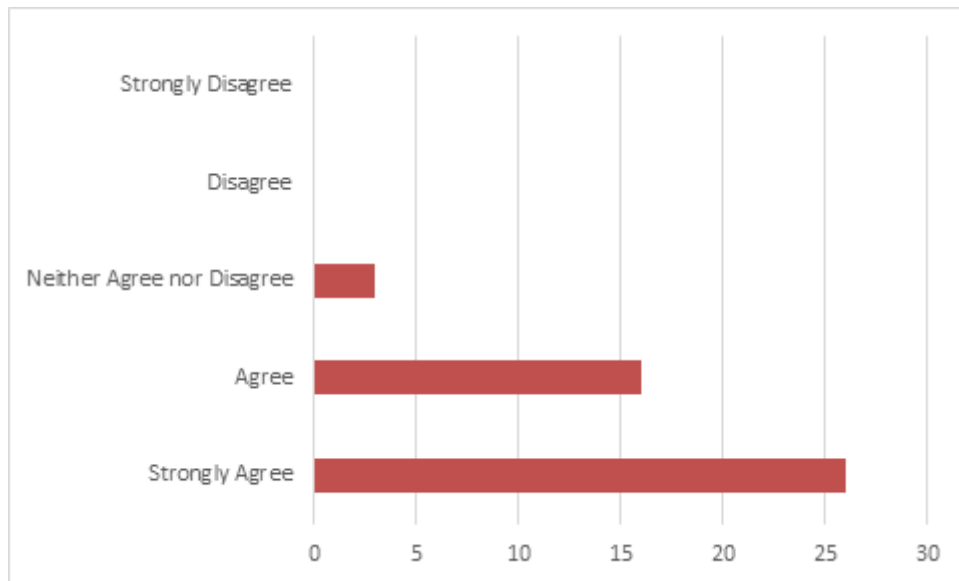
Easy Read Responses

4.13 Of the Easy Read responses received, 75% (n=3) thought that the Welsh Ministers should have to create guidance to explain the Environmental Principles.

4.14 Focus Group Responses

4.15 As shown in Figure 6.2 below, 26 focus group participants strongly agreed that the Welsh Government should introduce a Duty on Welsh Ministers to publish guidance explaining how the environmental principles are intended to be interpreted, while 16 agreed

Figure 4.3: Do you agree that the Welsh Government should introduce a Duty on Welsh Ministers to publish guidance explaining how the environmental principles are intended to be interpreted?



Source: Focus Group polling

4.16 The participants who agreed mentioned the benefit of having this guidance explain what is being done in a way that non-experts can understand. They felt that this would keep individuals and organisations accountable. One participant felt that if people are aware of what it involves, then they have greater understanding of what needs to be done. In addition, participants felt that having as much clarity as possible on the principles was important, and that they did not want this to include any obfuscation or small print for the sake of transparency.

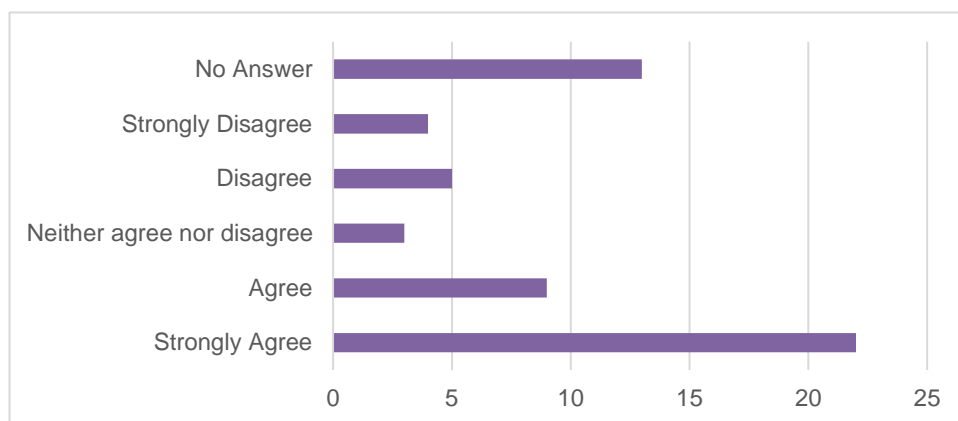
4.17 Additional ideas provided by focus group participants included that this guidance should be inclusive and published for everybody, as it is important to have transparency. In addition, they believed that where any meetings are held or decisions made, that these should be recorded openly so that “ordinary members of the public” can follow discussions.

EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent to you agree or disagree with this approach.

Quantitative Analysis: Individual responses

4.18 As shown in Figure 4.4, 22 responses strongly agreed with the proposals around placing a duty on Welsh Ministers to have due regard to the environmental principles, while 9 responses agreed.

Figure 4.4: EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent to you agree or disagree with this approach? (Individual Responses)

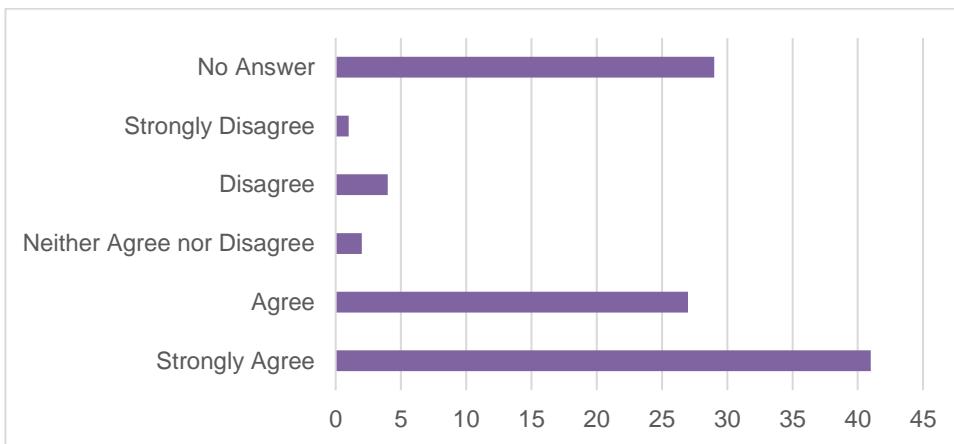


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.19 As shown in Figure 4.5 41 responses strongly agreed with the proposals relating to placing a duty on Welsh Ministers to have due regard to the environmental principles, while 27 responses agreed.

Figure 4.5: EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent to you agree or disagree with this approach? (Organisational Responses)



Qualitative Analysis: Individual and Organisational Responses

- 4.20 The majority of respondents expressed support for this approach to environmental principles and accompanying guidance. The support for this approach included comments on:
- the need for the approach to be consistent across all sectors and at all stages of legislation production
 - the maximum benefit produced and minimal environmental harm that will be undertaken
 - the clarity that this approach has been taken in other parts of the UK, and its related success if so
- 4.21 Several respondents and many organisations felt that the proposals should be strengthened. They suggested:
- the duty to be expanded to include all government agencies
 - environmental impact assessments (EIA) should be undertaken for all decisions made by ministers
 - the duty to be mandated in law for any new policy or legislation
 - taking a long-term approach that considers potentially unknown or potential risk
 - replacement of the term “due regard”.
- 4.22 With regards to the “term due regard” many organisations and several individual respondents suggested that the term was not “strong enough” in reference to legal accountability and should be replaced with a duty to “apply” or “act in accordance with”

principles. A small number of respondents recommended the publication of guidance on the definition of “due regard”.

4.23 Several respondents highlighted the need for robust policy integration to sit alongside this approach to ensure principles are embedded in the work of all public authorities, decision making and policy implementation. A minority of respondents expressed a lack of faith in ministers to put this approach into practice when crafting legislation, and the reduction in flexibility this would result in for decision making.

4.24 A small number of respondents:

- expressed concern with the term ‘duty’
- believed there should be an overarching objective to ensure high levels of environmental protection
- felt there was a need for existing legislation to be reviewed
- wished to see expert involvement in the preparation of guidance.

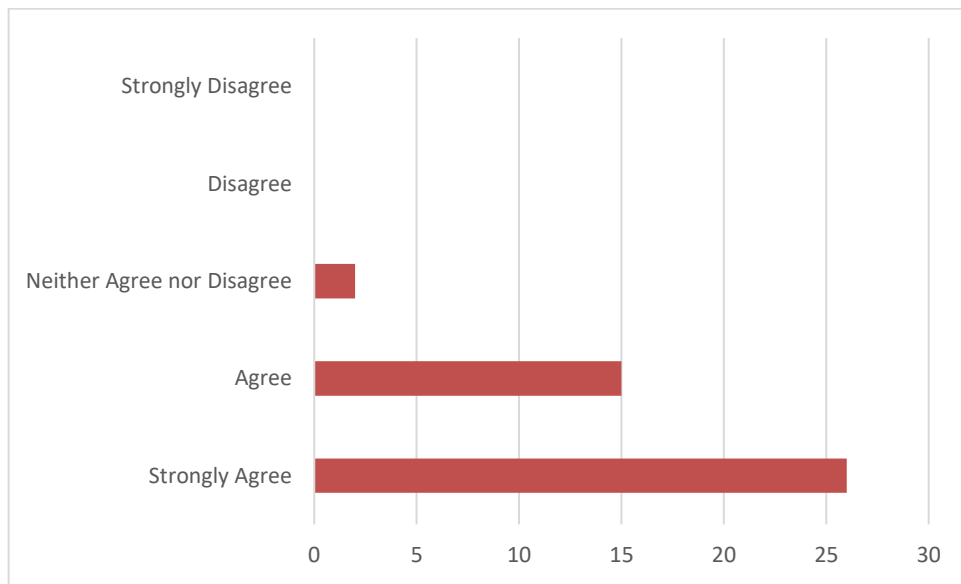
Easy Read Responses

4.25 Of the Easy Read responses received, 100% (n=3) thought that Welsh Ministers should have to think about the environmental principles and guidance when they develop policies and legislation.

Focus Group Responses

4.26 As shown in Figure 4.6 below, 26 focus group participants agreed with the proposal that there should be a duty on Welsh Ministers to have due regard to environmental principles and guidance when developing policies and legislation, while 15 agree.

Figure 4.6: Do you agree that there should be a duty on Welsh Ministers to have due regard to environmental principles and guidance when developing policies and legislation?



Source: Focus group polling

4.27 Discussion in the focus group focussed on the following themes:

- accountability
- the importance of the environment
- expertise

4.28 The theme of accountability was raised consistently throughout the focus groups with an agreement that the proposal would increase the accountability of the Welsh Government and ensure that someone takes responsibility. It was highlighted that this is a way of ensuring that these issues are considered when making policy. There was, however, a concern raised across the groups as to how all Ministers would be expected to take responsibility, particularly those whose briefs are not clearly linked to biodiversity. There was some feeling therefore that responsibility should be more firmly on those Ministers with biodiversity or environment-specific portfolios.

4.29 The issue of accountability was raised as something that went beyond the Welsh Government, with participants feeling strongly that private businesses, historic and repeat polluters or offenders, and big companies should be held accountable for their actions.

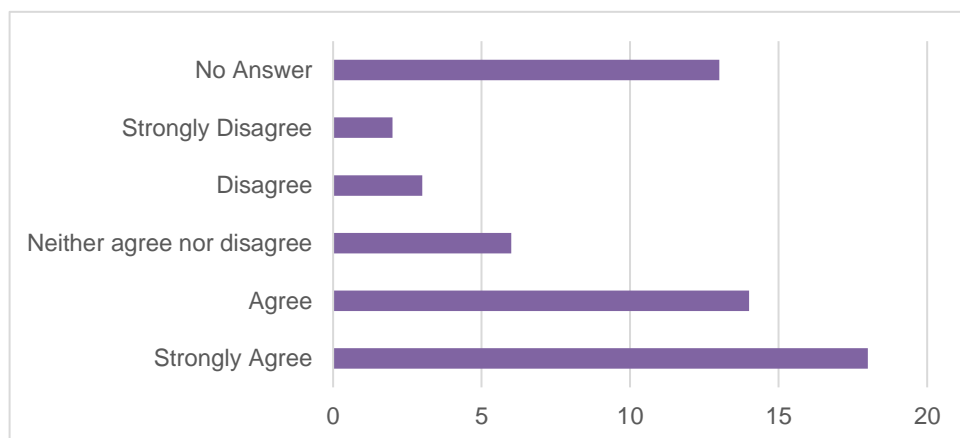
- 4.30 Participants in each focus group emphasised the importance of the environment, suggesting that it should be a high priority for the Welsh Government.
- 4.31 Expertise was raised as a concern by focus group participants, with one focus group in particular suggesting that the duty should not necessarily apply to all Ministers due to a potential lack of expertise on the environment and biodiversity. They suggested that they would “want confirmation or reassurances about the ability for [sic] Ministers to apply these principles.”
- 4.32 Other issues were also briefly discussed, including concerns about the costs of the proposals, the need to lead by example, and the need to ensure that the policy is implemented consistently throughout Wales.

EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? If you consider the duty should apply to Welsh public bodies, please set out in the text box below which Welsh public bodies and why, as well as any views you have on how the duty should apply to those bodies.

Quantitative Analysis: Individual responses

- 4.33 As shown in Figure 4.7, 18 responses strongly agreed with the proposals relating to placing a separate duty on Welsh public bodies, while 14 responses agreed.

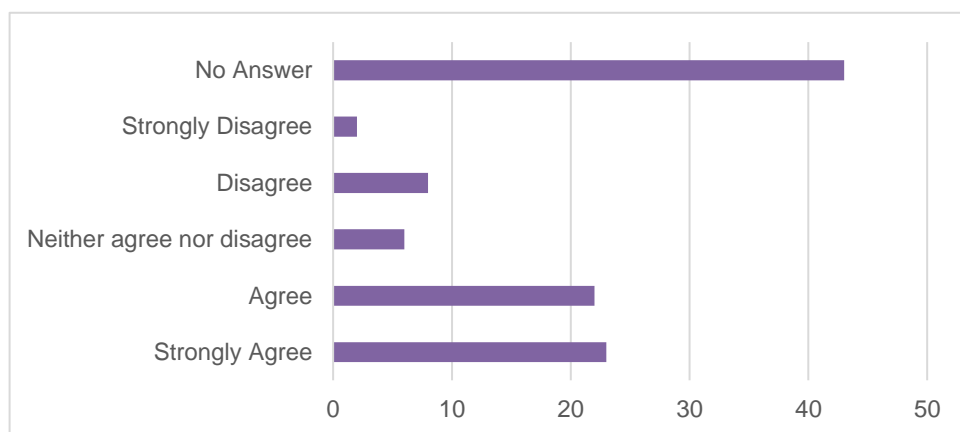
Figure 4.7: EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? (Individual Responses)



Quantitative Analysis: Organisational responses

4.34 As shown in Figure 4.8, 23 responses strongly agreed with the proposals relating to placing a separate duty on Welsh public bodies, while 22 responses agreed.

Figure 4.8: EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? (Organisational Responses)



Qualitative Analysis: Individual and Organisational Responses

4.35 Of those who provided further comment, many organisations and several individual respondents expressed their support for extending the duty to other public bodies to ensure compliance and increase impact. A small number of organisations suggested that including all public bodies would avoid the confusion that they had observed in England, where it is not clear which public authorities have which responsibilities. Several organisations noted that applying the principles to wider public bodies will act as a binding duty as opposed to relying on the principles to “trickle down” through policy which they considered less impactful.

4.36 Other individuals expressed concerns about the representation of working people and the status of the general economy in applying these duties/principles.

4.37 Many respondents sought further clarity on how the principles were intended to be applied to public bodies, and the definition of a “public authority”. Many organisations suggested that the duty should extend to all bodies that fall within an established definition of “public

authority” based upon the provision of a public function rather than limited to an exhaustive list within the bill. Several respondents suggested that this approach would allow for the definitions to flexibly apply to the changing public authority landscape in the future without unnecessary bureaucracy. A small number of respondents suggested definitions of “public authority” could be based on existing legislation to ensure clarity and continuity, these included:

- the definition used in Environmental Information Regulations 2004 (as interpreted by EU and UK case-law)
- the definition used in the UK Environment Act (2021)
- the definition used in S6(3) of the Human Rights Act 1998

4.38 Several responses suggested that using an accepted definition would extend the duty to private organisations which perform functions of a public nature such as water or waste management, and private organisations and individuals in receipt of public funds.

4.39 In reference to the list of organisations in Annex 6 of the consultation document several respondents urged that the “public authorities” which operate in Wales and England should be subject to the duty due to their impact on land use in Wales.

4.40 A small number of respondents were concerned about the additional costs, complexity and the potential burden placed on the governance body if a duty was placed on all public bodies.

4.41 Specific kinds of bodies named by respondents included:

- county and community councils
- Dwr Cymru
- planning authorities
- NRW (Natural Resources Wales)
- local authority departments involved with highways and green spaces maintenance
- public bodies responsible for approving grants and funding
- police
- property developers
- charities

- national parks
- Hafren Dyfrdwy
- Planning and Environment Decisions Wales
- Local Authorities
- Ministry of Defence
- Transport for Wales
- OfWat
- Local harbour authorities
- The strategic planning panel
- The joint planning boards
- Water and sewerage undertakers

Easy Read Responses

4.42 Of the Easy Read responses received, 100% (n=3) thought that public organisations should have to apply the principles and guidance. All Easy Read respondents also thought that public bodies like local authorities and national parks should have a duty to help oversee the plan and that these public bodies should create local plans outlining their specific actions.

Focus Group Responses

- 4.43 Most focus group attendees agreed that there should be a duty placed on Welsh public bodies to apply the principles and guidance. Overall, they believed that everyone should be accountable, and that it should be consistent across the board. One participant further explained that they “don’t know how much more evidence is needed to show the environment is in danger” as further justification why everyone should make the application of the principles and guidance a priority. Several participants felt that not just public bodies, but every company and school should also take a role.
- 4.44 A key public body listed by participants included the national parks, which oversee large areas of land.

4.45 Pre-empting later sections, one participant mentioned that it is key for there to be a duty, but that also the enforcement of that duty should be considered. They believed that enforcement of the principles within companies as well as careful tracking of the impact of each company was needed.

Participants who were uncertain or had concern about the duty to apply principles and guidance mentioned concerns about the cost of implementation. One participant raised the issue of the costs of this “paperwork,” while several were concerned about the budgets within local authorities and public service bodies.

EP4: Do you have any additional comments relating to the Welsh Government’s intention to embed the environmental principles and overarching objective into Welsh law that are not captured in your answers to the above questions?

Individual and Organisational responses

4.46 The majority of respondents chose to provide additional comments on the application and scope of principles. They specifically referenced:

- the intersection between existing policy and legislation, with a possibility to build on the Environment (Wales) Act 2016, the Well-being of Future Generations (Wales) Act 2015, Local Nature Partnerships, and possible interlinkages with Human Rights legislation
- the need for proper integration of principles in all decision making process and a consistent, systemic approach by Welsh ministers
- principles extending to the Welsh marine space as well as the inshore
- further clarity to ensure the polluter pay principle is embedded and applied properly in Wales
- the need for robust data where possible, with the caveat that a lack of data should not stand in the way of action being taken against environmental degradation
- communicating the change that will need to occur in the culture of decision making to one which prioritises nature
- clarity on what application will be used during the transition period.
- referencing balance needed between principles in legislation, as well as proportionality

- enforcement and control as a potentially limiting factor
- demonstration of how these principles will be met in responsible public bodies
- improved application of the precautionary principle
- clarity on the criteria that will be used to judge principle application
- the potential inclusion of the Aarhus Convention
- references to nature recovery and biodiversity restoration

4.47 Respondents used this question to provide the following suggestions to the Welsh Government:

- including a commitment within the Bill to ‘non regression’ and enshrine it within law
- the potential to place some responsibility on private organisations, or at the least communicate the meaning of principles with private organisations
- more engagement to be undertaken on how the principles will apply to UK bodies, and implications for joint working between English, Welsh, Scottish and Northern Irish bodies
- embedding the environmental principles and overarching objective into Welsh law consistently across Wales to avoid any loopholes.
- tasking the proposed watchdog with overseeing the implementation of the principles
- amending systems, structures and resources for public sector bodies to ensure effective compliance

4.48 There was concern raised by several respondents, who wished to draw the Welsh Government’s attention to several potential issues with the proposals. Of those who raised a concern, the majority was in reference to limited budgets and resources, noting the need for adequate and long term resources to ensure principles are effective and to provide relevant training for staff, with the emphasis required on cost-effectiveness and a potential for a lack of support due to economic uncertainty. Other respondents sought reassurance on the strength of language, citing that the language proposed in the White Paper was weaker than that in similar legislation in the EU. A few respondents also wished to draw attention to the possibility for the precautionary principle to be “misused or weaponised” to justify harmful activity “as has been witnessed previously”.

- 4.49 A small number of respondents referenced the importance of this legislation in relation to agriculture in Wales and its need to align with the Agriculture (Wales) Act 2023.
- 4.50 A small number of responses stated their agreement with the approach and general support for the Welsh Government's proposed action on climate change and biodiversity.

Easy Read Responses

- 4.51 The few easy read responses received provided limited additional suggestions. One primary school group were concerned about pollution in the sea and the 10% tree planting on farmland. They felt a balance needs to be found to allow businesses to operate whilst also protecting the natural environment. Another primary school group suggested they would benefit from online resources and thought other schools should also sign a pledge and consider their own school fields.

Focus Group Responses

- 4.52 Attendees to focus groups were asked if they had any further suggestions for how the Welsh Government can protect the environment in Wales.
- 4.53 Focus group participants had limited suggestions for how the Welsh Government could protect the environment in Wales. Of the incentives listed, participants suggested varying business rates depending on whether certain targets are hit, as well as further incentives for businesses that abide by the legislation. Finally, one participant mentioned that the Welsh Government should be stricter on polluter organisations.

Part B – Establishing an Environmental Governance Body for Wales

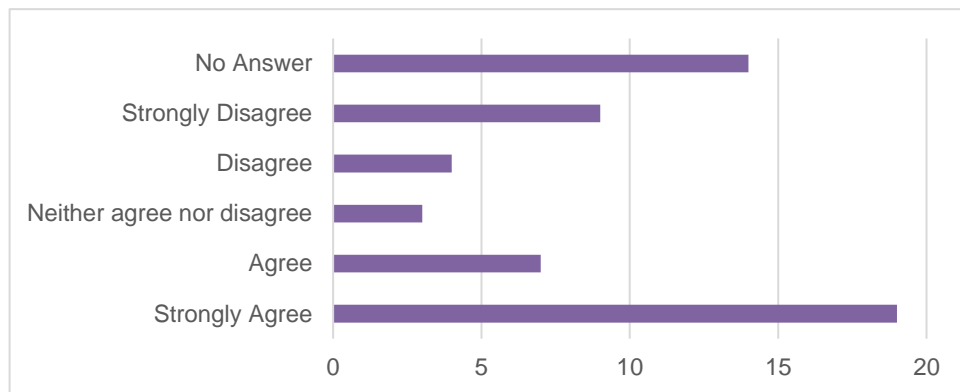
4.54 This document does not contain an analysis of Question GB13 from the initial consultation documents: “The Welsh Government proposes that the governance body should set out how it intends to co-operate with the organisations specified, including how they will avoid duplication and overlap when exercising their functions? To what extent do you agree or disagree with this approach?”. Responses to this question have been analysed separately by the Welsh Government¹.

