

## Written evidence from the Institute of Environmental Management and Assessment (IEMA) on the Welsh Government Consultation 'Securing a Sustainable Future': Environmental Principles, Governance and Biodiversity for a Greener Wales

### About IEMA

IEMA are the global professional body for nearly 21,000 individuals and 300 organisations working, studying or interested in the environment and sustainability.

We are the professional organisation at the centre of the sustainability agenda, connecting business and individuals across industries, sectors and borders.

We also help and support public and private sector organisations, governments and regulators to do the right thing when it comes to environment and sustainability related initiatives, challenges and opportunities. We work to influence public policy on environment and sustainability matters. We do this by drawing on the insights and experience of our members to ensure that what happens in practice influences the development of government policy, legislation, regulations and standards.

### Executive summary

To inform our response to this consultation, IEMA hosted a workshop for members and other relevant experts outside of the membership, across sectors and professions who operate within Wales. We have provided answers only to those questions where we feel that we have the appropriate insights to share.

A summary of our recommendations for the Welsh Government are as follows:

- More guidance on the meaning behind the principles is needed and the Welsh Government should consider the insights and definitions contained within the paper 'IEMA Core Principles for Environmental Policy Making' (2022).<sup>1</sup>
- Principles should include enhancement of biodiversity (not only protection).
- The proposed new environmental governance body must have the finances and human resources to carry out the large task that is being asked of it.
- The oversight and enforcement role of the new environmental governance body should not repeat work that is already happening and the role of the new body,

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<sup>1</sup> [C:\Users\LesleyWilson\Downloads\IEMA-Core-Principles-for-Environmental-Policymaking-November-2022 \(1\).pdf](C:\Users\LesleyWilson\Downloads\IEMA-Core-Principles-for-Environmental-Policymaking-November-2022 (1).pdf) (can be supplied on request)

particularly on enforcement, must be clearly communicated to those in government, organisations and the public.

- A period of public consultation should be held to enable Welsh Government to receive feedback on ‘supporting targets’ for protecting and restoring biodiversity, before they are set in secondary legislation.
- A baseline year, where feasible, should be set for all targets created in secondary legislation.

## Questions and responses

### 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?

Strongly agree.

The guidance suggested is very important because environmental principles can often be described in different ways. As an example, in our workshop members did not fully understand what is meant by ‘integration’. We refer the Welsh Government to IEMA’s paper on ‘Core Principles for Environmental Policy Making’ (2022)<sup>2</sup> that includes many of the definitions proposed for example, the precautionary principle:

‘The precautionary principle states that where there are threats of serious or irreversible environmental damage, a lack of full scientific certainty shall not be used as a reason for postponing cost-effective measures to prevent environmental degradation.’

There may be a need for additional commentary, for example, on polluter pays and who the polluters actually are and examples on rectification at source and where doing this is impossible.

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.

Strongly agree.

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

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<sup>2</sup> [C:\Users\LesleyWilson\Downloads\IEMA-Core-Principles-for-Environmental-Policymaking-November-2022 \(1\).pdf](C:\Users\LesleyWilson\Downloads\IEMA-Core-Principles-for-Environmental-Policymaking-November-2022 (1).pdf) (can be supplied on request)

below which Welsh public bodies and why, as well as any views you have on how the duty should apply to those bodies.

As well as the duty to impose upon Welsh Ministers to apply these environmental principles in the development of policies and legislation, this should also be imposed on public authorities. Although the principles should filter down through policy there may be instances where public bodies are making a decision, for example through planning, where they are not followed to achieve outcomes preferred by individual local authority representatives.

**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?**

We suggest that the Welsh Government places an emphasis on ensuring that the package of principles secures the long-term enhancement of the environment rather than simply maintaining the status quo. This would be in line with the Welsh net-benefits for biodiversity approach as well as the Targets on 30 by 30 within the UN Global Biodiversity Framework.

There is an opportunity here for the Welsh Government to put some responsibility on private organisations to consider environmental principles also, using communications to inform organisations what the principles mean alongside examples of what this might look like.

## Part B Establishing an Environmental Governance Body for Wales

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

Strongly agree subject to comments further down.

The new body seems to have been given a lot of tasks to protect the environment but it's very important that it has the financial and human resources to carry out the tasks given to it, alongside the political support required.

The tasks seem to overlap with other public bodies and organisations (such as the Climate Change Committee, as mentioned in the document). It is unclear where overlaps occur. The new body should not be repeating the work already done by other bodies.

It must be defined how this new body is different from other bodies and it should be clear what additional enforcement powers this new body will have, in addition to what already exists.

The Welsh Government must ensure that roles are clearly defined and communicated internally within government as well as externally.

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

Strongly agree with the need for regular reporting.

Assuming that the new body is creating the report, 12 months seems a short amount of time to produce a strategy (because it will have to appoint new staff etc.) yet recognising the urgency to get things up and running it does seem an appropriate timeframe. To meet this time frame, the new body must have the resources to create an effective strategy including, for example, to contact relevant stakeholders for their input to the strategy. It might be useful to look at how Environmental Standards Scotland went about this process.

Reporting every 12 months seems too frequent (is it a good use of resources?) and it could be an update report every 12 months with a full report every three years.

Agree with the type of things to be reported as listed in the consultation.

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?

Agree.

GB13 – 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?

Agree to a Commission model.

GB14 – 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?

Agree on allocation of resources but question appointment process.

The Chair along with 7 to 8 Commissioners will be appointed by the Government. This has potential to conflict with the aim of the organisation to be independent. Commissioners and Chair should be appointed by the Government for a fixed period and thereafter they appoint members themselves.

### 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?

Agree.

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’.

Agree.

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?

Strongly agree.

The Welsh Government must consult on targets to be set in secondary legislation.

Statutory targets must be mainstreamed through government but also shared publicly.

A baseline year for targets created in secondary legislation must be set.

When setting targets in secondary legislation there must be an awareness of policies and regulation already in force so that both can work harmoniously, and it's easy for organisations to understand and meet regulations and be pro-active in their environmental management.

The targets must allow organisations to balance the three pillars of sustainability, for example, renewable energy projects in planning and the need to protect the environment.

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?

Agree.

As per above, a baseline must be set for all targets.

The Welsh Government should use a methodology for measuring and understanding conditions before setting the targets and this should be included in a report on any consultation about the targets that are to be set.

All targets should aim to enhance species, habitats and ecosystems (and their services) rather than simply maintain them.

The setting of targets and the creation of the Local Nature Recovery Action Plans could draw inspiration from work in other jurisdictions, for example, the Lawton Review of England's Wildlife 'Making Space for Nature' (2011)<sup>3</sup> 'more, bigger, better and joined up'.

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<sup>3</sup> ['Making space for nature': a review of England's wildlife sites published today - GOV.UK \(www.gov.uk\)](https://www.gov.uk/government/news/making-space-for-nature-a-review-of-england-s-wildlife-sites-published-today)

Targets should have a balanced approach to biodiversity and avoid accidental negative impacts.

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?

Strongly agree

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?

Strongly agree.

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?

Strongly Agree. Because there is a biodiversity and climate crisis, this should be done as soon as possible.

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?

Strongly agree. Again, this should be done as soon as possible.

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?

Strongly agree.

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?

Strongly agree.

Local plans can become a useful central tool for data and for helping to ensure that the right thing goes in the right place for both local authorities and for private organisations. If done correctly it can become the 'go to' plan for developers or land use change to understand how it fits with the environment.

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