GB1 - To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body?

Individual responses

4.55 As shown in Figure 4.9, 27 responses agreed with the proposed purpose and objectives for the new Welsh environmental governance body, while 13 responses disagreed.

Figure 4.9 GB1 - To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body? (Individual Responses)



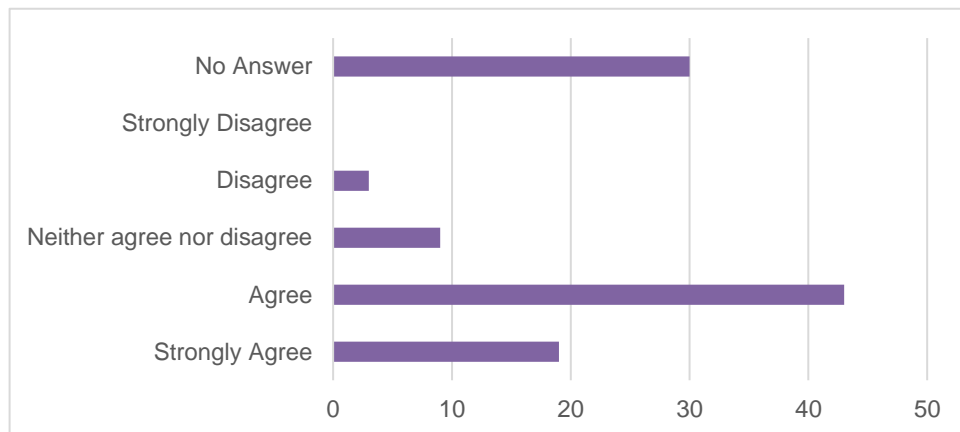
Source: Consultation Survey

Organisational responses

¹ Due to an administrative error, question GB13 was inadvertently omitted from the response forms. Respondents were provided with additional time to respond to the question and the analysis will be published separate

4.56 As shown in Figure 4.10, 43 responses agreed with the proposed purpose and objectives for the new Welsh environmental governance body was supportive, while 19 strongly agreed.

Figure 4.10 GB1 - To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis

4.57 The majority of respondents and many organisations made suggestions for the scope of the governance body. Some noted that the body is more ambitious than its counterparts across the UK in its proposed powers, however this raised concern on the capacity and relationship of the body with the Welsh Government. Several others had concerns over one body both advising and monitoring. Many organisations and some individuals suggested that the body should have the power to initiative investigations on its own initiative which included the potential to recommend improvements to legislation with the Welsh Government, and/or provide guidance on the implementation of legislation.

4.58 The proposed scope including advisory and enforcement functions was raised as potentially conflicting by some individuals and many organisations. Many organisations and some individuals proposed broadening the scope of the body to include, listed in order of frequency of appearance,:

- oversight of the application of environmental principles by Welsh Ministers and public bodies
- receive complaints/representations from the public about the functioning and effectiveness of environmental law
- an overarching requirement to consider other goals such as those outlined in the Agriculture (Wales) Act 2023, Environment (Wales) Act 2016 and Well-being of Future Generations (Wales) Act 2015 on an equal footing.

4.59 Many organisations requested further clarity on the purpose and objectives of the governance body, in particular, listed in order of frequency:

- whether objective iii refers to failures of public authorities to undertake enforcement action or whether the ‘enforcement action’ is to be taken by the governance body for non-compliance by public authorities, or both
- the body’s ability to take action against the Welsh Government
- the body's role in monitoring of compliance
- if the body will always take an evidence-based approach
- specificity on the complaints and investigations process
- a primary objective for the body

4.60 The importance of the body’s independence was raised by many organisations and individual respondents. Those who commented agreed with the statements on independence proposed in the White paper, though some wanted to see it made clearer, referencing paragraph 1 of the UK Withdrawal from the European Union (Continuity) (Scotland) Act 2021 (‘the Continuity Act’) as a helpful example.

4.61 Some organisations and a small number of individual respondents noted the need to adequately resource and finance the body to ensure the body can adequately carry out its functions. A small number of organisations asked whether it would be more appropriate to provide resources directly to supporting public bodies to deliver against principles as opposed to forming a new body.

4.62 The potential overlap with other bodies was mentioned in many organisation responses, with existing bodies working in the same space. Examples suggested include the Climate

Change Committee, Natural Resources Wales, and the other governance bodies that have already been established in the UK (the Office for Environmental Protection (OEP) and the Environmental Standards Scotland (ESS)). Respondents stressed the importance of the body remaining focussed on its scope to avoid mission creep. Some individual respondents stressed the importance of collaboration with other bodies, such as the UK Climate Change Committee, and the Well-being of Future Generations Commissioner.

4.63 A small number of organisations and individual respondents referenced the possibility of learning good practice from work done by the Interim Environmental Protection Assessor for Wales (IEPAW), the EU and other similar bodies in the UK emphasising the need for Wales to stay in line with similar bodies in England and Scotland.

Easy Read Responses

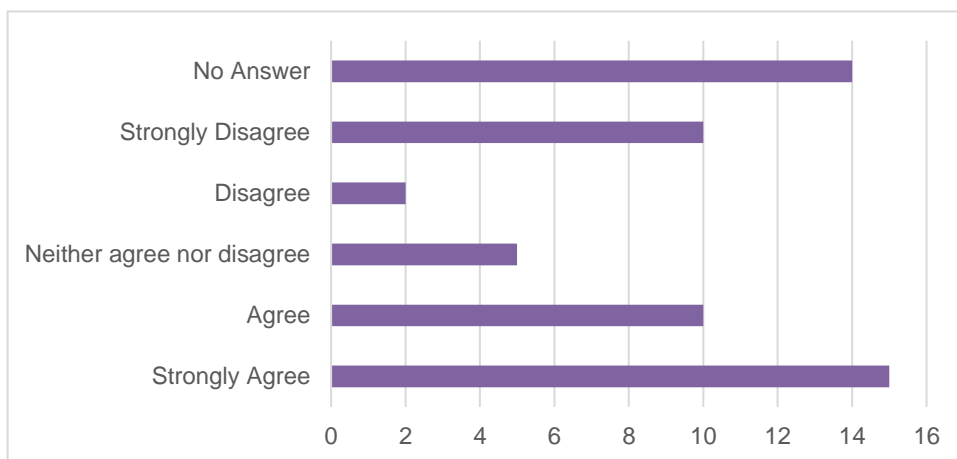
4.64 Of the Easy Read responses received, 100% (n=3) supported the purpose and objectives of the governance body.

GB2: To what extent do you agree or disagree with the governance body’s proposed strategy and reporting requirements?

Individual responses

4.65 As shown in Figure 4.11, 15 responses strongly agreed with the proposed strategy and reporting requirements for the new Welsh environmental governance body, while 10 responses agreed, and 10 strongly disagreed.

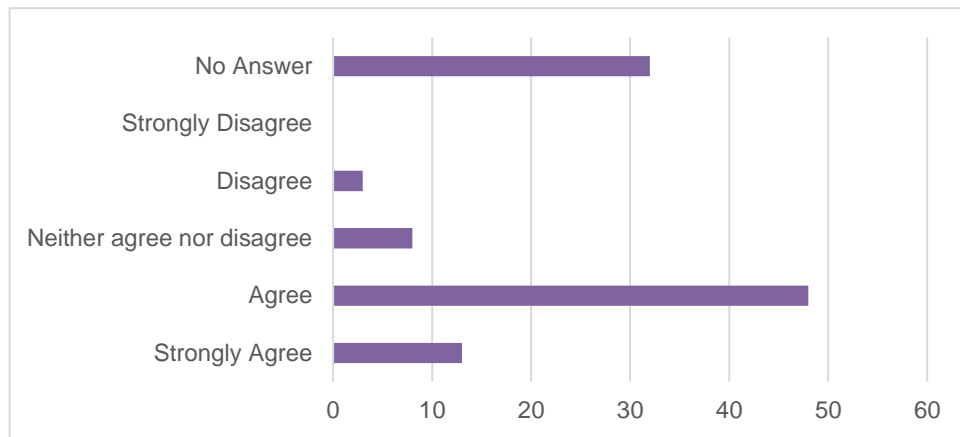
Figure 4.11 GB2: To what extent do you agree or disagree with the governance body’s proposed strategy and reporting requirements? (Individual Responses)



Organisational responses

4.66 As shown in Figure 4.12, 48 responses agreed with the proposed strategy and reporting requirements for the new Welsh environmental governance body, while 13 strongly agreed.

Figure 4.12 GB2: To what extent do you agree or disagree with the governance body’s proposed strategy and reporting requirements? (Organisational Responses)



- 4.67 The majority of individual and many organisation respondents expressed their support for the strategy and reporting requirements of the body, highlighting the need for accountability and monitoring of progress.
- 4.68 Some organisations and respondents wanted to see accountability strengthened for example, laying the strategy and report before the Senedd by Welsh Ministers, and obtaining formal approval of these documents as is practiced in the Scottish Parliament by the ESS. Some respondents also wanted to see clarification on whether accountability for the body would ultimately lie with the Senedd, which was preferred. Some organisations highlighted the importance of consultation with stakeholders and members of the public with a small number suggesting more direct forms of engagement such as the body being accountable to a citizen’s assembly.
- 4.69 When developing reports and a strategy, many organisation responses highlighted the importance of independence, impartiality, and lack of interference from the Welsh

Government and public bodies. A clearer statement should be included in the Bill, such as the one used by Environmental Standards Scotland was suggested:

- 4.70 “In performing its functions, Environmental Standards Scotland is not subject to the direction or control of any member of the Scottish Government”.
- 4.71 Some organisations followed this by suggesting that an explicit duty be placed on Welsh Ministers within the Bill, requiring respect for the independence of the governance body.
- 4.72 Many organisations and a small number of individual respondents expressed concern that the reporting requirements may duplicate the work of other bodies such as Welsh Government, Natural Resources Wales, the Future Generations Commissioner, the Public Service Ombudsman and Audit Wales. Emphasis was placed on ensuring the strategy makes it clear on how it will work with partner organisations and the clear differences between their functions for both reporting and other work.
- 4.73 The majority of organisation responses and a small number of individual responses made additional recommendations for the reporting requirements and strategy. These were:
- the need for an enforcement strategy
 - to make reports informative and concise
 - to celebrate actions and successes
 - to report to the Senedd in place of Welsh Government and make them subject to debate
 - to carry out periodic reviews of the effectiveness of legislation, policy, and relationships between sectors
 - that findings are fed back to Local Authorities
 - to examine the need to produce a full report each year, and instead consider updating the report every 12 months
 - to prepare a statement as to whether they are receiving adequate resources and funding
 - publication of number and nature of complaints received including the action taken or not taken
- 4.74 A small number of individual and organisation responses also raised:

- the need for robust expertise from scientists, ecologists, and legal specialists, with these sitting on the body, not former directors of environmental organisations
- that reporting requirements be enforced strictly, as has not been the case with the Section 6 Duty
- focussing resources on the primary objectives of the body rather than reporting

Easy Read Responses

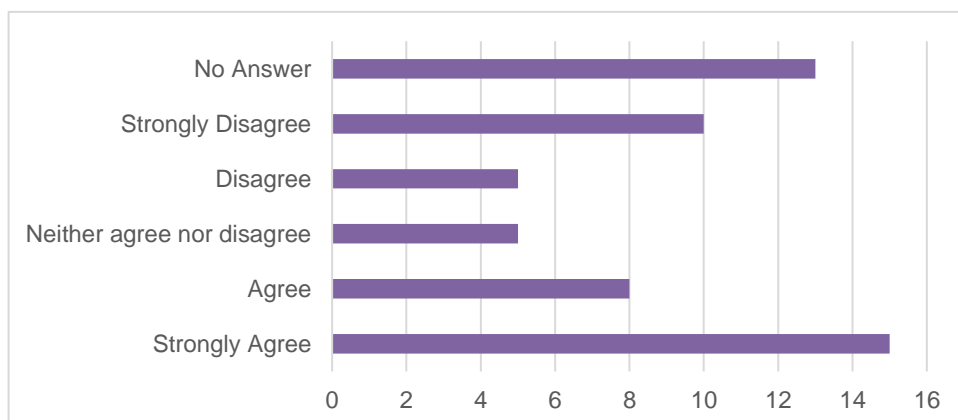
4.75 Of the Easy Read responses received, 100% (n=3) supported the proposed strategy and reporting requirements.

GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this?

Individual responses

4.76 As shown in Figure 4.13, 15 responses strongly agreed with the proposed remit of the new Welsh environmental governance while 10 strongly disagreed.

Figure 4.13 GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this? (Individual Responses)

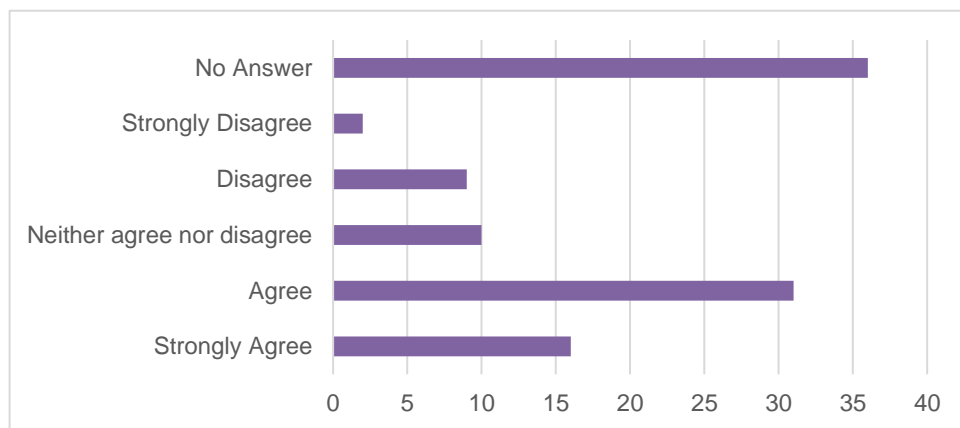


Source: Consultation Survey

Organisational responses

4.77 As shown in Figure 4.14, 31 responses agreed with the proposed remit of the new Welsh environmental governance body was generally supportive, while 16 strongly agreed responses.

Figure 4.14 GB3: We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this? (Organisational Responses)



Source: Consultation Survey

4.78 The majority of organisations and many individual responses that provided an explanation with their answer suggested that the remit of the governance body should be expanded beyond the listed Welsh Ministers and public authorities in Annex 2.

4.79 Many organisations and some individuals recommended that the remit of the governance body should be determined using a general definition as opposed to a list. Responses suggested this definition could be:

- that the approach taken in Section 31(3) of the Environment Act 2021
- the definition of public authority used in Section 6 of The Environment (Wales) Act 2016
- include anybody in receipt of public funds
- Include any organisation performing public functions

4.80 The reasons given for this include:

- future proofing the legislation removing the need to amend legislation with the establishment of a new public body
- that using a definition would extend the remit to private organisations performing a public function for example energy and water services

4.81 Some responses suggested that a wider definition of environmental functions was needed with many decisions “which do not immediately appear to have an environmental function many still have an impact on the environment.” This corresponds with the view of some responses that felt that the remit of the governance body should be expanded beyond those included in the list, with one response suggested that the definition of public authorities used in the Human Rights Act which would extend the remit to private bodies exercising public functions. A small number of individual and organisation responses suggested that organisations such as community councils, Dwr Cymru, Hafren Dyfrdwy, Natural Resources Wales, Corporate Joint Committees and Transport for Wales should be included, while another suggested that all public bodies should be included

4.82 This included the view expressed by many responses that the remit should expand to all public bodies, that newly established public bodies should be included in the remit by default, including Corporate Joint Committees, and that Dwr Cymru and Natural Resources Wales specifically should be included.

4.83 A few organisation responses felt the Welsh Government should learn from the establishment of the Office for Environmental Protection to determine responsibility for overseeing non-devolved organisations such as The Crown Estate and the Ministry of Defence.

4.84 Finally, some organisation and a small number of individual responses cautioned against an extensive remit for the governance body with the concerns that:

- too broad a remit would dilute the organisations focus and ability to operate effectively
- organisations included within the remit of the governance body may only make extremely limited impacts upon the environment and the resources required to investigate and subsequently comply may be disproportionate to the impact

- that the inclusion of private bodies carrying out public functions may require additional consideration of the functions of the governance body.

Focus Group Responses

- 4.85 Focus group attendees were broadly in agreement with the list of Welsh public authorities to which the remit of the governance body should apply. They agreed that there needs to be external oversight, with some arguing that every organisation (including businesses and organisations outside the public sector) should be on the list as it is the responsibility of everyone to protect the environment.
- 4.86 The inclusion of Dwr Cymru was specifically mentioned as a positive. The widely publicised discharge of effluent into rivers and seas was cited as a justification for an independent body to be in place to protect the environment, as it was felt that individual organisations could not be trusted.
- 4.87 Some attendees questioned the extent the absence of UK-wide bodies such as the Ministry of Defence, as well as the connection between public bodies and private organisations in instances where work that is contracted out.
- 4.88 There was some confusion over the inclusion of some bodies such as the fire service, with some feeling it was unclear what role they played in relation to the environment and biodiversity.
- 4.89 Some attendees were however concerned about the scale of the remit of the governance body given the extensive list of organisations, and questioned how this would be managed, as well as the associated costs involved in the operation.

GB4: Are there any other public authorities, or private bodies exercising functions of a public nature, that you think should be added to (or removed from) the list in Annex 2? Please use the text box below to explain your answer.

Qualitative Analysis

- 4.90 There were several organisation responses that advocated for a definition-based approach instead of a list. This would ensure that certain government structures would not be overlooked and would allow bodies formed in the future to fall within the remit. There were also requests for an explanation of why the bodies listed were included and the variation in approach compared to Section 6.
- 4.91 Some organisation and individual responses provided definitions of organisations they wanted to see included, these were:
- organisations operating UK wide, with the Crown Estate being mentioned most often (listed by several respondents)
 - private organisations that include service or energy firms including National Grid, Western Power Distribution, Severn Trent Water, Ofwat, and the Drinking Water Inspectorate (listed by a several respondents)
 - academic institutions, including Universities, the National Library of Wales, and further education establishments (listed by a few respondents).
 - every organisation in Wales in receipt of public funding (listed by a several respondents)
 - those in the fields of planning, construction, and environmental decisions in Wales (listed by a several respondents)
- 4.92 While some individual and organisational respondents identified specific organisations which were:
- the Crown Estates (listed by a few respondents)
 - the NHS, Corporate Joint Committees, Military of Defence and the National Trust, the police, Network Rail, the development Bank of Wales, Canal and River Trust, Trunk Road Agencies, the Agriculture and Horticulture Development Board, Planning and Environment Decisions Wales, CADW and the National infrastructure Commission for Wales (listed by a small number of respondents each).
- 4.93 A few responses raised concerns about inclusion of any organisations that does not hold a significant amount of land, and of Town and Community councils due to their limited resource and capacity as they are administered mostly by volunteers.

Easy Read Responses

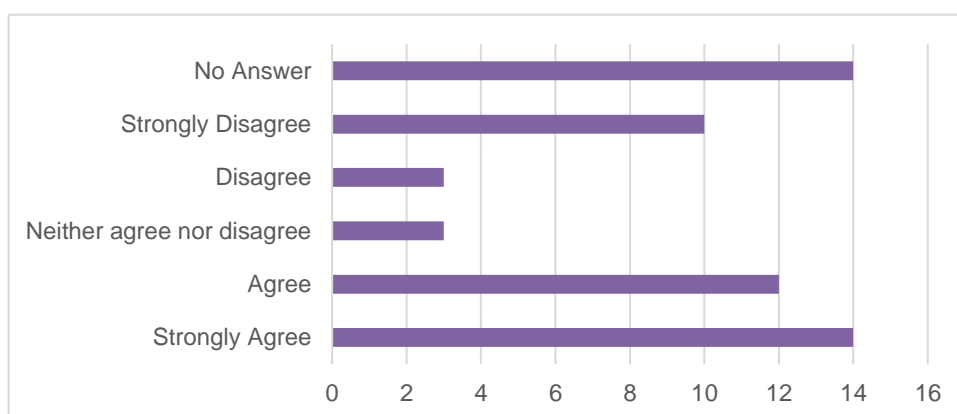
- 4.94 Of the Easy Read responses received, 100% (n=3) agreed with the list of organisations the watchdog should oversee. There were no comments provided on other organisations which should be added or removed.

GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets?

Individual responses

- 4.95 As shown in Figure 4.15, 14 responses strongly agreed with the proposed scope and role for the governance body in relation to monitoring and reporting, while 12 agreed.

Figure 4.15 GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets? (Individual Responses)

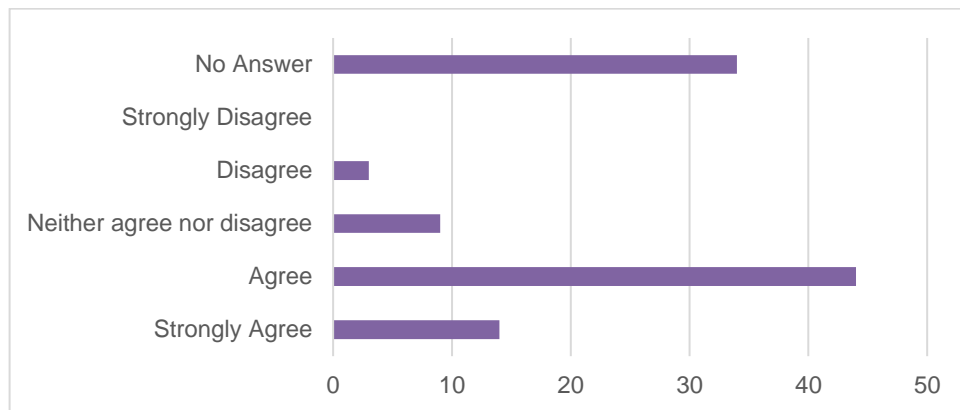


Source: Consultation Survey

Organisational responses

- 4.96 As shown in Figure 4.16, 44 responses agreed with the proposed scope and role of the governance body in relation to monitoring and reporting, while 14 strongly agreed.

Figure 4.16 GB5: To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets? (Organisational Responses)



Source: Consultation Survey

4.97 Responses which provided additional comment made a number of suggestions, these included:

- to increase the monitoring activity of the governance body
- that duplication between NRW and the governance body should be avoided with the potential for transferring out the monitoring and reporting requirements currently carried out by NRW or include new requirements in NRW's remit
- that the remit of the governance body should be clarified to determine its role in considering the effectiveness of existing environmental law and expand this role

4.98 Some responses highlighted the importance of accountability with recommendations to include:

- a requirement on ministers and public authorities to respond to the bodies requests for information and reports addressing any issues raised or recommendations. The responses suggested that this should be time-bound
- that reporting and monitoring should be publicly available with the body clearly stating if reports are late or missing key elements

4.99 Finally, a response highlighted that collaboration and cooperation with organisations beyond the OEP and ESS will be important including organisations such as the UK Climate Change Committee (UKCCC) and Joint Nature Conservation Committee (JNCC).

4.100 While caution against duplication was raised in relation to data collection, wider concerns about duplication was raised. Respondents stated that the governance body will need to work with other organisations such as the UKCCC and the Auditor General to minimise any duplication and clarify their respective roles. In addition, one response sought clarity for the role of the governance body in relation to support programmes such as the Sustainable Farming Scheme.

4.101 Many responses expressed concern about resource allocation, this included:

- the establishment of the body
- the need for the ongoing resourcing of the body to ensure it can operate effectively
- additional resourcing for any public authorities that fall within its remit to ensure they can carry out any additional duties

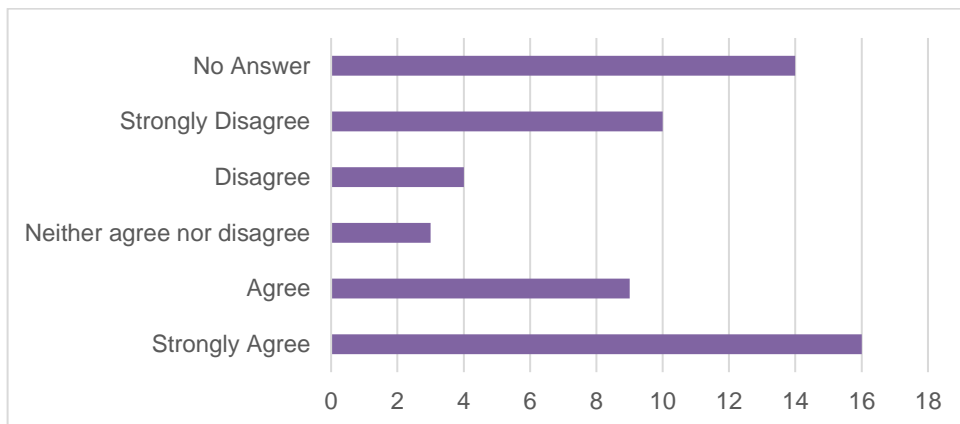
4.102 Some responses suggested that any additional monitoring activity should fall on the governance body rather than “already stretched” public bodies which already have a “lack of resources.” This relates to an alternative point made by a small number of organisations in relation to Part C of the consultation, who stressed Welsh Government should ensure the biodiversity targets were “achievable” from the perspective of public authorities; something they thought could be achieved by co-production of targets.

GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body’s advisory functions?

Individual responses

4.103 As shown in Figure 4.17, 16 responses strongly agreed with the proposed scope and role of the governance body’s advisory functions, while 10 strongly disagreed.

Figure 4.17 GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body’s advisory functions? (Individual Responses)

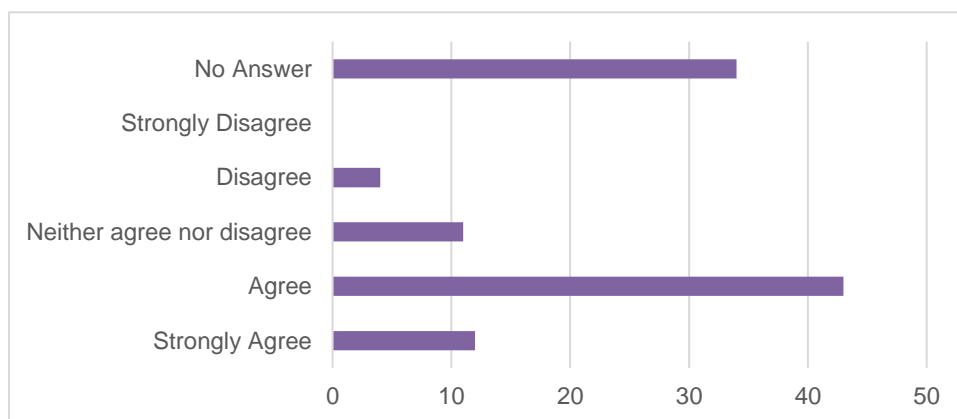


Source: Consultation Survey

Organisational responses

4.104 As shown in Figure 4.18, 43 responses agreed with the proposed scope and role of the governance body's advisory functions, while 12 strongly agreed.

Figure 4.18 GB6: To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions? (Organisational Responses)



Source: Consultation Survey

4.105 Organisational responses that provided additional comments highlighted different types of advice that the governance body would be required to offer. These included:

- advice to alert to the potential of non-compliance in policy
- advice to Welsh Ministers on where new policies are needed

- guidance and advice to the public to ensure policy is accessible and complaints are valid
- advice around planning in relation to Nationally Significant Infrastructure Projects

- 4.106 On this subject an individual response suggested that the advisory function should focus on the delivery of context specific advice which they suggested would prevent the need to use the enforcement functions.
- 4.107 The scope of the governance body was raised by a small number of individuals who suggested that the remit of the governance body was too broad, with the potential of a conflict between the advisory function and oversight function of the organisation. While some organisations suggested there was a need for clarity around whether the governance body could give advice based on its own initiative as opposed to when it is asked for advice, with many responses expressing a preference for the prior. In addition, some responses suggested that the governance body’s advice and the response to the advice should be made publicly available. An individual response suggested that the advisory function should be coupled with the power to “stop or prevent works” if the advice is disregarded, while another suggested that “profit is not an arguable excuse to negate” the “moral priority” of the “planet and environment.”
- 4.108 The expertise of the governance body was a common theme which emerged in the responses, with organisations suggesting that the advisory group required a broad range of advisors from a variety of backgrounds. In addition, it would need the ability and resources to draw upon the expertise of others outside of the body. This was only one of the themes that emerged relating to financing, with some responses emphasising the need to adequately fund the governance body. This relates to a broader point made in some responses that duplication of effort should be minimised with a clear identification of activity and remit between the governance body and other bodies, in particular NRW.

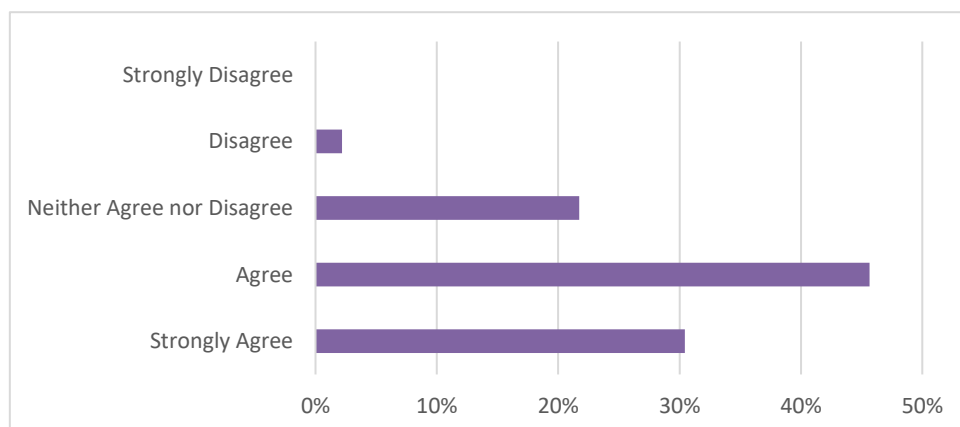
Focus Group Responses

- 4.109 As demonstrated in Figure 6.3 below, the majority of focus group attendees were generally in support of the proposed scope and role of the governance body’s advisory functions. Their support focused on the wider implications of the existence of the body, with some

remarking that an oversight body could encourage the Welsh Government think more about their policies before committing to them. Furthermore, attendees agreed with the independence of the body, with some caveating this with the view that it should be able to enforce its principles on public bodies. One attendee felt that the body strengthened the perception of devolved powers in Wales, mentioning comparable bodies in other UK nations as well as the EU.

- 4.110 Attendees felt that the body should have a holistic approach, including overseeing education and campaigns to promote biodiversity, and that it should draw on expertise from those with practical and academic backgrounds.
- 4.111 Despite the positive overall reaction, there was some scepticism expressed about the scope and role of the governance body's functions. This included questions raised about assurances of the body's independence, the extent of its potential impact, and how final decisions are made within the proposed structure. Others mentioned current failures in achieving existing policy commitments, as well as noting other more pressing problems that the Welsh Government should be considering instead. There was also confusion around the scope and details of the body compared to existing bodies (for example DEFRA or Environmental Health).

Figure 4.19: To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions?



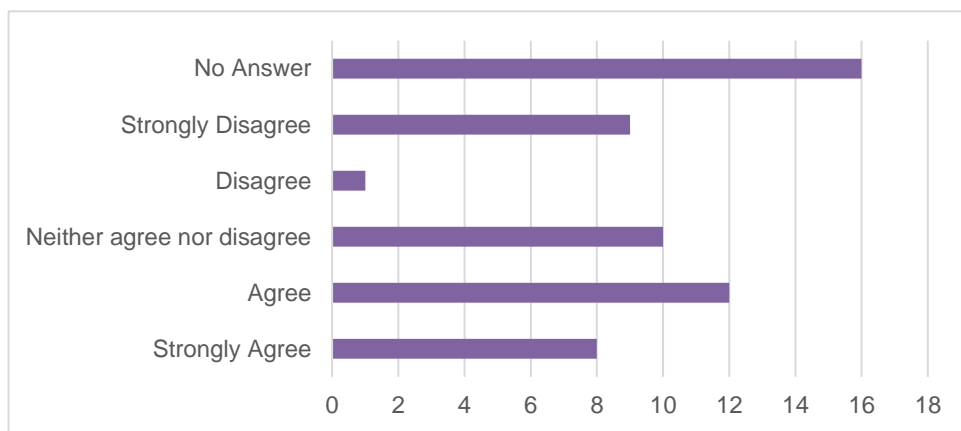
Source: Focus Group polling

GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations

Individual responses

4.112 As shown in Figure 4.20, 12 responses agreed with the proposed approach for managing complaints and representations, while 9 strongly disagreed.

Figure 4.20 GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations (Individual Responses)

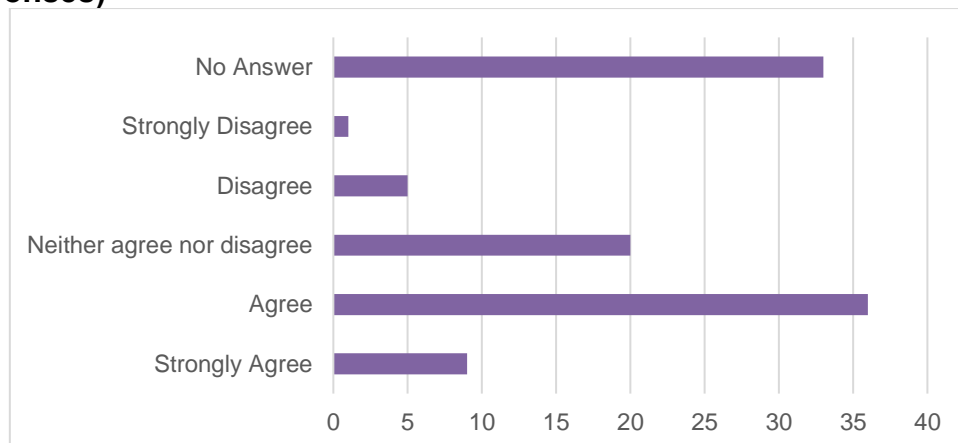


Source: Consultation Survey

Organisational responses

4.113 As shown in Figure 4.21, 36 responses agreed with the proposed approach for managing complaints and representations, while 20 neither agreed nor disagreed.

Figure 4.21 GB7: To what extent do you agree or disagree with the suggested approach for managing complaints and representations (Organisational Responses)



- 4.114 Many of the respondents wished to see a larger scope for the body to receive complaints from the public. The suggested approach was felt to present issues to citizens that might not have the resources to pursue complaints with some organisations suggested that not all organisations would have formal complaint procedure with the need for guidance to the public on how to raise a complaint. Some organisations suggested that a form of filtering system for complaints was suggested as a way to reduce time wasting with vexatious complaints. This could include an assessment to be conducted by a cross-section of expertise to understand the breach/complaint more fully before pursuing, to ensure a proportionate use of resource and level of response. A strict set of criteria was suggested to support this system.
- 4.115 A few individuals and many organisations raised concerns about the inability of the body to handle complaints about specific decisions. It was suggested that the body should have the ability to log these forms of complaints in order to monitor whether, over time, these amount to a pattern of non-compliance. Many organisations suggested that the body would be allowed to investigate these specific decisions in exceptional basis, where decisions are of major significance in terms of environmental impact or precedent setting, or where it is felt that these decisions reflect a broader pattern of environmental harm.
- 4.116 The importance of transparency and clear information on the functioning of the governance body was highlighted by many organisations and several individual respondents. This could include the proposed procedure for complaints and representations, case studies, an eligibility checker, and clear criteria on what can and cannot be investigated. Several respondents suggested that this should be followed by a published record of complaints made, and the resulting action the body has decided to pursue.
- 4.117 Several organisations expressed a need for further clarity within the proposals. This included the need for the strategy to outline where responsibility for complaint handling falls between the body and other regulatory agencies. Difficulties navigating internal complaints procedures was seen as a barrier to eligible complaints and it was suggested

that in such cases, the governance body should have flexibility to investigate urgent complaints. The need for flexibility was echoed by a call for the body to be able to prioritise and choose which complaints and representations to focus on. Concern was raised with terminology used in the Bill, including a need to clarify differences between complaints and representations, and the potential negative connotations that comes with the terms 'complaint' and 'complainant'.

4.118 Finally a small number of organisations and individual respondents made the following suggestions:

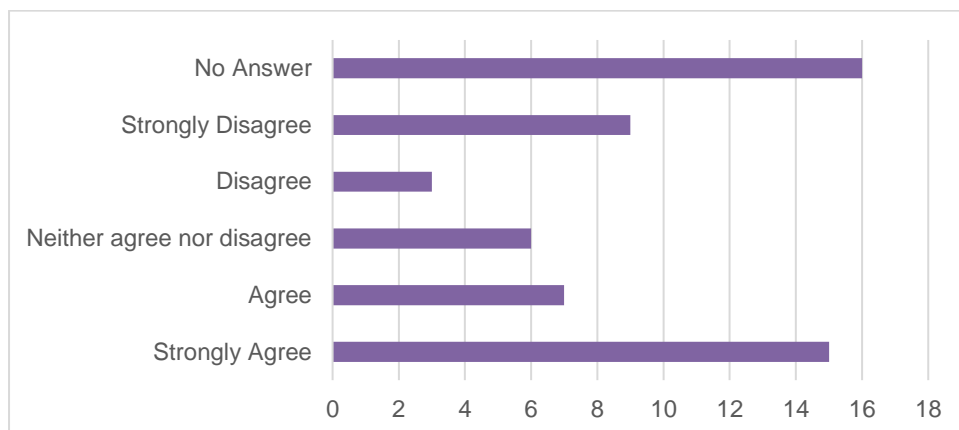
- that the governance body itself be open to independent scrutiny
- that proper information and guidance to the public will be key to ensuring access to environmental justice
- that legislation should include discretion for the governance body to proceed with enforcement should it conclude that the public authority internal complaints procedures are flawed in some way
- that resource be given to allow the body to prioritise complaints made
- that there should be a clear Memorandum of Understanding (MoU) between the governance body, the OEP and ESS regarding complaints procedures
- that public petition with a threshold to trigger actions should be adopted

GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate?

Individual responses

4.119 As shown in Figure 4.22, 15 responses strongly agreed with the proposals to enable the body to investigate, while 9 strongly disagreed.

Figure 4.22 Q23. GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate? (Individual Responses)

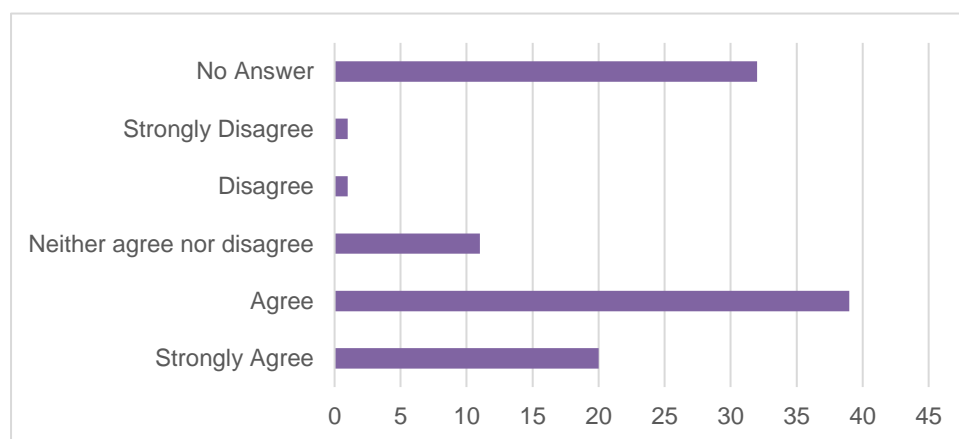


Source: Consultation Survey

Organisational responses

4.120 As shown in Figure 4.23, 39 responses agreed with the proposals to enable the body to investigate, while 20 strongly agreed.

Figure 4.23 GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate? (Organisational Responses)



Source: Consultation Survey

4.121 Many organisation and individual responses that had additional comments under this question broadly supported the proposals, in particular supporting the body to investigate under its own initiative and in response to complaints from the public, with the Wales Audit Office suggested as a template although many organisations highlighted the need for the adoption of a transparent and formalised approach to investigation, the need for clear timeframes, the applicability and grounds for appeal, and the use of the body’s discretion.

- 4.122 Many organisations and some individuals suggested the publication of guidance for the public to understand the principles underpinning decisions to investigate, that the process should be transparent, and all decisions be published alongside justifications. It was felt by some organisations and a few individual respondents that in the future, the body should reflect on decisions made, including how the governance body could improve its processes.
- 4.123 Some responses disagreed over to extent to which the body should exercise discretion over which complaints to investigate, with one individual response suggesting all complaints should be investigated. In addition, one organisation response suggested that this discretion should only be exercised when an existing body has the remit or power to investigate a complaint, while another suggested that there was a need for a clear “threshold” whereby an investigation would be triggered.
- 4.124 Resourcing was raised as a concern by many organisations and some individual responses with responses raising the need for both the governance body to have adequate resources and those public authorities’ under-investigation to be adequately resourced to support investigations. One response expressed concern that without adequate resources the body would be reactive, only responding to complaints rather than fulfilling its role to proactively contribute towards the improvement of the environment by initiative investigations. While organisations broadly supported the proposals a few expressed concerns that the resources required for data gathering against timescales could result in a “new burden” on public authorities. However, other responses recommended a “power to seek information” to ensure that authorities co-operate with investigations.
- 4.125 A small number of organisation responses expressed support for the use of public information notices, in particular, if these were used to set out the actions needed to achieve compliance, and the timescale the public authority had to complete these actions.
- 4.126 Finally, two responses thought that greater clarity was needed. One response sought for greater clarity on the scope of the body’s investigative role, whether it would be considering historic issues, or ongoing and future risks. While another requested clarity on

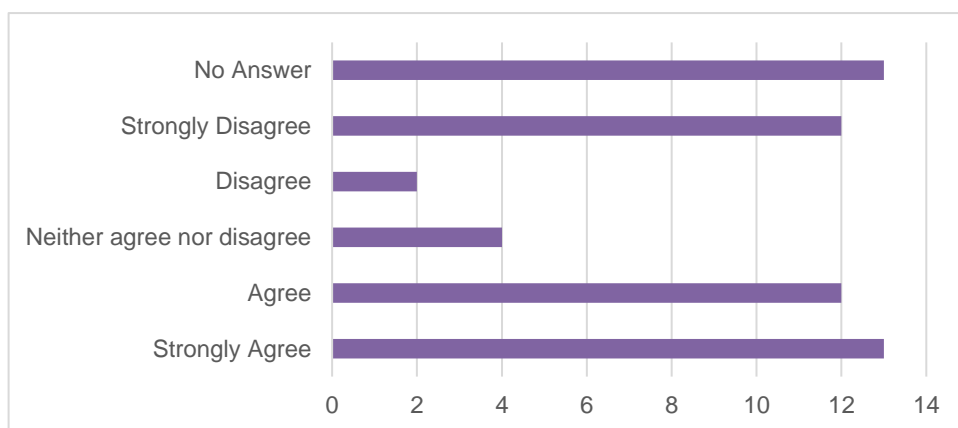
whether the body could compel the collection of environmental monitoring data if it was determined that a lack of data contributed towards a failure of a body to meet its duties.

GB9: To what extent do you agree or disagree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?

Individual responses

4.127 As shown in Figure 4.24, 13 responses strongly agreed with the proposed process for formally handling non-compliance, while 12 strongly disagreed and 12 agreed.

Figure 4.24 GB9: To what extent do you agree or disagree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures? (Individual Responses)

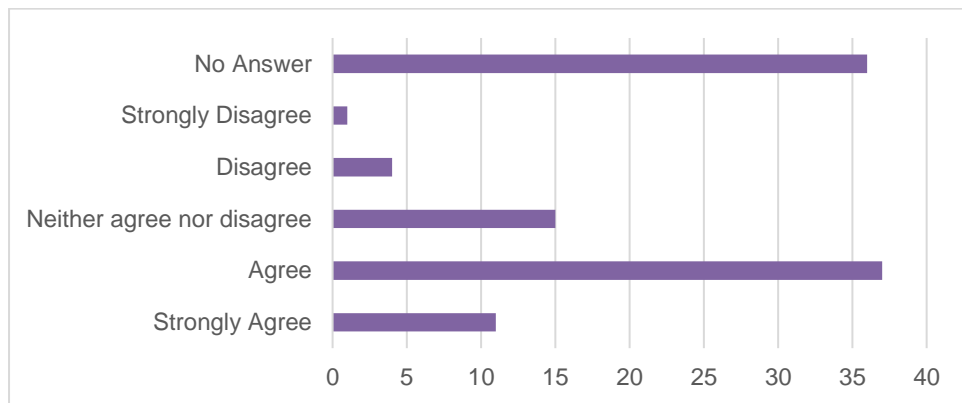


Source: Consultation Survey

Organisational responses

4.128 As shown in Figure 4.25, 37 responses agreed with the proposed process for formally handling non-compliance, while 11 strongly agreed.

Figure 4.25 GB9: To what extent do you agree or disagree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures? (Organisational Responses)



Source: Consultation Survey

- 4.129 There was support from many organisations and some individual responses for the escalatory approach, including the use of tools and more informal processes to resolve issues, and avoid the more formal procedures.
- 4.130 With regard to the more formal procedures, such as tribunals, it was noted by some organisations that the tribunal system offers several advantages over the High Court, including access to environmental expertise, and meaningful and effective remedies. Several organisation respondents supported robust ‘final resorts’ such as tribunals and fines, but caveated by some that they should follow other action. The structure of the tribunal was described by one organisation, which suggested that the tribunal should have both qualified judges and technical expert members, particularly where specialist or complex matters require consideration.
- 4.131 Many organisations placed importance on non-compliance procedures being timely and cost-effective, avoiding costly legal fees between public sector bodies. The suggestion was made that there must be processes that encourage quick resolution over a drawn-out process which wastes resources, and that court action must be a last resort. The Environment Act 2021 was provided as a model, due to the body being able to fast track a complaint without fulfilling all process requirements and having the judicial review powers for urgent cases. It was suggested that procedures are evaluated in future to ascertain their effectiveness in achieving behaviour change.
- 4.132 A few responses wanted to see more clarity on the non-compliance processes, including:

- more information on which courts or tribunals will handle appeals and determine non-compliance with compliance notices, as well as interim arrangements.
- clarity on powers – if Welsh Minister’s reject recommendations, does the Governance body have the power to overrule them? What remedies are the tribunal empowered to provide?
- roles and responsibilities of each organisation in the governance structure
- details on the right to appeal, for example in cases where a complainant disagrees with the methods or outcomes of statutory duties
- information on what the procedures would be where a regulated body cannot afford to comply due to financial constraints
- enforcement methods and timescales including the potential use of stop notices to put a hold on any action during investigations.

Easy Read Responses

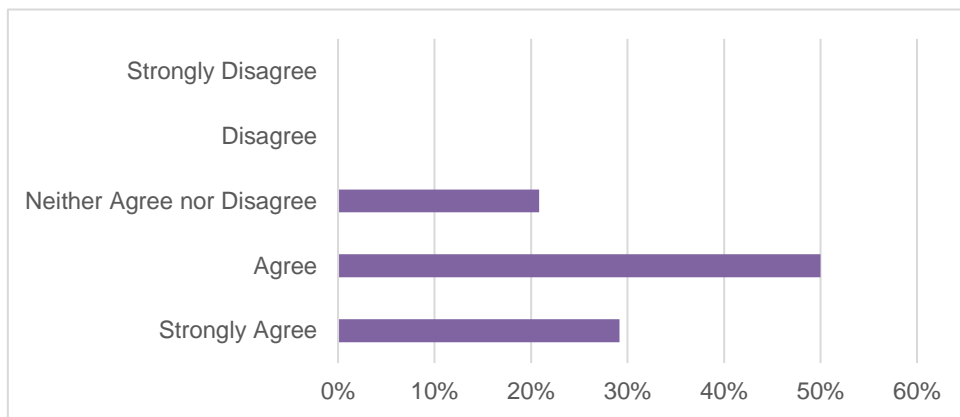
- 4.133 Of the Easy Read responses received, 100% (n=3) agreed with how the body will handle public bodies that break the rules.

Focus Group Responses

- 4.134 Figure 6.4 below demonstrates broad agreement from focus group attendees for the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures.
- 4.135 Despite this broad agreement with the principle of not fining public sector bodies, there was some uncertainty expressed about the power of a compliance notice in contrast to a monetary fine. The attendees who disagreed believed that there needs to be some form of punishment to make sure that non-compliance is not ignored. One attendee for example stated that a fine would be more effective, and that this should consist of a percentage of an organisation’s turnover, with the funds raised be used to support environmental causes.
- 4.136 Another factor expressed by attendees who were uncertain about the lack of a monetary fine was a sense that a compliance note could be perceived as a ‘tick box exercise’. They suggested possibly taking action against a named individual within an organisation, and have responsible individuals receive a punishment rather than it being issued to an

organisation. These respondents were unsure of how guilty parties are held accountable if they are not subject to a fine.

Figure 4.26: To what extent do you agree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?



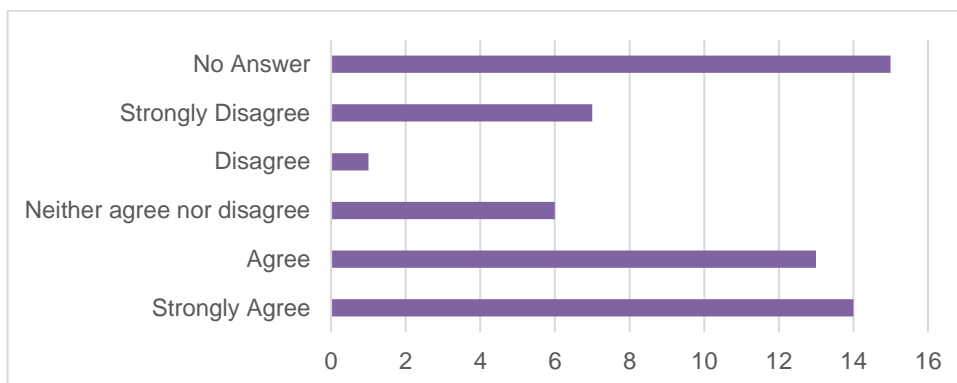
Source: Focus Group polling

GB10: To what extent do you agree or disagree with the Welsh Government’s proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue.

Individual responses

4.137 As shown in Figure 4.27, 14 responses strongly agreed with the proposal to include improvement reports / plans as an enforcement stage to provide space for resolution, while 13 agreed.

Figure 4.27 GB10: To what extent do you agree or disagree with the Welsh Government’s proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue. (Individual Responses)

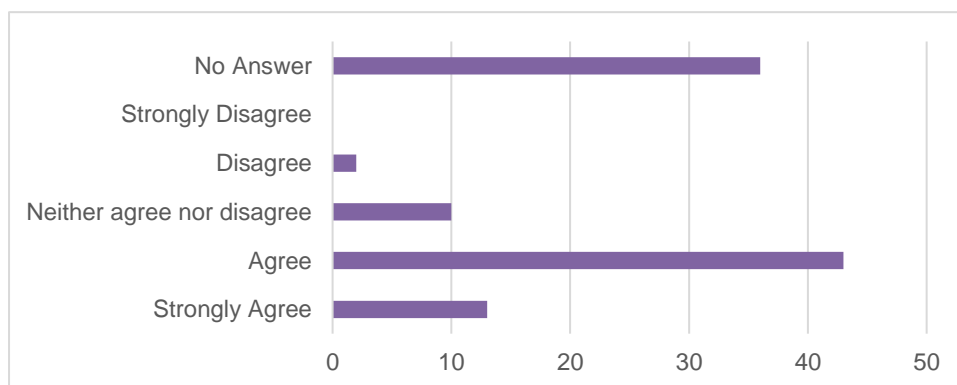


Source: Consultation Survey

Organisational responses

4.138 As shown in Figure 4.28, 43 responses agreed with the proposal to include improvement reports / plans as an enforcement stage to provide space for resolution, while 13 strongly agreed.

Figure 4.28 GB10: To what extent do you agree or disagree with the Welsh Government’s proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue. (Organisational Responses)



Source: Consultation Survey

4.139 Clarity and further information on improvement plans was sought by the majority of respondents. Some wished to see clear safeguards against regulatory capture to ensure this was not used as a ‘soft option’. Many organisation and a small number of individual respondents also wished to know if these improvement plans would be available to the Senedd and be placed in the public domain, as well as the proposed process for if

Ministers do not accept recommendations. Caution was given to issuing improvement plans where there may be uncertainty or a lack of understanding leading to non-compliance, and further information was requested on processes to be undertaken in this circumstance.

4.140 Though there was support for improvement plans, having multiple mechanisms as options was seen as a positive, and was suggested by several organisations. These included:

- an action pathway
- a mediation role, particularly where an offence is not deliberate or reckless
- a compliance report, where more urgent action is needed

4.141 The need for improvement plans to be designed and delivered collaboratively was mentioned by several organisation respondents. It was noted that the view of local authorities and other bodies could be taken into account to determine where improvements are needed, as well as a duty on Welsh Ministers to respond to the plan within a specified period. Attention was drawn to Scotland's equivalent body, where very few cases have reached 'improvement report' stage, and the importance of the Welsh Government garnering lessons from this.

4.142 Some organisations and individual responses expressed their general support of the proposal, agreeing that systemic issues will need a practical approach, and that working with public bodies to identify these solutions would be preferable to taking enforcement action.

4.143 A small number of organisation respondents stressed that there should still be a strong enforcement regime in place, including binding notices for compliance, fines, and stop orders to be considered, particularly where there is serious harm to the environment. It was expressed by a small number of organisations respondents other avenues should be exhausted before this action is taken, and improvement plans should not become the 'default' approach for managing compliance issues regarding Welsh Ministers. On the other hand a few individual responses suggested that if wilful deception has occurred, court action should be taken as a priority.

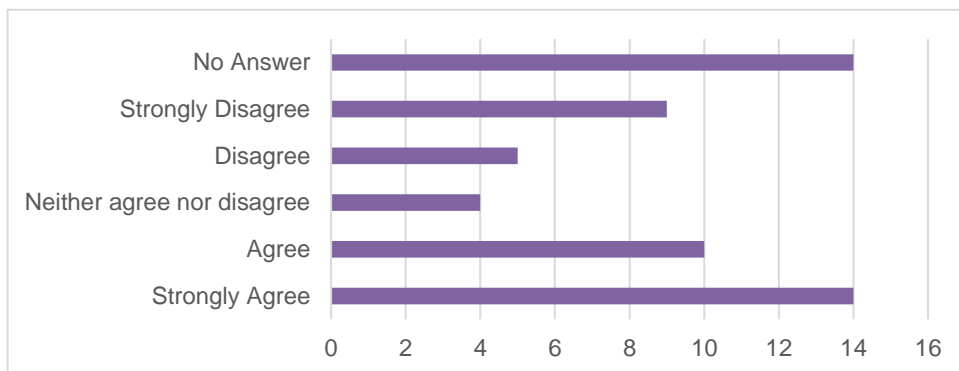
4.144 There were a small number of concerns with the proposal raised by a few organisations, this included a specific reference to the wording of paragraph 62 of the consultation document where it is stated that the governance body has discretion as to how it may wish to take further action, whilst also suggesting a requirement to always pursue a non-prescriptive approach. Further clarity was sought on whether this would indeed be a requirement, or instead, the likely outcome in practice. Another concern was the likelihood of systemic issues also being found in other public authorities' policies and compliance, and therefore it was suggested that improvement reports also cover these organisations where necessary.

GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings

Individual responses

4.145 As shown in Figure 4.29, 14 responses strongly agreed with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings, while 10 agreed.

Figure 4.29 GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings (Individual Responses)

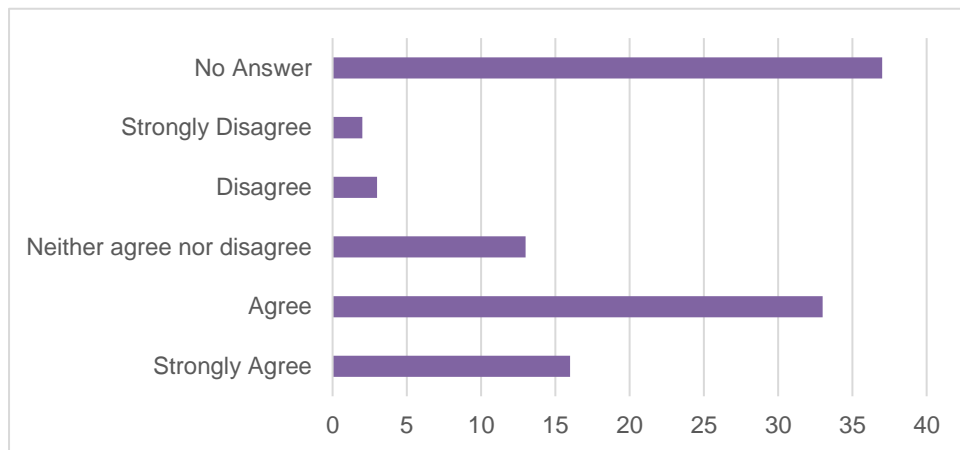


Source: Consultation Survey

Organisational responses

4.146 As shown in Figure 4.30, 33 responses agreed with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings, while 16 strongly agreed.

Figure 4.30 GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings (Organisational Responses)



Source: Consultation Survey

4.147 The majority of respondents expressed support for the governance bodies intervention powers and the power to take matters to judicial review. Individuals and organisations made the following comments:

- that the governance body should intervene in cases of clear non-compliance and negligence, treating them as criminal breaches
- that the power to apply for judicial review should be included in the bill, particularly in cases of suspected serious or urgent failure to comply with environmental law
- that the governance body should have the flexibility to apply for or intervene in judicial review or other civil proceedings as appropriate, but this power should only be used in emergencies and not as an alternative to other avenues
- the threat of the existence of a governance body that has the ability to push to judicial review has greater authority than a body without the power to do so
- the governance body needs to be sufficiently resourced to utilise this power in order to handle more complex and expensive cases

4.148 There were many organisation responses that specified that they needed further clarification on the processes and definitions before they could support the power of judicial review and intervention proposal. Further comments detailed:

- that the governance body should prepare and publish an enforcement policy, with an example of where intervention might be necessary and how it would be handled to explain the type of situation the power may be applicable
- there needs to be clarification on what is meant by 'serious environmental harm/damage' before the body is able to apply for judicial review, as the evidence from the governance body has the potential to be very important when informing civil proceedings
- there need to be clarification on what constitutes 'urgent'
- the governance body's own determinations should be susceptible to judicial review and should be captured by 's6' of the Human Rights Act 1998 and the prohibition this introduces on public bodies acting in a way which is incompatible with convention rights

4.149 A small number of organisation responses expressed the following:

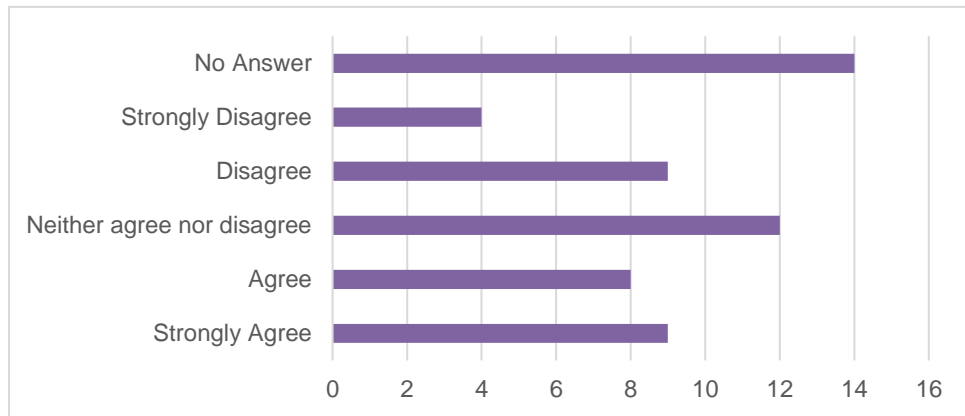
- confusion surrounding the issuing of fines from the governance body and what the alternative penalties would be
- concern that issuing fines to bodies with already stretched budgets would leave them with less capital to address future sustainability needs.
- concern about a lack of resource to establish the governance body

GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the non-compliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position?

Quantitative Analysis: Individual responses

4.150 As shown in Figure 4.31, 12 responses neither agreed nor disagreed with the Welsh Government's position on financial penalties was mixed, while 9 agreed and 9 disagreed.

Figure 4.31 GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the non-compliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position? (Individual Responses)

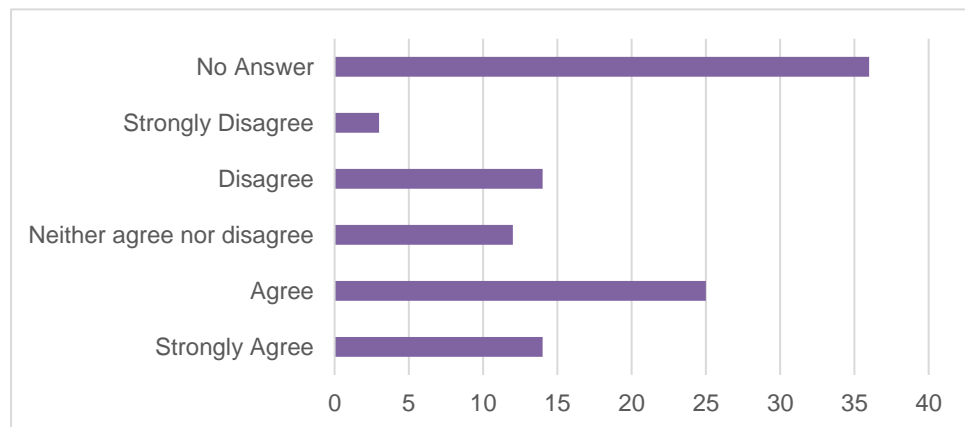


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.151 As shown in Figure 4.32, 25 responses agreed with the Welsh Government’s position on financial penalties, while 13 strongly agreed.

Figure 4.32 GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the non-compliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

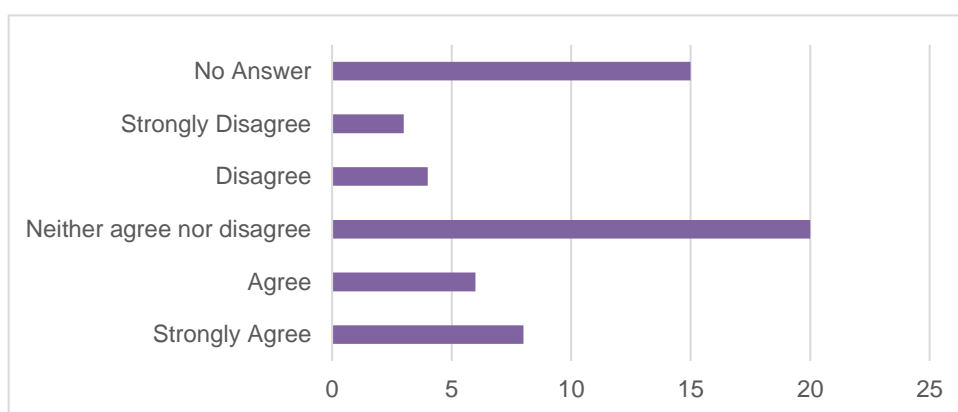
- 4.152 Many respondents providing comment expressed their support for the Welsh Governments stance that financial penalties would be ineffective, however still believed that they should be included as an option, comments included:
- that financial penalties are necessary in a capitalist economy to enforce environmental commitments
 - penalties are a strong governing factor and deterrent, especially in cases where public funds are involved and the need for a meaningful deterrent in the absence of financial penalties would be strongly needed
 - financial penalties could be used as a last resort after other approaches have failed to ensure they are proportionate to the responsibilities and control of the organisation at fault on a case-by-case basis
 - financial penalties can be used in funding others to complete remedial works in Wales
 - the absence of monetary penalties can be identified as a contributing factor to non-compliance and lack of enforcement
- 4.153 Several responses agreed that overall fines may have negative/counter-productive effects such as reducing capacity and ability of the concerning body, slowing progress towards environmental goals. A small number of respondents suggest considering more robust enforcement powers such as, stop orders, remediation notices, and the ability to compel the rescinding of permissions and licenses, especially in cases of serious and irreversible harm to the environment
- 4.154 Some respondents agreed that given lack of funding is frequently the cause of poor performance for environmental projects, financial penalties may cause counter-productive effects, expressing concerns that the financial penalties will be a burden on taxpayers and negatively impact essential services.
- 4.155 Some organisational respondents believed that while the option to fine public authorities should be available in exceptional circumstances, it is important to ensure that environmental standards expected of the private sector are also demanded of the public sector. The governing body should have the ability to recommend an increase in resources when a lack of resources hinders the fulfilment of duties.

GB14: Our preferred model for the governance body is a ‘Commission’, but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach?

Quantitative Analysis: Individual responses

4.156 As shown in figure 4.33, 20 responses neither agreed nor disagreed with the preferred ‘Commission’ model for the governance body, while 14 agreed.

Figure 4.33 GB14: Our preferred model for the governance body is a ‘Commission’, but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach? (Individual Responses)

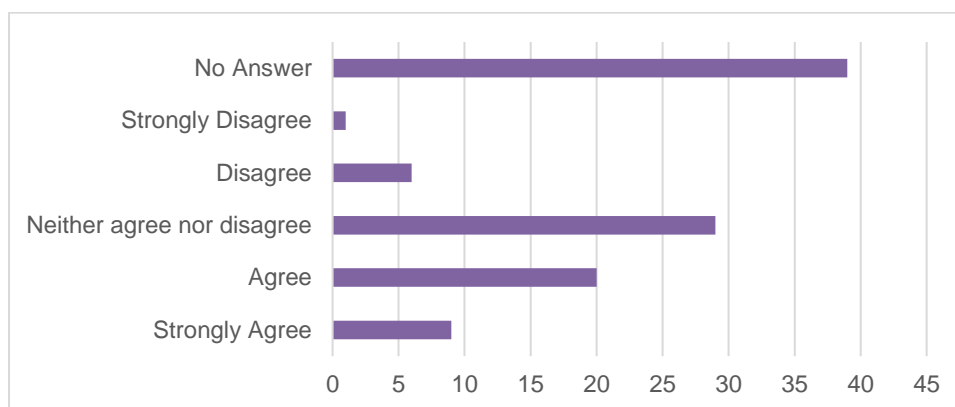


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.157 As shown in figure 4.34, 29 responses neither agreed nor disagreed, with the preferred ‘Commission’ model for the governance body, while 20 agreed.

Figure 4.34 GB14: Our preferred model for the governance body is a ‘Commission’, but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.158 Several responses expressed a preference for the ‘Commission’ model, arguing that it would be the most appropriate given the time sensitivity of the issues it would address. It was felt that this model may be more appropriate for a body whose role is to advocate for the environment, and that it has also been the proven approach taken by Environmental Standards Scotland.
- 4.159 Many organisational respondents expressed a preference for an arm’s-length model, operating in an independent, impartial manner not subject to political interference. It was noted that this will need careful consideration due to the sponsorship of the body from government departments.
- 4.160 Several organisational respondents had resourcing concerns, emphasising that the body should be kept as small and efficient as possible, or making arrangements to add the required roles to an existing body. Funding mechanisms were also raised as a concern, with respondents urging that the independence of the body is not compromised by funding and that a ring-fenced budget be agreed.
- 4.161 Some organisational respondents felt transparency was a key factor, who requested that the body remains accountable and transparent in its oversight of public authorities and strategic direction. This would include robust decision making processes where all relevant parties are consulted, and clarity on how the body will work with other organisations such as NRW.

4.162 A small number of organisational respondents made suggestions for the inclusion of:

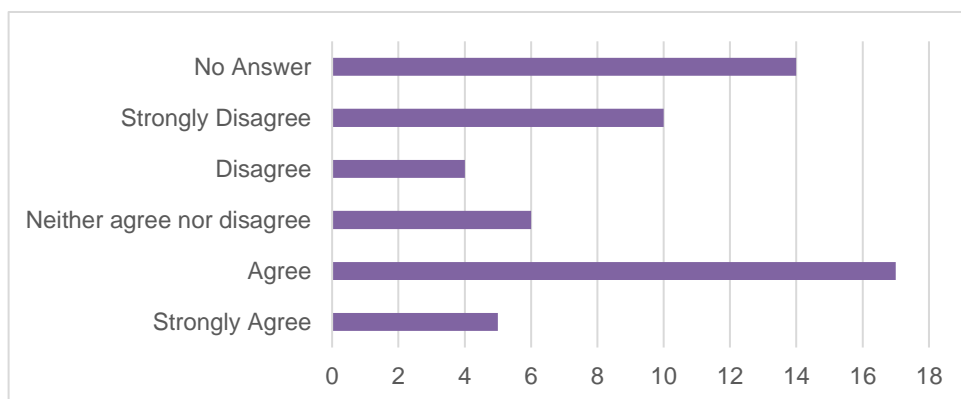
- a citizen’s assembly
- good reporting lines to the Senedd
- independence clauses (as seen in paragraph 17, schedule 1 of the Environment Act 2021)
- assurances that the governance body has complete discretion to develop its strategy and enforcement policy

GB15: To what extent do you agree or disagree with the Welsh Government’s approach in respect of appointing members and allocating resources to the governance body?

Quantitative Analysis: Individual response

4.163 As shown in figure 4.35, 17 responses agreed with the Welsh Government’s approach in respect of appointing members and allocating resources to the governance body, while 10 strongly disagreed.

Figure 4.35 GB15: To what extent do you agree or disagree with the Welsh Government’s approach in respect of appointing members and allocating resources to the governance body? (Individual Responses)

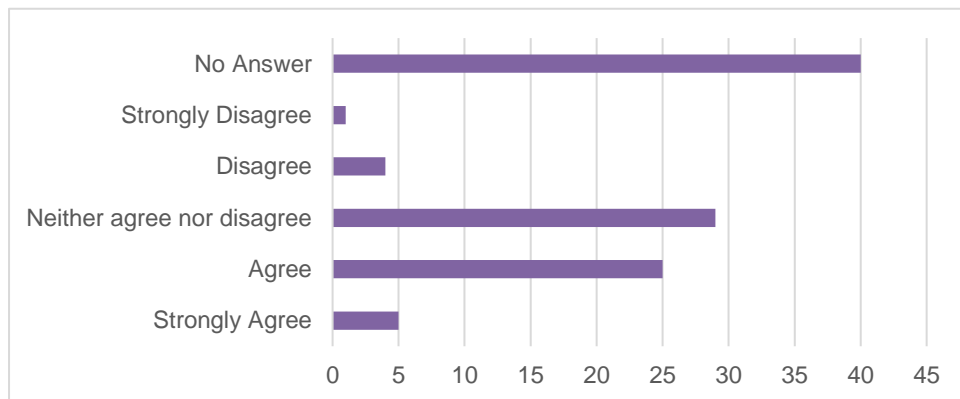


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.164 As shown in figure 4.36, responses on the approach in respect of appointing members and allocating resources to the governance body were mixed mostly between positive and inconclusive, with 29 responses which neither agreed nor disagreed, and 30 who agreed

Figure 4.36 GB15: To what extent do you agree or disagree with the Welsh Government’s approach in respect of appointing members and allocating resources to the governance body? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.165 Many respondents raised concerns about resourcing the governance body. It was noted that, whilst the effectiveness of this body relies on adequate funding, the resource implications of all models need to be carefully considered to ensure that its funding does not detrimentally detract from the funds available to deliver on environmental targets.

4.166 Many organisational respondents opposed the commission-based approach and opted for one of two alternatives:

- Arms-length Model

Many respondents advocated for an arms-length model with a board of independent executive and non-executive directors. This was justified by a need for the new body to be seen to operate independently, and not subject to political interference. In order to be seen as impartial, there needs to be distance between the new Governing Body and the Public Bodies it may scrutinise. It was also urged by respondents that this governance body have complete discretion to develop its

strategy and enforcement policy, as well as be adequately resourced to maintain independence, i.e. in-house legal team and IT systems, and be required to publish an annual report in relation to its resourcing.

- Non-Departmental Public Body (NDPB)

A small number of respondents opposing the commission-based approach opted for a NDPB instead, with a board led by a Chair and comprising of a small number of other members, supported by an executive staff team led by a Chief Executive. It was however caveated that, as NDPBs are sponsored by Government departments, it will be important to install the necessary safeguards in both the Bill and the structures of the Governance Body to provide long-term independence.

- 4.167 A common theme that was highlighted by several organisational respondents was the need for transparency of the new Governance Body, irrespective of its model. It was felt that as a body designed to provide oversight of public authorities (including enforcement functions), it is vital to ensure that the organisation remains independent, impartial, accountable and transparent, with clear strategic direction. Respondents also emphasised that it is essential that the details of how the Governing Body will co-operate with other organisations are included within their strategy, to ensure robust decision-making processes.
- 4.168 Some organisational respondents agreed that a commission-based approach would be the most appropriate model for the governing body, due to the time sensitivity of dealing with issues, as long as additional skills and expertise are built into the model. These responses did, however, emphasise the importance of this governing body being seen to be independent to the Welsh Government. In this light, it was suggested by some that the public body should have solid reporting lines to the Senedd as well as Welsh Government.
- 4.169 Some individual respondents highlighted that the Commissioner model would be more appropriate if the new body were to have an advocative role for the environment. However, the functions of the new body, as set out in the White Paper, suggest a model of 'guardian of the environment' which may be more appropriate.

GB16: Are there any other views you would like to provide in relation to our proposals to set up a governance body?

- 4.170 Many respondents raised that the body needed to be adequately resourced noting there should be an inclusion of multi-year budgets, some were concerned with the potential impact that funding a new organisation could have on budgets elsewhere, in particular on the delivery of public services, local government and those that are “undertaking nature recovery actions on the ground.”
- 4.171 Some respondents brought up transparency and accountability, including comments that the performance of the body should be audited by the Auditor General, the body should appear before any relevant Senedd committees regularly, and the Welsh Government use this bill to more effectively implement the Aarhus Convention which gives the public the right to hold public bodies accountable and demand information.
- 4.172 Many organisational responses suggested that during the transition to the new governance body the role and remit of the IEPAW should be reviewed with concerns that they lack resource and capacity at present. They suggested that:
- an interim governance body could be established to receive complaints
 - a stakeholder advisory group should be established to support the transition under the oversight of the Senedd
 - the bill should define environmental law
 - a carefully considered timeline and transition plan is established to determine when the new body will be established and offer clear guidance as to environmental governance during the transition period, to ensure a smooth and effective transition between the IEPAW and the new body
- 4.173 Some organisational responses highlighted the need for the body to be independent of government and other public authorities and raised the following points:
- that beyond the minimisation of duplication and overlap it would be inappropriate for the body to “work in partnership”
 - that legislation should include the duty on Welsh Ministers to respect the bodies independence and clarify that Welsh Ministers have no power of direction

- that all reports should be laid out in the Senedd with the opportunity for committees to discuss and hold evidence sessions
- that the body has complete discretion to develop its strategy
- that a ring-fenced budget is provided in each Senedd term
- that the body is required to publish an annual report in relation to its resourcing
- that the Senedd should have a “strengthened” role in appointing the chair and other board members
- that the body should have sufficient resource to maintain an independent website and communications function, an in house legal team and its own IT system

4.174 Some organisations recommended additional expertise for the body, this included suggestions for:

- marine expertise
- practical skills such as GIS skills
- legal expertise due to the cost of its procurement

4.175 Some organisational responses expressed the need for clarity on a number of issues including:

- how the body will interact with new biodiversity targets
- how the body will interact with devolved counterparts, OEP and ESS to ensure consistency and clarity in processes in case where standards and targets differ
- how the body will avoid overlap, particularly, in relation to The Environment (Wales) Act section 6, duty advising Welsh Ministers and Public Bodies
- the extent to which private bodies performing public functions will be subject to the jurisdiction of the new body, and limits to this remit

4.176 Several individual responses noted that the governance body should engage with stakeholders and include community voices. It was thought there should be representation from non-governmental organisations and environmentalists.

4.177 There was opposition to the body expressed by a small number of individual respondents who suggested it was not necessary, irrelevant and will result in additional costs to public bodies

Easy Read Responses

- 4.178 Of the Easy Read responses received, 100% (n=3) thought that the watchdog should provide advice to the public on environmental law.
- 4.179 One primary school group who completed an Easy Read response mentioned their concern about the short length of time between the 2026 and the 2030 reversal target.

Focus Group Responses

- 4.180 Few additional views were conveyed by focus group participants. One respondent mentioned their previous perception that everything discussed in Part B was already covered by existing bodies. Another respondent discussed the timescale of the implementation of this body with reference to the effluent discharge from Dwr Cymru, asking who was taking such organisations to task now whilst the governance is being finalised.

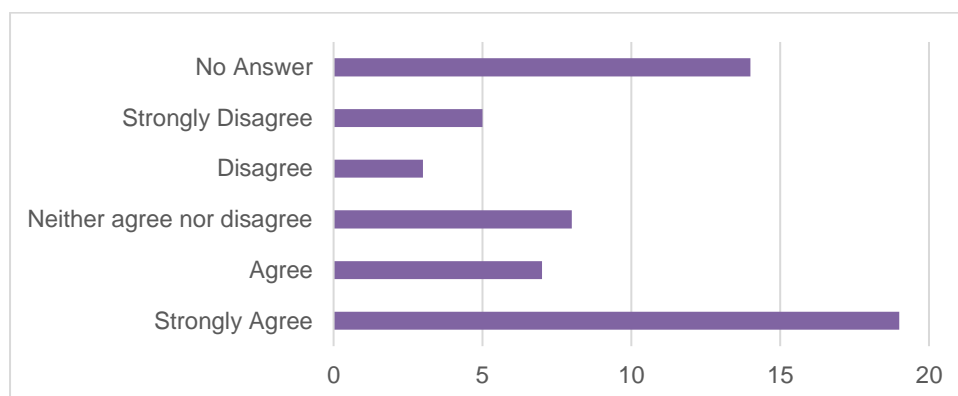
Part C – Targets for the protection and restoration of biodiversity

BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper?

Quantitative Analysis: Individual responses

- 4.181 As shown in figure 4.37, 19 responses strongly agreed with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper, while 8 neither agreed nor disagreed.

Figure 4.37 BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper (Individual Responses)

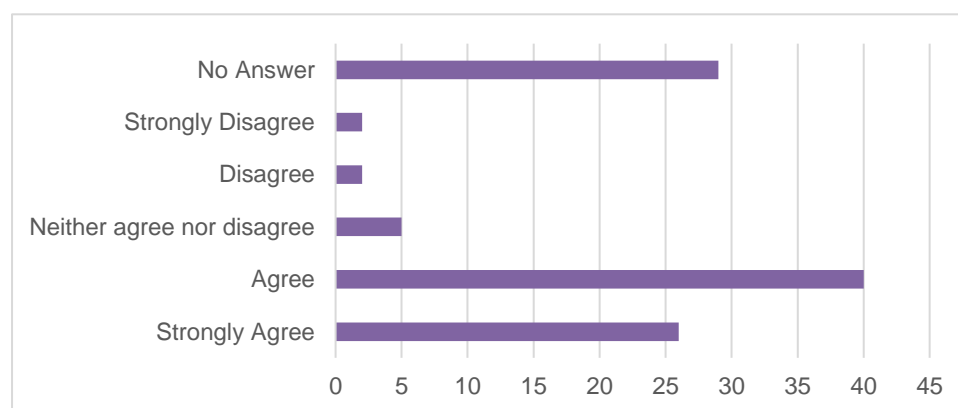


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.182 As shown in figure 4.38, 40 respondents agreed with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper, while 26 strongly agreed.

Figure 4.38 BT1: To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.183 Many responses wished to draw Welsh Governments attention to the existing Section 6 Duty and Local Nature Partnerships (LNPs) and their possibility to act as a delivery mechanism for the proposed framework. Respondents felt that their existing work on producing Local Nature Recovery Action Plans should not be overlooked, and the Bill amended to include a reference to their possible involvement. Respondents were in favour

of involving public authorities as statutory lead partners on these plans, including other public bodies as necessary. It was thought that the partnerships would benefit from this increased resource whilst the framework would be able to utilise the ecological expertise and experienced collaboration practices that have been fostered in partnerships.

- 4.184 Several organisations wished to see further detail on the proposed framework. This included:
- a reference to the health benefits of proposed action
 - clarity in the naming of frameworks and strategies to reduce confusion
 - clarification on the delivery of headline nature positive and biodiversity targets, Natural Resources Wales's statutory functions and the role of the Wales Biodiversity Partnership
 - the inclusion of specific targets within the framework so that they can be more easily mandated
- 4.185 Several organisations wanted assurances on resourcing and/or funding for regulated bodies to deliver, to ensure roles in the LNP are funded for the longer term, and to undertake robust data collection and monitoring activity.
- 4.186 Clear monitoring was also raised by some organisations, with many referencing the possibility of interim targets being included within the framework that can be linked to direct action and a delivery plan.
- 4.187 A few respondents expressed their general support for the framework suggesting it could support strategies and action plans to be developed as well as progress towards achieving environmental targets.
- 4.188 A small number of organisations drew attention to:
- the importance of ensuring that national targets developed are relevant to the local context
 - ensuring that the framework can effectively deliver on its targets
 - the potential for alignment with wider reporting standards on the convention of biological diversity
 - concern relating to time constraints of embedding targets in secondary legislation

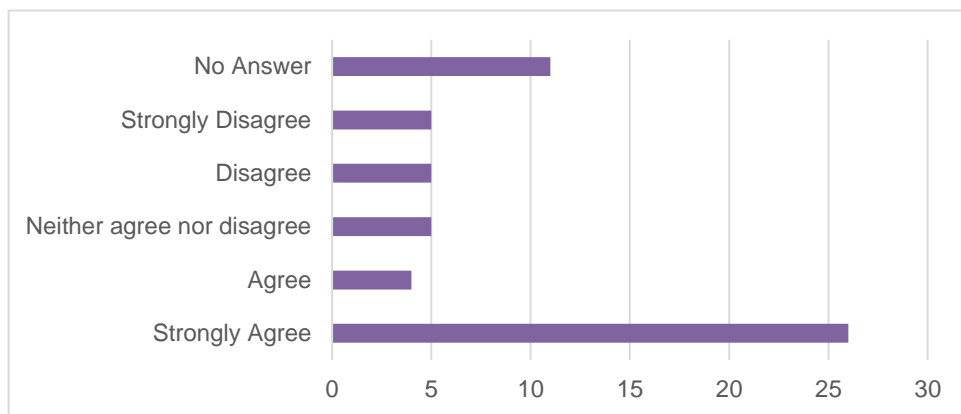
- 4.189 Several individual respondents expressed their opposition to the framework, citing their belief that this Bill is not a priority and the lack of impact it is likely to have.
- 4.190 Some individual respondents also referred to the need for a balanced or broader approach (balancing the need of the Bill with other aims such as decarbonisation) and the inclusion of the Aarhus Convention.

BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’.

Quantitative Analysis: Individual responses

- 4.191 As shown in figure 4.39, 26 respondents strongly agreed with the inclusion within the Bill of the statutory nature positive headline target.

Figure 4.39 BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’. (Individual Responses)



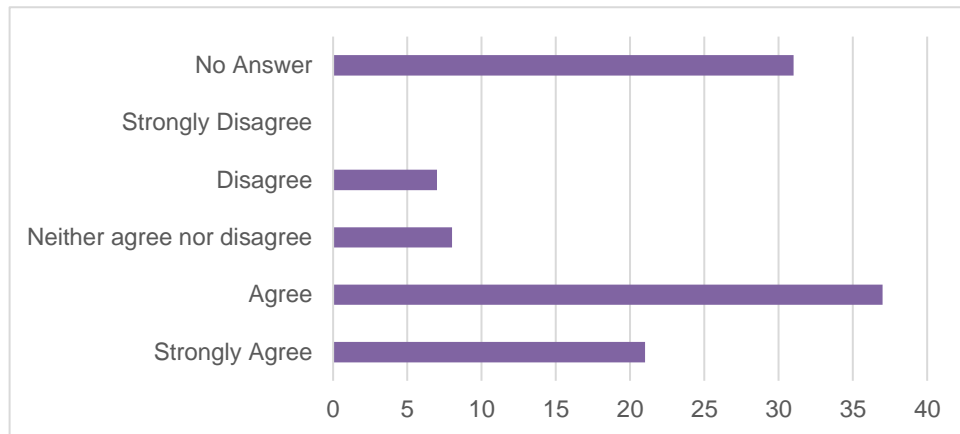
Source: Consultation Survey

Quantitative Analysis: Organisational responses

- 4.192 As shown in figure 4.40, 37 responses agreed with the inclusion within the Bill of the statutory nature positive headline target, while 21 strongly agreed.

Figure 4.40 BT2: To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in

biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050'. (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.193 Many respondents who provided additional comment provided criticisms to the headline target, these included:
- the proposal was “unenforceable”, “irrelevant” in the context of other government obligations
 - the feasibility of the target, with comments as to if the timescales are realistic for what is being proposed
 - the availability of meaningful indicators to measure progress against the target
- 4.194 Several respondents stated that there is a need for further details on how the target would be attained and that, at present, details were too vague and ambiguous. One respondent suggested that there should be industry-specific targets (for agriculture, for example). Another felt that whilst the target is “a good statement of intent” there is a need for dedicated resource to drive behaviour change both within the public sector and in society.
- 4.195 Several respondents had suggestions for how to measure and achieve the target, these were:
- concrete targets for halting the decline in biodiversity throughout Wales (not just in areas identified for specific actions)

- specifying the measures that would be used to measure recovery by 2050.
- including suggested (?) definitions of restoring biodiversity
- reversing biodiversity loss and recovering biodiversity.
- seeking advice from various sources on assessing progress against targets
- establishing a baseline as a reference point

4.196 Many organisational respondents commented on the issue of measuring progress against the target, including the need to ensure progress *can* be measured and to define what “revers[ing] a decline in biodiversity” and “clear recovery” mean and how this will be measured.

4.197 A few organisations were clearly supportive of the target but a small number of cited the needs for sufficient resources (in terms of funding and workforce) and support (e.g.: from Local Nature Partnerships) to achieve the target.

4.198 A few organisations made some specific recommendations on how to improve the headline target itself, including making explicit reference to the reality of climate change in the headline target and the effect this inevitably has on eco systems and biodiversity, and clarifying the scope biodiversity.

Easy Read Responses

4.199 Of the Easy Read responses received, 100% (n=3) agreed with having a statutory headline nature positive target. A further 66% (n=3) agreed with the headline goal of “reversing biodiversity decline by 2030 and achieving clear recovery by 2050”.

Focus Group Responses

4.200 There were some positive reactions to having a concrete, tangible target as a signal of the commitment to change and as a yardstick against which to measure progress. The ambition of the target was highlighted from several perspectives, with many in favour of the 2050 target. On the other hand, some felt that the target was insufficiently ambitious and does not reflect the “emergency” that we are in.

4.201 It was felt by many that a 2030 target does not give long to make progress, particularly given the bill has yet to be fully developed and introduced to Ministers for approval,

leading one participant to expect that by the time the policy was in place, there would only be around three and a half years until 2030 to make progress. Several cited other targets that have not been met and have been pushed back, with one suggesting it would be better to offer a government commitment to change than to set an unrealistic target. There was also a minor concern expressed that politicians might “shoehorn” a solution to save face.

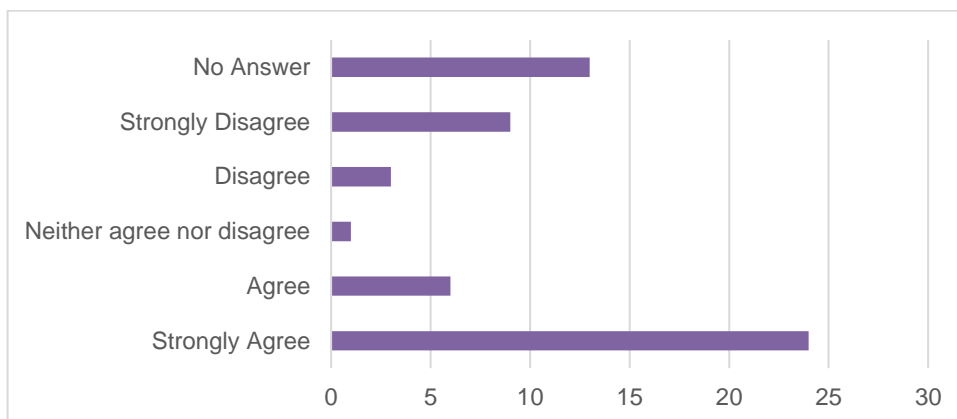
- 4.202 There were several questions about implementation. One attendee expressed that the plan to meet the target appeared “straightforward” enough, as long as the commitment was kept. Others asked how the Welsh Government is planning to achieve the nature positive headline target. Discussed factors affecting implementation included the planting of woodland, the potential impacts of the Sustainable Farming Scheme, and the cost of achieving the target. The potential consequences of a change in the party leading Wales were also noted as a source of concern, and questions were raised about what would happen in 2050 if there has not been a clear recovery.
- 4.203 An issue raised in several focus groups centred on the vagueness of the targets. Some were looking for more specific incremental targets or indications of how progress would be measured. Attendees wanted to have a better understanding of what a “clear recovery” means and to be given baseline figures around the current situation to be able to compare in the future and assess the target’s appropriateness.

BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation?

Quantitative Analysis: Individual responses

- 4.204 As shown in figure 4.41, 24 responses strongly agreed with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation, while 9 strongly disagreed.

Figure 4.41 BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation? (Individual Responses)

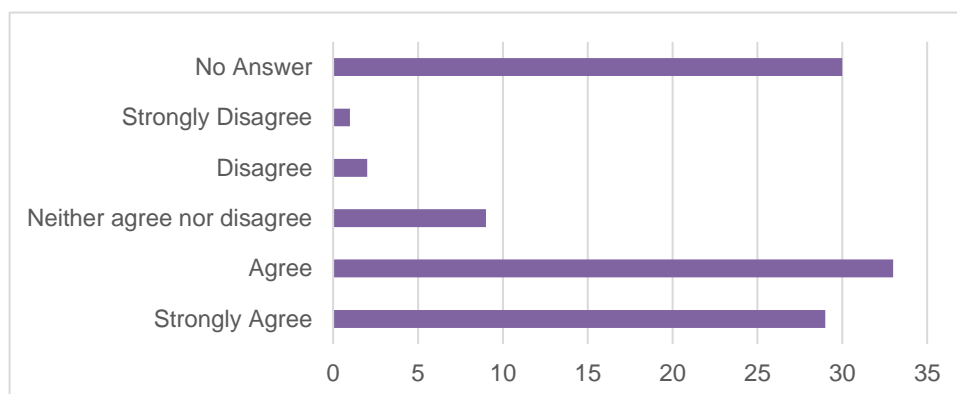


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.205 As shown in figure 4.42, 37 responses agreed with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation, while 21 strongly agreed.

Figure 4.42 BT3: To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.206 Several respondents had concerns over resource constraints affecting the ability to deliver on biodiversity targets. Limiting targets to "deliverable within likely budget and resource envelopes" was perceived as a lack of ambition and recognition that current funding is insufficient. Respondents urged for a significant increase in resources to drive meaningful

action instead of being constrained by existing budgets. Public bodies also require adequate resources to monitor progress against targets.

- 4.207 Many responses wished to see a broader scope, emphasising the necessity of targets being set in partnership with stakeholders and experts. Organisational responses noted the importance of involving Local Nature Partnerships, non-governmental organisations (NGOs), and other experts in the process.
- 4.208 There were several respondents that expressed general support expressed for statutory biodiversity targets, with respondents emphasising their importance. Many respondents highlighted the importance of these targets being statutory, urging for them to be set as soon as possible. Transparency and mainstreaming of biodiversity targets were also emphasised, with calls for the targets to be integrated across government and shared publicly. Respondents recommended setting a baseline year in the secondary legislation.
- 4.209 Many organisational responses were concerned with timelines, suggesting that the duty to set targets should be time-bound. Others stressed that long-term and interim targets were seen as crucial, with Welsh Ministers urged to establish both types.
- 4.210 Regarding reviews, some organisations emphasised the need for regular reviews of statutory targets. Wildlife Trusts Wales supported the inclusion of statutory biodiversity targets but stressed the importance of continuous review in light of new evidence. The UK dairy sector suggested that targets should undergo full consultation and periodic review. It was proposed that Welsh Ministers should review biodiversity targets at least once per Senedd term to ensure that supporting targets adequately contribute to headline targets.
- 4.211 Some organisations encouraged examining the scale of statutory targets and highlighted the geological differences in local authorities. Broad land use targets might yield different outcomes in various counties due to geographical differences and therefore should be relevant and achievable to each authority area, recognising that not all targets will be relevant to all authorities. The UK Environmental Law Association highlighted the difficulty of identifying and setting targets due to the broad scope of the Bill.
- 4.212 A few respondents also highlighted the importance of using existing datasets and ensuring robust measurement. They recommended utilising available datasets and indicators to set

baselines for measuring biodiversity recovery. Local Records Centres were identified as a key source of biodiversity data but require sufficient support

- 4.213 Many individual respondents expressed opposition to statutory targets, citing concerns such as:
- Perceived lack of competence or understanding among ministers regarding biodiversity
 - Scepticism over ministers' ability to avoid "moving the goalposts" if targets appear unachievable
 - Claimed insufficient understanding of factors affecting biodiversity.
- 4.214 Several individual respondents supported the inclusion of key sectors within the legislation. Specific examples included the Crown Estate, Ministry of Defence, and Network Rail, and small farms, noting that these should explicitly be included within the Bill.
- 4.215 A small number of individual respondents noted the importance of setting clear and comprehensive targets, asserting that every aim should have corresponding targets to ensure clarity on expected progress and methods to achieve goals.

Easy Read Responses

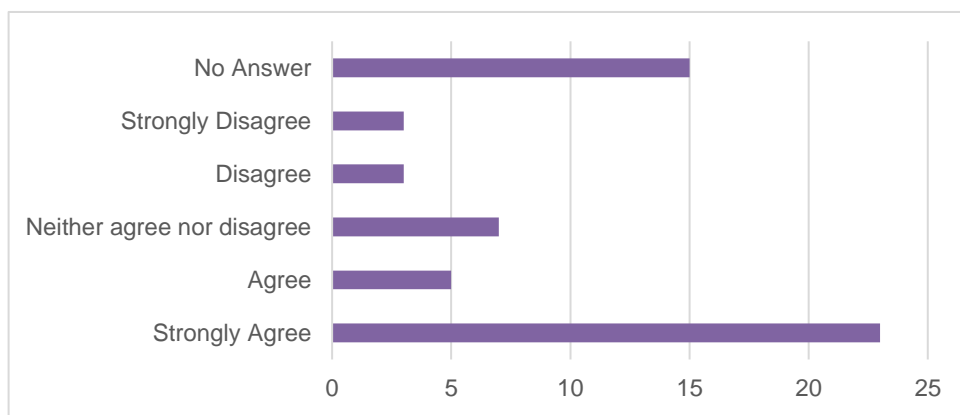
- 4.216 Of the Easy Read responses received, 100% (n=3) agreed that Ministers should have to set statutory targets for nature recovery.

BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be: Species – distribution abundance and extinction risk; Habitat – protection, management and restoration; and Ecosystem health and resilience – recognising the key role and contribution of ecosystems. To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework?

Quantitative Analysis: Individual responses

4.217 As shown in figure 4.43, 23 responses strongly agreed with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework, while 7 neither agreed nor disagreed.

Figure 4.43 BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be: Species – distribution abundance and extinction risk; Habitat – protection, management and restoration; and Ecosystem health and resilience – recognising the key role and contribution of ecosystems. To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework? (Individual Responses)

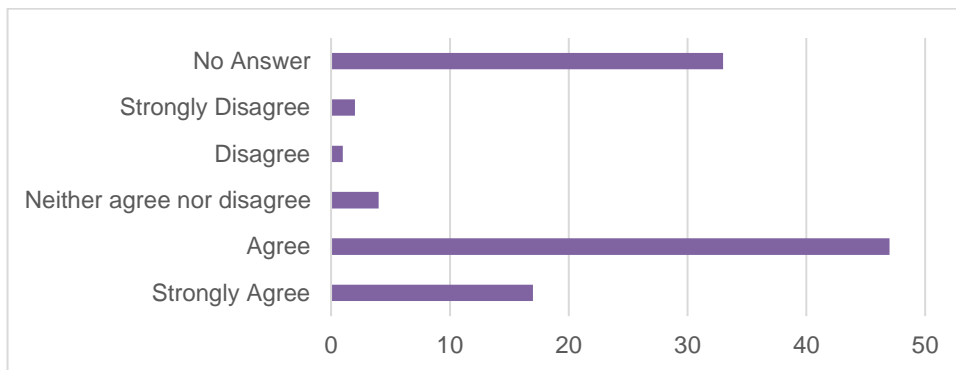


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.218 As shown in figure 4.44, 47 responses agreed with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework, while 17 strongly agreed.

Figure 4.44 BT4: Potential suite of supporting targets, to underpin the headline target, are likely to be: Species – distribution abundance and extinction risk; Habitat – protection, management and restoration; and Ecosystem health and resilience – recognising the key role and contribution of ecosystems. To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.219 Many responses highlighted the need to measure progress and the current lack of baseline data on biodiversity in Wales which may limit the ability to set meaningful targets in this area. It was suggested that any baseline data captured in Wales would need to be based upon a clear methodology with meaningful measures and accurate monitoring, based on expert advice. It was felt that biodiversity targets in Wales should be consistent with the wider UK to level playing field. It was noted that in England, developments were required to deliver a minimum of 10% Biodiversity Net Gain (BNG) above a baseline, using a metric developed by Natural England. The Scottish Environment LINK’s 2023 was felt to be a useful reference for how different types of nature recovery targets may be formulated. One measure highlighted by a respondent as being of value to the establishment of biodiversity targets was the Biodiversity Intactness Index (BII), a long-term measure of ecosystem health reported on in the State of Nature Report. It was felt that any monitoring would need to take into account not only individual species but also whole habitats and ecosystems including soil, water, and air quality. Additionally, any monitoring implemented would need to take into account the time lag between protection measures being implemented and changes being observable in monitoring data.
- 4.220 Many respondents expressed a desire to see an expanded scope and additional targets for the proposals. It was suggested the scope also cover species genetic diversity and wider ecosystems adaptability. Respondents felt that the exclusion of terrestrial, freshwater, and marine habitats were a key gap which should be covered in the scope of

the proposals (respondents felt that any targets around aquatic biodiversity protection should be aligned with existing strategy and targets including the Good Environmental Status of Sea targets from the UK Marine Strategy).

- 4.221 Some respondents noted the importance of place based targets which were not too broad and tailored to local conditions, with important distinctions to be made between biodiversity measures based on rurality, coastal locations as well as the extent of existing tree coverage. Respondents felt that measures should reflect local knowledge and best practice regarding land, habitat, and species management in the area.
- 4.222 Some respondents felt that any targets around biodiversity in Wales should also consider competing land use demands and conflicting policy priorities including existing climate and renewable energy targets. It was felt that the proposals should also include a target for integration of nature protection and recovery into wider legislation including the Well-being for Future Generations and Environment (Wales) Act and the Agriculture (Wales). It was felt that targets should be aligned with wider UK nations as well as international targets set out by the Global Biodiversity Framework (GBF) to ensure consistency and the ability to compare progress across different nations.
- 4.223 Several individual respondents who chose to provide additional comments expressed their general opposition to the biodiversity proposals set out in the consultation. Respondents were concerned that the targets set out were not meaningful or relevant to the sectors covered, and did not feel that land used for agriculture, housing, and other purposes had sufficiently been taken into account.
- 4.224 Some organisational responses felt resourcing was a key issue in ensuring that any biodiversity targets set for Wales would be achievable, ensuring that LNRAPs are fully costed and resourced.
- 4.225 Some organisational respondents wished to see additional detail. There were concerns from respondents that the understanding of NBB outlined in the proposals were oversimplified and do not align with the section 6 duty based on Defra's NBB metric and a statutory target is required to provide objectivity when meeting these secondary biodiversity targets. Respondents also strongly supported the inclusion of particular

species measures around the abundance, distribution and extinction risk of species which link to wider GBF targets. It was felt that the species metrics reported on in the State of Nature Wales 2023 would provide a strong basis for such targets. Respondents also wanted to see greater clarity around what constitutes 'additionality' given it is expected that an increase in biodiversity will occur by virtue of development being built regardless of any NBB intervention by developers.

- 4.226 Some organisational respondents felt that in order to achieve the targets set out in the proposals, cross industry support and co-design would be needed, including involving developers and planning departments in identifying opportunities to protect and enhance biodiversity. Respondents noted the need to engage private landowners with biodiversity targets as well as the need for wider public education and awareness raising initiatives to achieve biodiversity targets. It was felt that the ability of public bodies alone to deliver on biodiversity targets would be limited. Respondents highlighted the need for key input from experts and stakeholders including Local Nature Partnerships (LNPs), Local Environmental Records Centres (LERCs) and South East Wales Biodiversity Records Centre (SEWBReC). Given the role of LNPs in developing Local Nature Recovery Action Plans (LNRAPs) it was felt that targets should align the Wales Nature Recovery Plan which LNPs are familiar with and delivering against.
- 4.227 A small number of organisational respondents noted that whilst specific species were listed in the proposals, that any approach to protecting these species would have to take into account the interconnectivity of ecosystems and the ability to target particular species in isolation protection. Respondents suggested certain species should be given prioritisation in terms of protected status including Welsh native species and species that have already been reintroduced, or naturally recolonised in the British Isles to protect important species and to support biodiversity and ecosystem restoration.

Easy Read Responses

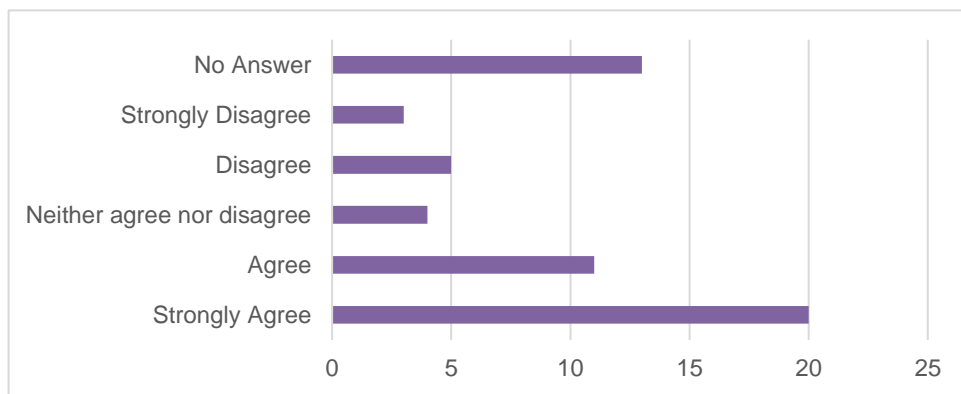
- 4.228 Of the Easy Read responses received, 100% (n=3) agreed with the proposed areas for targets (species, habitat, ecosystem health).

BT5: To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report?

Quantitative Analysis: Individual responses

4.229 As shown in figure 4.45, 20 responses strongly agreed with the proposal that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report, while 11 agreed.

Figure 4.45 BT5: To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report? (Individual Responses)

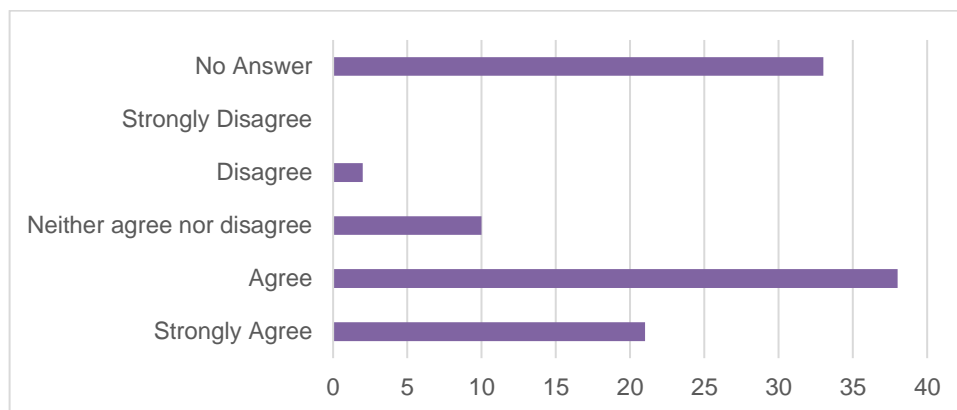


Source: Consultation Survey

Quantitative Analysis: Organisational Responses

4.230 As shown in figure 4.46, 38 responses agreed with the proposal that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report, while 21 strongly agreed.

Figure 4.46 BT5: To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.231 Many respondents who provided additional comment felt that NRW would not be an effective body to carry out this function at present due to their lack of capacity and resource, it was stated that in order for the organisation to take on this responsibility, resourcing should be addressed as a matter of priority. It was suggested that at present, NRW is struggling to function, and the frequency with which NRW currently monitor designated sites is unlikely to be adequate to monitor the delivery of the biodiversity targets proposed. Though there could be some contribution from citizen science (for example bird watching), this would still need to be supplemented.
- 4.232 Many organisational respondents noted that additional evidence and data gathering beyond that which is currently collected by NRW would need to be undertaken. Data would need to be gathered from a variety of sources, including public and third sector bodies including LNPs and Local Records Centres which would require greater collaboration. Even with this collaboration, it was noted that data from different LNPs may be of varying quality which would need to be standardised to be used for reporting purposes.
- 4.233 Several organisational respondents made comments in reference to clarity. This was both in ensuring that reporting on new targets is not lost in SoNaRR, but also that clear timelines should be established for data collection, reporting deadlines, and publishing

data. It was suggested that this process should be consistent with other environmental reporting.

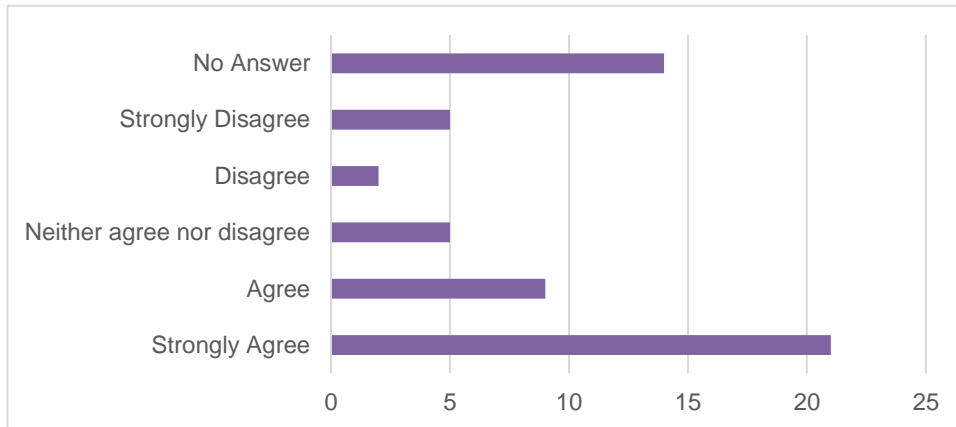
- 4.234 Concern was drawn to the existing SoNaRR report structure needing to be amended by several organisations, with suggestions that the report move from an emphasis on theory to gathering and presenting evidence. It was said that the format of the report should be simplified and should provide a greater overview of the available evidence to support conclusions on whether Wales is meeting its overarching targets.
- 4.235 Assuming that NRW takes on this role, it was highlighted by several organisational respondents that effective governance and oversight needs to be put in place, with the proposed Governance Body or Welsh Ministers acting as the final arbiter in determining whether the targets have been met and providing scrutiny of biodiversity reporting.
- 4.236 A small number of organisational respondents highlighted possible integrations between reporting, drawing attention to:
- possible alignments with reporting requirements to the Convention on Biological Diversity
 - collaboration between NRW and those undertaking action to deliver targets
 - a suggestion that there be an aggregation in SoNaRR on the collected efforts of all public bodies towards targets, with separate reports prepared by each public body independently, stating their individual progress
 - the proposed working relationship between the Governance Body and NRW, and how they would complement one another
- 4.237 A small number of individual respondents stated that clear reporting was essential, and incorporating this into existing processes was a logical step.

BT6. To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation?

Quantitative Analysis: Individual responses

4.238 As shown in figure 4.47, 21 responses strongly agreed that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation, while 9 agreed.

Figure 4.47 BT6. To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation? (Individual Responses)

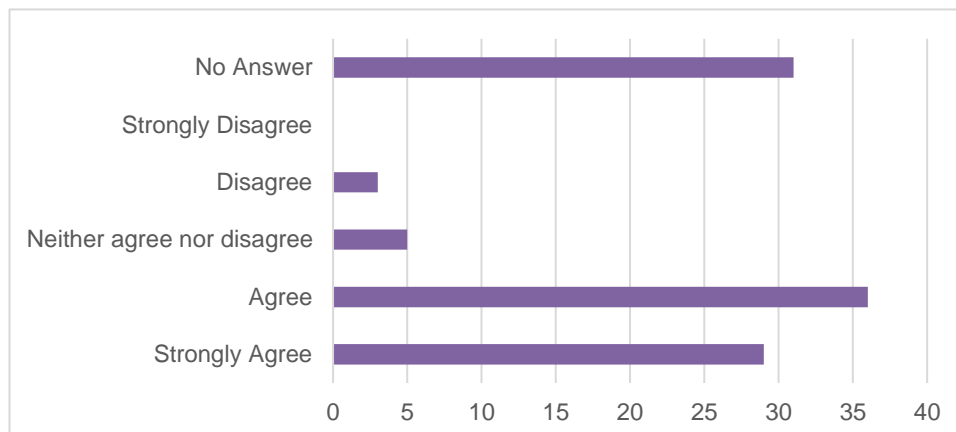


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.239 As shown in figure 4.48, 36 responses agreed that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation, while 29 strongly agreed.

Figure 4.48 BT6. To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation? (Organisational Responses)



Qualitative Analysis: Individual and Organisational Responses

- 4.240 Many respondents generally agreed with the proposal, albeit with some caveats. It was stated that the proposal would provide transparency, accountability, raise the profile of the biodiversity agenda (amongst both Senedd members and the general public), and bring the legislation in line with other statutory targets that are relevant to the Wellbeing of Future Generations Act; however, it was suggested that the proposal could go further.
- 4.241 Some respondents made some specific recommendations in response to this question, including:
- publishing annual or quarterly reports on progress with action taken to investigate any shortfall.
 - ensuring the report is clear and public facing
 - that Welsh Ministers must “take responsibility when biodiversity targets are not met.”
 - carrying out a more detailed assessment and statement every 5 years on the publication of the SoNaRR report
 - building in a “pilot period or cooling off period” for organisations that do not have dedicated funding or resource to deliver against the biodiversity agenda
 - ensuring that the legislation recognises that there is often a significant delay between collecting biodiversity observations and publishing official statistics
 - that any statement should be supplemented by “a remedial plan if the targets are not being met.
 - the Welsh legislation to closely [follow] the ‘comply or explain’ model in the Climate Change Act 2008².”
- 4.242 Several organisational responses called for a proportionate approach to monitoring progress against targets and to ensure that it does not detract resource from “on-the-ground delivery.”

² The Climate Change Act was passed in the UK in November 2008 and sets out emission reduction targets that the UK must comply with legally.

- 4.243 Some organisational responses included some concerns about what they perceived as a “weak framing” of what Ministers should do in the event that targets are not met. It was suggested that the idea that Ministers must set out the “reasonable steps” they will take to meet the target “as soon as practicable” risks downgrading the importance and impact of the targets.
- 4.244 It was suggested by several organisation respondents that the proposed recommendation – for Welsh Ministers to seek independent and expert advice on the reasons why targets have not been met and on necessary remedial action – gives too much discretion over who they approach for advice and the extent to which they follow this advice. Instead, it was suggested that the bill should require Welsh Ministers to obtain and follow the advice of the independent Governance Body on the reasons why targets have not been met.

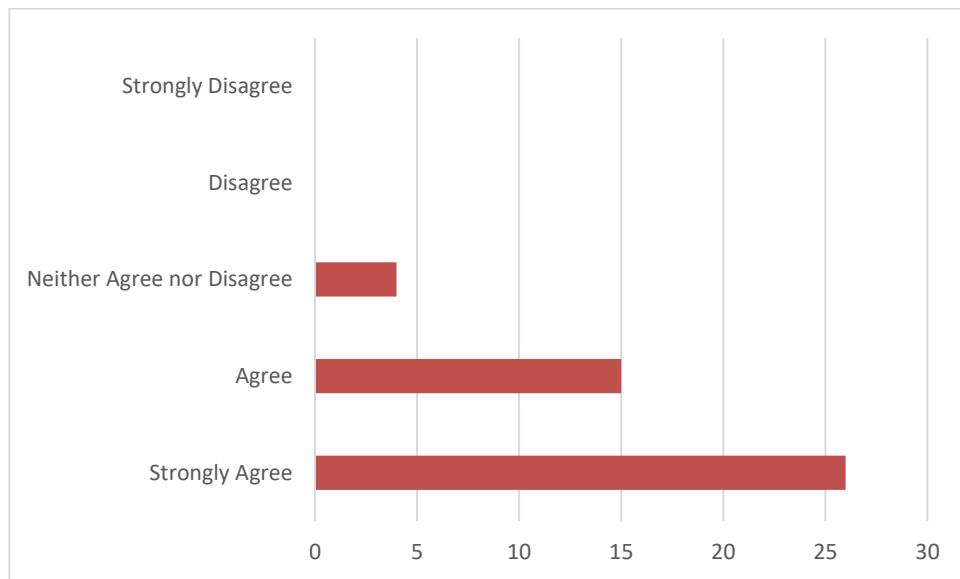
Easy Read Responses

- 4.245 Of the Easy Read responses received, 66% (n=2) agree with the government publishing a statement every few years explaining progress towards the targets

Focus Group Responses

- 4.246 As illustrated by Figure 4.49 below, 26 focus group participants strongly agreed with the proposal of publishing regular statements to explain progress was very popular, while 15 agreed.

Figure 4.49: Do you agree with the government publishing a statement at regular intervals to explain progress that has or has not been made towards meeting targets?



Source: Focus Group polling

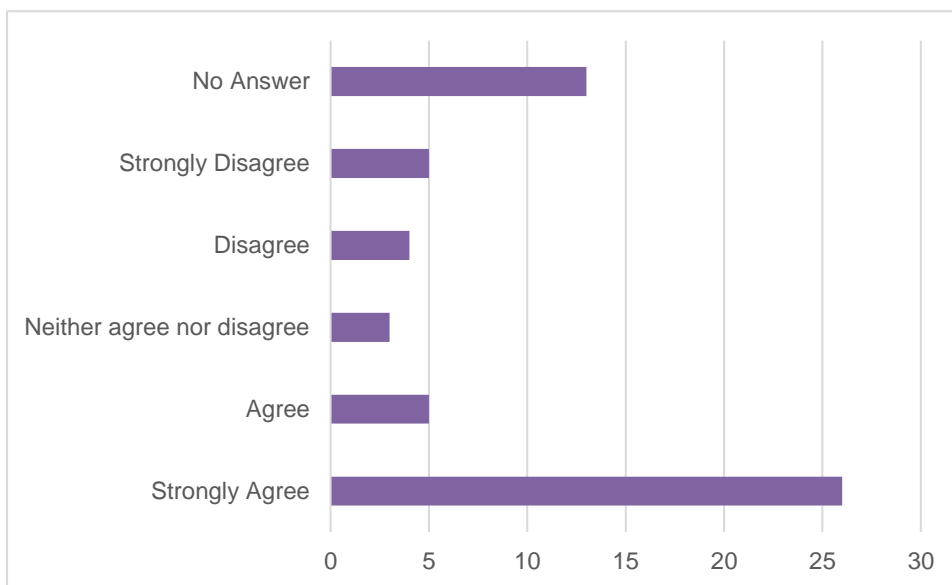
- 4.247 To some attendees, the proposed statements were seen as a good way of promoting transparency and helping the public understand progression against targets. The importance of statements being “honest” about progress was noted, and that they do not only highlight success. There was a demand for statistics and evidence to support the Welsh Government’s claims. Some asked where these reports would be published and if they would be accessible to the public. There were also calls for more regular six-monthly reviews and, conversely, a feeling that reflection will be particularly important in five year increments, as it may be difficult to notice progress made year to year.
- 4.248 Views were mixed about whether this would be an effective form of accountability. While some felt it would hold the Welsh Government accountable, others thought that they might be used to mislead or stall progress, with statements produced but no further questions asked.
- 4.249 Focus group participants also suggested a comparison both against today’s circumstances and also progress made in England and other UK nations. There were questions about penalties for failure to meet targets and concerns about the ambiguity of the figures and potential conflicts with other policies around the construction of housing.

BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government’s response to the Global Biodiversity Framework?

Quantitative Analysis: Individual responses

4.250 As shown in figure 4.45, 26 responses strongly agreed with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy.

Figure 4.50 BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government’s response to the Global Biodiversity Framework? (Individual Responses)



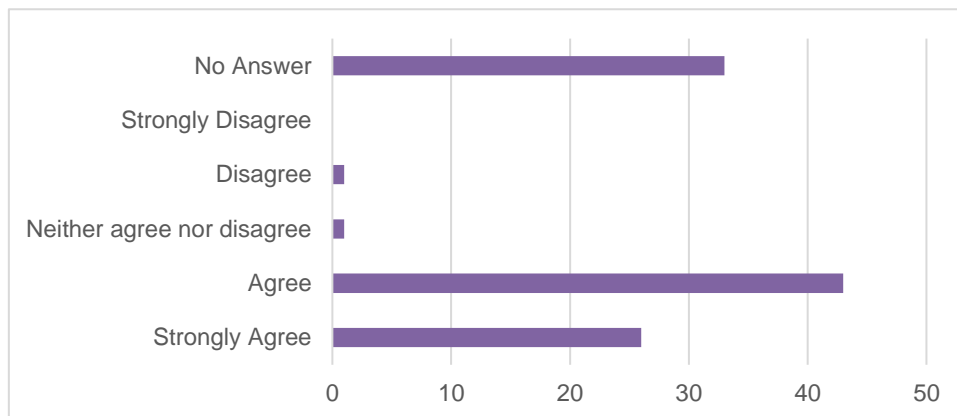
Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.251 As shown in figure 4.51, 43 responses agreed with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy among those that responded, while 26 agreed.

Figure 4.51 BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well

as the Welsh Government's response to the Global Biodiversity Framework? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.252 Some respondents suggested the strategy needs sufficient resourcing to be effective. Funding is required for Section 6 Duty Biodiversity Officers and Local Nature Partnership Coordinators. Public sector agencies are currently under-resourced and underfunded, so adding new duties requires corresponding financial resources.
- 4.253 Some residents also stressed the importance of structured plans to deliver statutory targets. Ministers should set out detailed delivery plans based on independent advice and report on progress. If interim targets are not met, Ministers must present a remedial plan to the Senedd.
- 4.254 Many organisational respondents wanted to see the Wales Nature Recovery Strategy link in with other departments, particularly planning. This link would ensure a unified approach and build upon existing mechanisms such as the Environment (Wales) Act 2016 and Local Nature Partnerships which produce a Wales Nature Recovery Action Plan, accompanying Local Nature Recovery Action Plans and environmental targets. Working with these existing mechanisms can ensure the programme of work be informed by local priorities to ensure that national targets benefit nature across Wales. Organisations also highlighted the importance of interlinking nature recovery with other environmental priorities and frameworks, such as the Clean Air Plan for Wales. Additionally, there should be clear

integration of legislative and non-legislative environmental commitments in Wales, with holistic and coordinated action across government departments.

- 4.255 A small number of organisations agreed that the Wales Nature Recovery Strategy should set out an action pathway to meet nature recovery targets, starting within six months of strategy publication. The strategy should focus on realistic budgets and targets and include robust financial packages for implementation. Financial resources should be ring-fenced to protect statutory targets, ensuring secure delivery avenues are stated in the strategy.
- 4.256 Some organisational respondents urged that statutory targets should be based on evidence, analysis, and academic research. The strategy must also contain a duty to ensure all reasonable steps are taken for nature recovery and that any lack of action is justified by scientific evidence.
- 4.257 A small number of individual respondents expressed that "this is not the right time" to produce a statutory long-term Wales Nature Recovery Strategy.

Easy Read Responses

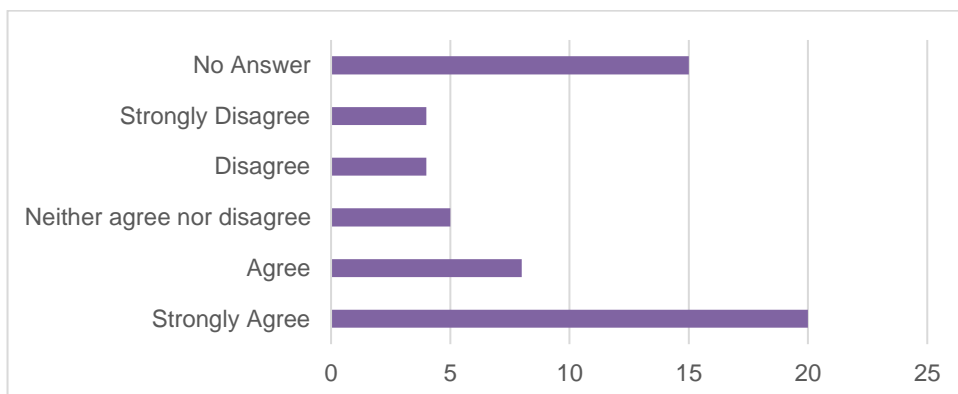
- 4.258 Of the Easy Read responses received, 100% (n=3) supported the proposal that Welsh Ministers to be required to create a statutory biodiversity strategy and action plan to achieve targets.

BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets?

Quantitative Analysis: Individual responses

- 4.259 As shown in figure 4.47, 20 responses strongly agreed with the proposal that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets, while 8 agreed.

Figure 4.52 BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets? (Individual Responses)

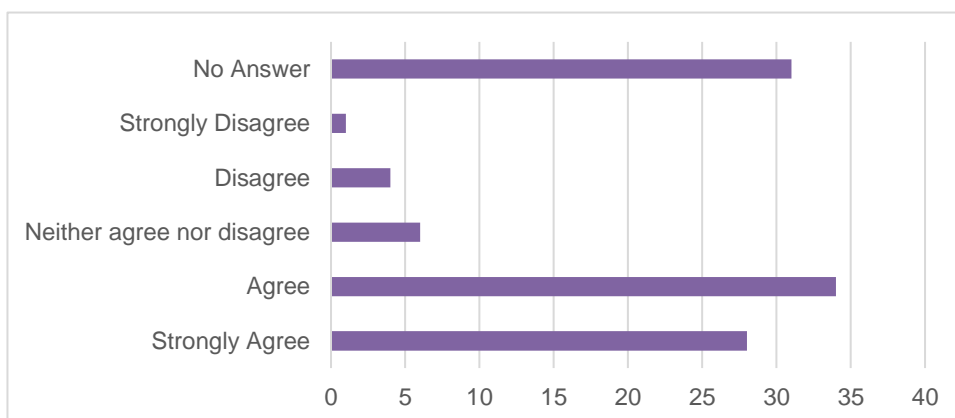


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.260 As shown in figure 4.53, 34 responses agreed with the proposal that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets, while 28 strongly agreed.

Figure 4.53 BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.261 Some respondents highlighted the following issues for consideration:

- there should be a focus on recovery of ecosystems and ecosystem functions rather than on the maintenance of existing levels of biodiversity

- the Nature Recovery Action Plan be implemented as soon as possible
- reporting should not act as an obstacle to achieving targets
- the lack of mention of decarbonisation within the Nature Recovery Plan

4.262 Several respondents felt that this proposal will help to provide a clear framework about how targets are translated into actions. Therefore, the effectiveness of the Action Plan to deliver biodiversity targets will depend on how the detailed programme of work is applied, and how it may interact with other schemes such as the Sustainable Farming Scheme. Clarity is requested by respondents to better understand who is responsible for delivering work at what level, reiterating that a national action plan must allow adaptability at a local level. It was also highlighted that the power to revise the Action Plan every four years would prevent future administrations from diluting the targets and claiming full implementation without meeting key objectives.

4.263 Many organisations felt strongly that the Action Plan must be designed and implemented in collaboration with Local Nature Partnership as they already deliver national targets at a local level, bringing together a wide range of expertise and experience. They are felt to be a key delivery mechanism ensuring that national biodiversity targets will benefit nature across Wales and be relevant at the local level.

4.264 Several organisations stated that they would like to see dedicated resource assigned to the design of the Action Plan and include the resource considerations and inputs required for the programme of work, including adequate provision for expertise and monitoring.

4.265 A small number of individual respondents noted that there must be an expectation that the objectives of this Action Plan should be central to the work programme of all organisations.

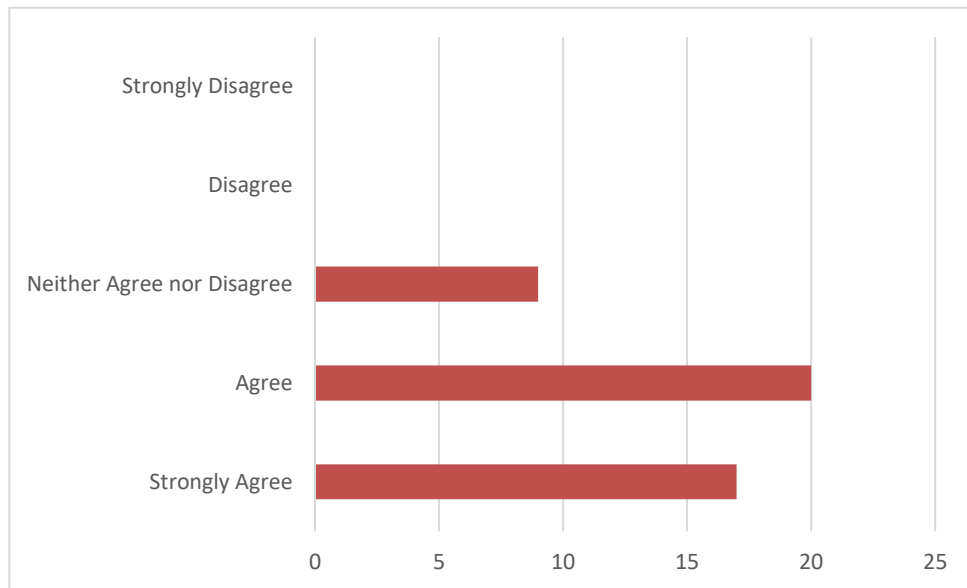
Focus Group Responses

4.266 As reflected in Figure 4.54, 20 focus group participants agreed with Welsh Ministers being required to create a statutory biodiversity strategy and action plans to achieve the targets, while 17 strongly agreed.

4.267 In the focus group discussion, sentiment was mixed, with feelings that a strategy and action plans could be helpful to outline how Wales hopes to achieve the targets and

demonstrate progress. However, others felt this idea was “impractical” and were doubtful of its effectiveness based on Welsh Government’s “past behaviour.”

Figure 4.54: To what extent do you agree with Welsh Ministers being required to create a statutory biodiversity strategy and action plans to achieve the targets?



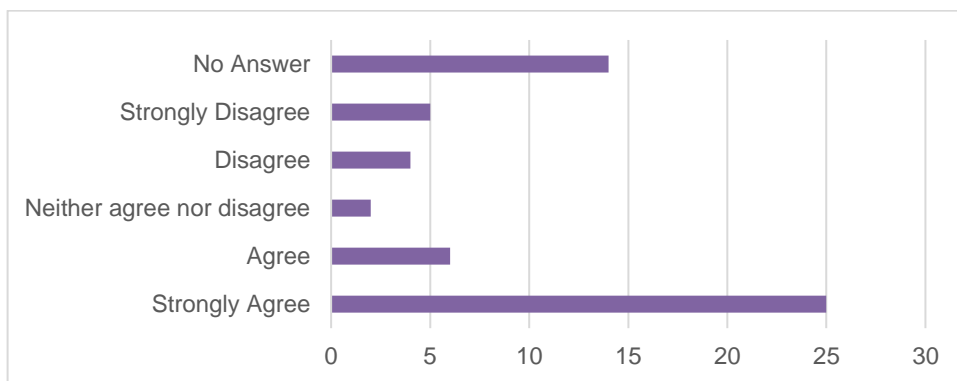
Source: Focus Group polling

BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets?

Quantitative Analysis: Individual responses

4.268 As shown in figure 4.55, 25 responses agreed that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets, while 6 agreed.

Figure 4.55 BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets? (Individual Responses)

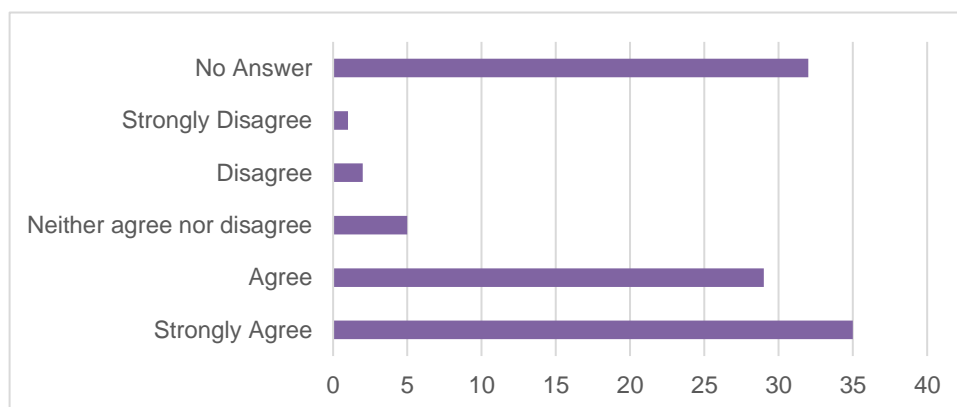


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.269 As shown in figure 4.56, 35 responses strongly agreed that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets, while 29 agreed.

Figure 4.56 BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

4.270 In reference to the duty on public authorities to contribute to the delivery of biodiversity targets, respondents drew attention to the potential to extend this legislation to the private sector, particularly to those in receipt of public funds, or with a significant impact on the environment in Wales.

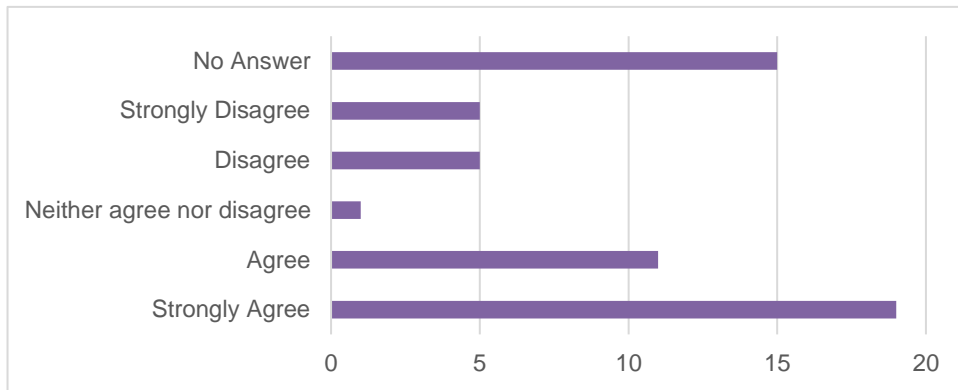
- 4.271 Many organisational responses cited their concerns with resource, particularly the need for adequate funding being made available to public authorities in order to contribute to targets. Some suggested that a financial impact assessment be undertaken in order to understand the costings.
- 4.272 Many organisations commented on the relevance of public authorities to targets, particularly when they have no significant land control or service provision. It was questioned whether the contribution would be made proportional and in line with the exercise of their normal function as with Section 6. Respondents wished to see a realistic Duty applied to these authorities that does not negatively impact the functioning of the organisation.
- 4.273 Several organisational respondents sought further clarity on this proposal. This included:
- detail on how the Duty would be monitored and enforced
 - specifying the targets and how this differs from the current Duty to maintain and enhance biodiversity
 - detail on how targets will be measured
- 4.274 Integration was mentioned by many respondents. This was in the context of public authorities already abiding to Section 6 Duties and the possibility for it to be integrated with new biodiversity targets. Others wished to see a partnership approach developed, as opposed to one which would be imposed in a 'top down' arrangement. Finally, the need for cross border arrangements was stated if frameworks are to work differently across Wales and England.

BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets?

Quantitative Analysis: Individual responses

- 4.275 As shown in figure 4.57, 19 responses strongly agreed that named public authorities should produce a Local Nature Recovery Action Plan, while 11 agreed.

Figure 4.57 BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets? (Individual Responses)

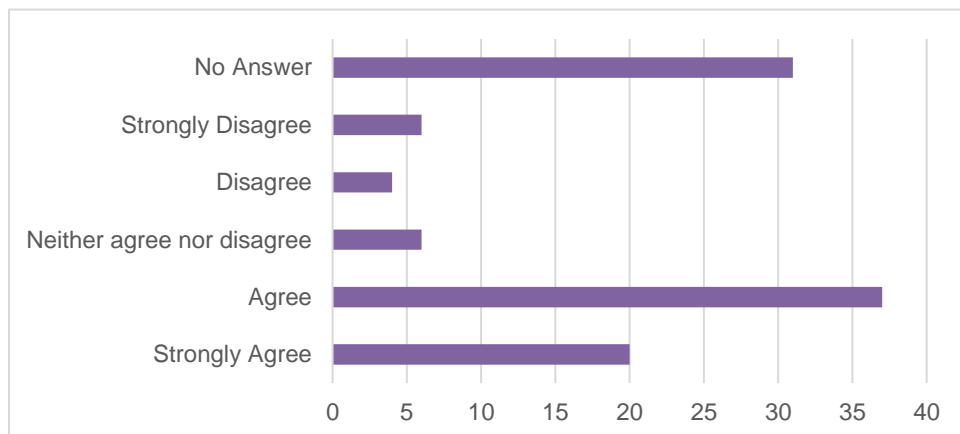


Source: Consultation Survey

Quantitative Analysis: Organisational responses

4.276 As shown in figure 4.58, 37 responses agreed that named public authorities should produce a Local Nature Recovery Action Plan, while 20 strongly agreed.

Figure 4.58 BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets? (Organisational Responses)



Source: Consultation Survey

Qualitative Analysis: Individual and Organisational Responses

- 4.277 Respondents here highlighted the importance of action plans having a community voice, resource concerns, and the sentiment that proposals should go further with suggestions for:
- amendments to the planning system, where applications are not granted if there is not a net positive to biodiversity
 - the inclusion of organisations who do not hold land to outline their biodiversity plans
- 4.278 Many organisational respondents repeated that there was an opportunity to build on existing work being done by local authorities, stating that encouragement should be given for their engagement with existing Nature Recovery Action Plans produced by LNPs. If not possible to engage with existing LNPs, a differentiating factor suggested was for public authorities to produce a supplementary Emergency Nature Recovery Action Pathway. A large number of respondents referenced improving LNPs through:
- a local authority being able to produce more than one plan where necessary
 - local authorities acting as lead organisations in facilitation
 - having the flexibility to create plans according to geological boundaries
 - linking plans with the Sustainable Farming Scheme
 - ensuring that there are commitments made by local authorities on delivering necessary work
 - implementing a feedback mechanism on the quality of plans from the Welsh Government / the governance body
- 4.279 The need to ensure well managed delivery was also brought up by many respondents. This could be done by ensuring long-term funding and resource to sustain its effectiveness to maintain capacity of suitably qualified staff with ecological expertise. A good practice example of well-resourced plans such as these was the Local Area Action Plans (LAEPs). Another suggestion to deliver plans effectively included some form of oversight mechanism to ensure collected efforts match against overall targets and objectives, possibly carried out by the governance body. Other comments related to delivery included:
- linkages to other policies and plans
 - secondary legislation to set out the requirements for LNRAPs in detail

- objectives that go beyond simply documentation to active monitoring and adjustments where necessary.

4.280 A small number of organisational respondents stressed the importance of collaboration. It was thought that the duplication of effort could be reduced by organisations working in partnership to produce plans. Also mentioned was the possibility of plans being subject to public participation and local consultation.

4.281 Some individual respondents felt proposals should go further with suggestions for:

- amendments to the planning system, where applications are not granted if there is not a net positive to biodiversity
- the inclusion of organisations who do not hold land to outline their biodiversity plans

4.282 A small number of individual respondents highlighted the importance of action plans having a community voice and their concerns with adequate resource.

Focus Group Responses

4.283 Those in support of public authorities being duty-bound to help deliver action plans felt that this should be part of their delivery. It was seen as an opportunity for public authorities to lead by example and ensure that the action plans work as intended, with the idea that authorities who are involved in implementation may feel more of a sense of ownership over the plans, and may help ensure they are more suited to different local contexts. It was felt that involvement in planning and delivery may also facilitate compliance and partnership working across public authorities.

4.284 While many attendees felt that public authorities should help deliver action plans and that enshrining this into law is the only way to compel positive habit formation and behaviour change, some participants clarified that they do not think all public authorities should have to *develop* their own action plan.

4.285 For those who took a more nuanced view on *which* public authorities should need to contribute, some felt that only bodies with land management responsibilities should have a duty to help deliver action plans. Similarly, fire and rescue services were mentioned by some as an example of a public body that was not especially related to the environment,

and that they should instead maintain focus on their main role, while others felt fire and rescue services could be expected to take preventative measures against wildfires and be committed to good practice and raising awareness of how fires start.

4.286 Other attendees wanted this duty to extend beyond public authorities, calling for it to apply to private companies or all members of society. Health and safety legislation, which applies to everyone, was cited here, with the idea that all new environmental legislation should be considered by everyone in Wales.

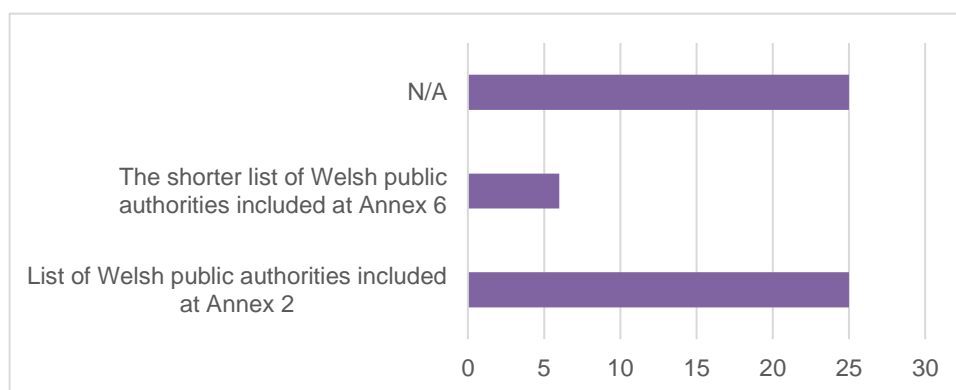
4.287 Finally, attendees commented on the cost and practicality of assigning public authorities a duty to help deliver action plans. Participants were clear that this would add additional cost and would require more funding, though this was not necessarily a statement in opposition to the duty. On a practical note, participants also wondered whether the action plans would become a “box ticking” exercise and worried that on the local level, authorities can get “bogged down” with too many plans.

BT11. Please indicate whether you would prefer the duties proposed in this section to apply to:

Quantitative Analysis: Individual responses

4.288 As shown in Figure 4.59, 25 responses suggested that the duties should apply to the List of Welsh public authorities included at Annex 2 while 6 felt that they should apply to the short list included at Annex 6.

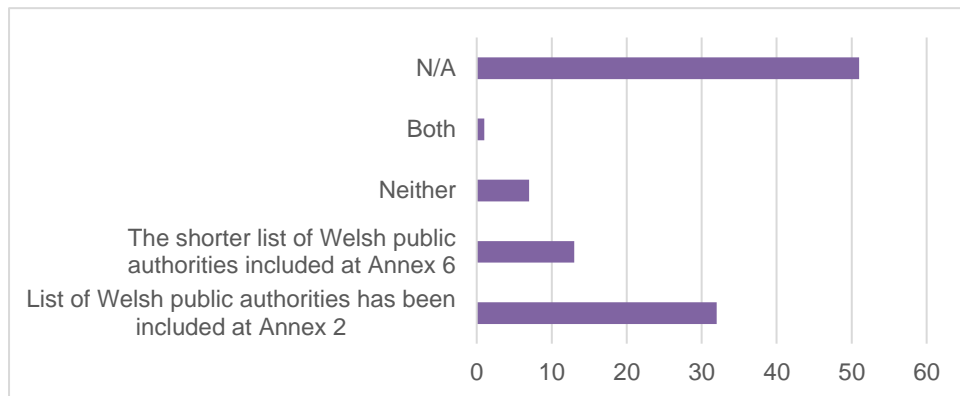
Figure 4.59 BT11. Please indicate whether you would prefer the duties proposed in this section to apply to: (Individual Responses)



Quantitative Analysis: Organisational responses

4.289 As shown in Figure 4.54, 32 responses suggested that the duties should apply to the List of Welsh public authorities included at Annex 2 while 13 felt that they should apply to the short list included at Annex 6.

Figure 4.60 BT11. Please indicate whether you would prefer the duties proposed in this section to apply to: (Organisational Responses)



Qualitative Analysis: Individual and Organisational Responses

4.0 Many respondents felt that there were important and significant organisations missing from both lists. These were:

- PEDW
- CADW
- universities
- trunk road agencies

4.1 A small number of organisational respondents also drew attention to private landowners, community councils, and the need for contributions to be proportional according to their relative impact or power.

5. Additional Comments

Organisational and Individual analysis

- 5.1 Organisational responses provided several comments in addition to the answers provided to the main survey questions.
- 5.2 Targets were mentioned by several organisations, in relation to the following factors:
- the requirements for the target setting process
 - clarity on the scope of specific targets
 - the cumulative relationship between short and long term targets
 - the need for targets to be both deliverable within likely budget allocations and acceptable to a wider number of stakeholders
 - effective monitoring, reporting and scrutiny of targets to ensure transparency.
- 5.3 Organisations also provided further comments on the governance body:
- concern about the independence of the body
 - the need for a holistic and evidence based approach for the governance body to effectively monitor, provide advice and avoid duplication
 - fair representation of the agricultural sector given the high proportion of Welsh land managed by farmers
 - assurance that all previous EU scope is covered by this Welsh governance body
 - diversity and inclusion as a key consideration in establishing the Board
- 5.4 Several organisations also mentioned consideration of the principles:
- recognition of cross-border interactions and the marine areas in terms of delivering these environmental principles
 - potential direct overlap of the principles of prevention and integration with the ways of working set out in the Future Generations (Wales) Act 2015
 - proportionate application of the precautionary principle
 - ensuring that both the renewable energy and biodiversity policy can be accelerated in parallel to remain consistent with the integration principle
 - careful integration of all principles to avoid unintended consequences

- 5.5 Some organisational respondents raised the Local Nature Partnerships, noting the lack of acknowledgement within the White Paper of the coordination role of the Partnerships in the past. Other respondents explored the role of the LNPs going forward, with some concerned that there will not be adequate resources to deliver an increased workload and amended scope.
- 5.6 Organisations also provided additional comments on resources in relation to expertise, funding, and timing. The need for training was mentioned in order to inform and educate officers and local authority members, delivered in partnership with the Welsh Government and Local Authorities. Respondents acknowledged how stretched public funding is and explored how the new body would be perceived, as well as the additional costs incurred in its operation and those incurred by public bodies in meeting the targets.
- 5.7 One organisation discussed the importance of engaging private landowners in the delivery of biodiversity targets in Wales.
- 5.8 The integration with the Sustainable Farming Scheme was mentioned by three organisations who mentioned the lack of policy coherence between the concurrent consultation documents.
- 5.9 Two organisations also mentioned the re-statement of the Aarhus Convention into Welsh Law as part of this legislation.
- 5.10 Further clarity was requested over how action will be required of cross-border organisations who have a big impact on biodiversity in Wales.

Easy Read Responses

- 5.11 No additional comments were provided by Easy Read responses as part of the consultation.

Focus Group Responses

- 5.12 Feedback from focus group participants included reflections that the information provided during the groups was interesting and that participants learned a lot from attending. Another participant mentioned that the discussion was positive, giving them “some hope in the government”, and that the consultation is “a good thing” despite being critical during

the discussion. Another participant, while also supportive of the plan, questioned where the funding comes from.

- 5.13 The need for a clear form of measurement was underscored by attendees.
- 5.14 Other ideas proposed included the need to prioritise water quality and flooding risks, and the introduction of financial incentives for small businesses to dispose of waste properly.
- 5.15 More generally, participants expressed their interest in the topic and appreciation and learning from the focus group discussions. A suggestion was made that consultations should be more widely publicised so people can get involved. There was a general feeling that the ideas discussed were positive developments and that climate change and pollution need to be high priorities, even during the cost of living crisis.
- 5.16 Some participants had other ideas about the policy area, with a suggestion of financial incentives for small businesses to dispose of waste properly as well as the need for water to be prioritised, especially flood risk and water quality. Another participant felt that it was important to promote consultations and how to get involved, as the more people that know about the consultation benefits everyone.
- 5.17 Finally, another suggestion was given that pollution and climate change are such a problem that they need to be a high priority overall, even in the context of the cost of living crisis

Campaigns

- 5.18 In total 1005 responses were received as a result of one campaign organised by RSPB Cymru. In addition to the standard campaign text respondents were given the opportunity to add their own unique text which 137 respondents did. This section will include a short summary of the campaign text followed by a thematic analysis of the individual contributions.

Campaign summary

- 5.19 The RSPB Cymru campaign expressed support for the proposed bill and urged Welsh Government to ensure the bill:

- places a strong duty to apply the five Environmental Principles in all policy development on Ministers and other public bodies
- creates a new body that is truly independent and well-resourced and has a clear purpose to protect and improve the environment and has robust powers to make sure environmental duties are delivered
- sets out a clear, measurable headline target for a Nature Positive Wales

5.20 In addition, it urged that “supporting targets should be laid within six months of the law being passed”.

Individual contributions

5.21 The 137 responses with individual contributions covered a range of themes. These included:

- personal experiences that emphasised the importance of nature, their relationship with the environment and their hopes for the future and future generations, including several which focussed on the importance of the environment for mental health
- anecdotal evidence of environmental decline during their lifetime comparing past experiences of species abundance and a healthy environment with a poorer environment today.
- the view that nature is “depleted” including the observation that Wales is “one of the most nature depleted countries in the world”
- concern about river quality due to agricultural run-off, the growth of poultry farms and sewage discharge
- concern about the agricultural system in Wales and the need to adopt a more sustainable system through better support of farms, changes to the type of food that is farmed, as well as a specific focus on the impact of sheep on biodiversity
- the need for adequate resources for NRW as well as any new organisation

5.22 In addition to these themes respondents suggested that the consultation was interlinked with other policy areas including climate change and planning. They stressed the need for Welsh Government to support people who are taking action locally, ensure that all

organisations which can impact the environment are included, and suggested that the legislation should include an “Ecocide Law” to foster a social change in peoples relationship with nature.

Annex A- Written Consultation Questions

Part A

EP1: To what extent do you agree or disagree with the proposals relating to the preparation of guidance that will explain how the environmental principles are intended to be interpreted?

If you would like to explain your answer, please use the text box below.

EP2: The Welsh Government proposes to place a duty on Welsh Ministers to have due regard to the environmental principles and accompanying guidance during the development of their policies and legislation. To what extent do you agree or disagree with this approach.

If you would like to explain your answer, please use the text box below.

EP3: Do you have any views on whether a separate duty should be placed on Welsh public bodies (other than the Welsh Ministers) to apply the principles and accompanying guidance? If you consider the duty should apply to Welsh public bodies, please set out in the text box below which Welsh public bodies and why, as well as any views you have on how the duty should apply to those bodies

If you would like to explain your answer, please use the text box below.

EP4: Do you have any additional comments relating to the Welsh Government's intention to embed the environmental principles and overarching objective into Welsh law that are not captured in your answers to the above questions?

Part B

GB1 - To what extent do you agree or disagree with the proposed purpose and objectives for the new Welsh environmental governance body?

If you would like to explain your answer, please use the text box below.

GB2: To what extent do you agree or disagree with the governance body's proposed strategy and reporting requirements?

If you would like to explain your answer, please use the text box below.

GB3 – We propose that the remit of the governance body should apply to the Welsh Ministers and the relevant Welsh public authorities exercising environmental functions Wales listed in Annex 2. To what extent do you agree or disagree with this?

If you would like to explain your answer, please use the text box below.

GB4 Are there any other public authorities, or private bodies exercising functions of a public nature, that you think should be added to (or removed from) the list in Annex 2? Please use the text box below to explain your answer.

GB5 – To what extent do you agree or disagree with the proposed scope and role for the governance body in relation to monitoring and reporting, including the scrutiny of statutory targets?

If you would like to explain your answer, please use the text box below.

GB6 – To what extent do you agree or disagree with the proposed scope and role of the governance body’s advisory functions?

If you would like to explain your answer, please use the text box below.

GB7 – To what extent do you agree or disagree with the suggested approach for managing complaints and representations

If you would like to explain your answer, please use the text box below.

GB8: To what extent do you agree or disagree with the proposals to enable the body to investigate?

If you would like to explain your answer, please use the text box below.

GB9: To what extent do you agree or disagree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?

If you would like to explain your answer, please use the text box below.

GB10: To what extent do you agree or disagree with the Welsh Government’s proposal to include improvement reports / plans as an enforcement stage to provide space for resolution where systemic issues are evident, and a compliance notice is not considered the optimal mechanism to address the issue

If you would like to explain your answer, please use the text box below.

GB11: To what extent do you agree or disagree with the proposal for the governance body to, by exception, be able to apply for judicial review and / or intervene in civil proceedings

If you would like to explain your answer, please use the text box below.

GB12: The Welsh Government consider financial penalties would be an ineffective and, in some cases, counterproductive method by which to remedy the noncompliance of Welsh public authorities with environmental law. To what extent do you agree or disagree with this position?

If you would like to explain your answer, please use the text box below.

GB13 – The Welsh Government proposes that the governance body should set out how it intends to co-operate with the organisations specified, including how they will avoid duplication and overlap when exercising their functions? To what extent do you agree or disagree with this approach?

If you would like to explain your answer, please use the text box below.

GB14 – Our preferred model for the governance body is a ‘Commission’, but consider alternative models, such as an arms-length body, could provide similar benefits. To what extent do you agree or disagree with this approach?

If you would like to explain your answer, please use the text box below.

GB15 – To what extent do you agree or disagree with the Welsh Government’s approach in respect of appointing members and allocating resources to the governance body?
If you would like to explain your answer, please use the text box below.

GB16 – Are there any other views you would like to provide in relation to our proposals to set up a governance body?

Part C

BT1. To what extent do you agree or disagree with the inclusion within the Bill of the Wales Nature Recovery Framework proposed in the paper?
If you would like to explain your answer, please use the text box below.

BT2. To what extent do you agree or disagree with the inclusion within the Bill of the statutory nature positive headline target: ‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’.
If you would like to explain your answer, please use the text box below.

BT3. To what extent do you agree or disagree with the proposal to include a duty that the Welsh Ministers must set statutory biodiversity targets in secondary legislation?
If you would like to explain your answer, please use the text box below.

BT4. Potential suite of supporting targets, to underpin the headline target, are likely to be: • Species – distribution abundance and extinction risk; • Habitat – protection, management and restoration; and • Ecosystem health and resilience – recognising the key role and contribution of ecosystems To what extent do you agree or disagree with the key areas proposed for the biodiversity targets to be introduced in secondary legislation in the Wales Nature Recovery Framework?
If you would like to explain your answer, please use the text box below.

BT5. To what extent do you agree or disagree that Natural Resources Wales reports on the biodiversity targets as part of the State of Natural Resources Report?
If you would like to explain your answer, please use the text box below.

BT6. To what extent do you agree or disagree that Welsh Ministers publish a statement, before the Senedd, to report whether the statutory biodiversity targets have been met by the date specified in regulation?
If you would like to explain your answer, please use the text box below.

BT7. To what extent do you agree or disagree with the proposal that Welsh Ministers be required to produce a statutory long term Wales Nature Recovery Strategy, outlining the approach to delivery of the statutory targets as well as the Welsh Government’s response to the Global Biodiversity Framework?
If you would like to explain your answer, please use the text box below.

BT8. To what extent do you agree or disagree that the Wales Nature Recovery Action Plan sets out a detailed programme of work required to deliver the statutory biodiversity targets?
If you would like to explain your answer, please use the text box below.

BT9. To what extent do you agree or disagree that there should be a duty on public authorities which requires them to contribute to the delivery of the statutory biodiversity targets?
If you would like to explain your answer, please use the text box below.

BT10. To what extent do you agree or disagree that named public authorities should produce a Local Nature Recovery Action Plan to outline local action and priorities for delivery of the statutory biodiversity targets?
If you would like to explain your answer, please use the text box below.

BT11. Please indicate whether you would prefer the duties proposed in this section to apply to:
If you would like to explain your answer, please use the text box below.

Are there any other views you would like to provide in relation to the proposals in this White paper?

Annex B – Focus Group Topic Guides

Biodiversity and Environmental Governance Consultation

Workshop Interview Topic Guide v1

March 2024

Facilitator Names	
Date and Time	

	Focus Group Question	Answer
	Introduction – Familiarising the consultation and talking through biodiversity and governance. - 10 minutes	
	<p>Can you introduce yourselves and tell us a little bit about where you're from and why you were interested in taking part today?</p> <ul style="list-style-type: none"> • Do you have an interest in, or any experience with, biodiversity? • Had you heard about this consultation before being asked to take part in this workshop? 	
	<p>Have you taken part in any consultations previously?</p>	
	1. Part A - Environmental Principles - 15 minutes	
a	<p>For our next question, we want to ask you about Welsh ministers.</p> <p>In Wales, we have the following ministers:</p> <ul style="list-style-type: none"> • The First Minister • Minister for Economy • Deputy Minister for Arts, Sports and Tourism • Minister for Health and Social Services • Deputy Minister For Mental Health and Wellbeing • Deputy Minister for Social Services • Minister and Deputy Minister for Climate Change 	

	<ul style="list-style-type: none"> • Minister for Education and the Welsh Language • Minister for Finance and Local Government • Minister for Rural Affairs, North Wales & Trefnydd • Minister For Social Justice and Chief Whip • Deputy Minister for Social Partnership • Counsel General & Minister for the Constitution <p>These ministers have several responsibilities. They include developing and implementing policies, making decisions in their key areas, and developing legislation.</p> <p>Do you agree that there should be a duty on Welsh Ministers to have due regard (with the proper care or concern) to environmental principles and guidance when developing policies and legislation?</p>	
b	<p>Do you think Welsh Government should introduce a Duty on Welsh Ministers to publish guidance explaining how the environmental principles are intended to be interpreted?</p>	
c	<p>For the next question, we want to ask you about public bodies in Wales.</p> <p>Public bodies include organisations such as:</p> <ul style="list-style-type: none"> - Regional health boards and other health and social care organisations - National Parks - Local authorities - Commissioners Offices - Fire and rescue authorities - Registered companies under Welsh Government remit: Development Bank of Wales, Cardiff Airport, - Arts and culture organisations: National Library for Wales, Museum Wales - Educational bodies including: Estyn, Qualifications Wales, Education Tribunal for Wales <p>You can find a full list online with Welsh Government.</p>	

	Do you have any views on whether there should be a duty placed on these Welsh public bodies (in addition to the Welsh Ministers) to apply the principles and guidance?	
d	Do you have any other suggestions for how Welsh Government could protect the environment in Wales?	
2. Part B – Establishing an Environmental Governance Body for Wales – 15 minutes		
a	<p>To what extent do you agree or disagree with the proposed scope and role of the governance body’s advisory functions?</p> <ul style="list-style-type: none"> - Are there any other functions that you think the body should have to support environmental governance? - What are your thoughts on the proposed purpose and objectives for the new Welsh environmental governance body? 	
b	<p>To what extent do you agree with the Welsh Government’s proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?</p> <ul style="list-style-type: none"> - The Welsh Government consider financial penalties would be an ineffective method to remedy the noncompliance of Welsh public authorities with environmental law. What are your thoughts on this approach? Do you believe there should be financial penalties? 	
c	<p>What are your thoughts on the list of Welsh public authorities that the remit of the governance body should apply to?</p> <ul style="list-style-type: none"> - Are there any other public authorities, or private bodies that you think should be added (or removed) from the list? 	
d	Do you agree or disagree with the Welsh Government’s approach to appointing members and allocating resources to the governance body?	

e	Are there any other views you would like to provide in relation to the proposals to set up a governance body?	
3. Part C - Targets for the Protection and Restoration of Biodiversity – 20 minutes		
a	<p>The Welsh Government has included the nature positive headline target:</p> <p><i>‘to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050’</i></p> <p>What do you think of this target? Do you agree or disagree with the inclusion of it?</p> <ul style="list-style-type: none"> - What are your thoughts on the wording? - Would you propose a different headline target? 	
b	<p>Do you agree with the government publishing a statement at regular intervals to explain progress that has or has not been made towards meeting the targets?</p> <ul style="list-style-type: none"> - The Welsh Government has proposed ideas on implementation, monitoring and reporting. Do you think this is sufficient? Are there any other ways you would like targets to be monitored? 	
c	Do you think it is a good idea for Welsh Ministers to be required to create a statutory biodiversity strategy and action plans to achieve the targets?	
d	<p>Do you think public authorities (the same mentioned before) should have a duty to help deliver action plans?</p> <ul style="list-style-type: none"> - Do you think these public bodies, like local authorities and national parks, should create their own local plans outlining their actions? - Should all public bodies be involved, or only those with significant land management responsibilities? 	

e	Do you have any other thoughts on targets for biodiversity and nature restoration in Wales?	
Closing -		
	Do you have any final thoughts in relation to anything we have discussed today?	

Annex C- Focus Group Quantitative Questions

After talking through the details of the consultation, we'd like to get your opinion on some of the topics we touched on. Once we have finished talking through each part of the consultation (Part A, B, and c) please fill out this form.

Part A

1. Do you agree that there should be a duty on Welsh Ministers to have due regard to environmental principles and guidance when developing policies and legislation?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:

2. Do you agree that the Welsh Government should introduce a Duty on Welsh Ministers to publish guidance explaining how the environmental principles are intended to be interpreted?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:

--

Part B

3. To what extent do you agree or disagree with the proposed scope and role of the governance body's advisory functions?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:

--

4. To what extent do you agree with the Welsh Government's proposed process for formally handling non-compliance through compliance notices and court or tribunal procedures?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:

--

Part C

5. To what extent do you agree with the government publishing a statement at regular intervals to explain progress that has or has not been made towards meeting the targets?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:

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6. To what extent do you agree with the requirement for Welsh Ministers to create a statutory biodiversity strategy and action plans to achieve the targets?

Strongly Agree	
Agree	
Neither Agree nor Disagree	
Disagree	
Strongly Disagree	

Additional comments:



Annex D- Glossary of Terms Used in Focus Groups

Action plan - a proposed strategy or course of action to achieve a goal.

Biodiversity - the variety of all living things on Earth.

Consultation - the action or process of formally consulting or discussing.

A Duty – a legal obligation, oftentimes placed on politicians or public authorities

Environment – this is where we live. It is the land, the sea, the air and everything that lives in and on it.

Environmental degradation – damage to the environment which is caused by things like building more houses and roads, pollution, farming methods, climate change and invasive alien species.

Environmental governance body - an environmental governance body is a watchdog to make sure everyone plays by the rules and protects the environment.

Ecosystem - an ecosystem is made up of all the biodiversity and non-living things in an area. This includes all the plants, animals, and other living things that make up the communities of life in an area.

Ecosystem Services – these are essential services that we need such as clean air, water, soil health for food production, climate regulation, medicines, fuel, fibre and timber, as well as supporting our health and wellbeing.

European Union - a group of countries in Europe whose governments work together.

Extinct - when there are no individuals of a species left alive, we say that it is extinct. Extinction is permanent; when a species disappears, it is gone forever.

Habitat - the natural home or environment of an animal, plant, or other organism.

Natural Resources Wales – the organisation that looks after our environment for people and nature in Wales.

Public bodies - A public body is a formally established organisation that is publicly funded to deliver a public or government service, though not as a ministerial department.

Species - a set of animals or plants in which the members have similar characteristics to each other

Welsh Ministers – have a responsibility in developing and implementing policies, making decisions in their key areas, and developing legislation.