# Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026

2026 asc 4

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# Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026

An Act of Senedd Cymru to make provision about environmental principles and the integration of environmental protection; to establish the Office of Environmental Governance Wales with powers to ensure public authorities' compliance with environmental law; to make provision for the setting of biodiversity targets; and for connected purposes. [27 April 2026]

**Having been passed by Senedd Cymru and having received the assent of His Majesty, it is enacted as follows:**

## PART 1

ENVIRONMENTAL OBJECTIVE AND PRINCIPLES

**1 Environmental objective**

(1) In this Part, the "environmental objective" is the attainment of a high level of environmental protection and an improvement of the environment, with a view, in particular to—

(a) meeting the needs of the present without compromising the ability of future generations to meet their own needs and contributing to achieving the well-being goals in section 4 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2),

(b) maintaining and enhancing the resilience of ecosystems and the benefits they provide,

(c) mitigating and adapting to climate change, and

(d) contributing to halting and reversing the decline in biodiversity.

(2) For the purpose of subsection (1)(b), factors relevant to the resilience of ecosystems include, among other things—

(a) diversity between and within ecosystems;

(b) the connections between and within ecosystems;

(c) the scale of ecosystems;

(d) the condition of ecosystems (including their structure and functioning);

(e) the adaptability of ecosystems.

**2 Environmental principles**

In this Part, the "environmental principles" are—

(a) the precautionary principle so far as relating to the environment;

(b) the principle that preventative action should be taken to avoid environmental damage;

(c) the principle that environmental damage should as a priority be rectified at source;

(d) the polluter pays principle.

**3 Welsh Ministers' duties when making policy**

(1) The Welsh Ministers must, for the purpose of contributing to the environmental objective—

(a) have special regard to the environmental principles when making policy in relation to Wales, and

(b) integrate environmental protection into the making of such policy.

(2) In complying with the duty in subsection (1), the Welsh Ministers must have regard to the environmental principles and integrating environmental protection statement or revised statement published under section 7.

(3) In this section—

(a) "policy" includes proposals for legislation, but does not include an administrative decision in relation to a particular person or case;

(b) "making policy" includes developing, adopting or revising policies;

(c) "Wales" includes, so far as policy relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea.

(4) The duty in subsection (1) does not apply where the policy in question would have no effect or a negligible effect on the environment.

**4 Natural Resources Wales' duties when making policy**

(1) The Natural Resources Body for Wales (Establishment) Order 2012 (S.I. 2012/1903 (W. 230)) is amended as follows.

(2) After article 4 insert—

**"4A Policy making: environmental principles and integrating environmental protection**

(1) The Body must—

(a) have special regard to the environmental principles when making policy in relation to Wales, and

(b) integrate environmental protection into the making of such policy.

(2) In complying with the duty in paragraph (1), the Body must have regard to guidance included in the environmental principles and integrating environmental protection statement or revised statement published under section 7 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026.

(3) In this article—

(a) "environmental principles" has the meaning given by section 2 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026,

(b) "environmental protection" has the meaning given by section 44 of that Act,

(c) "policy" includes proposals for legislation, but does not include an administrative decision in relation to a particular person or case,

(d) "making policy" includes developing, adopting or revising policies, and

(e) "Wales" includes, so far as policy relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea."

**5 Environmental assessments: public authorities' duties**

(1) A public authority must, for the purpose of contributing to the environmental objective—

(a) have regard to the environmental principles when carrying out functions specified in subsection (2), and

(b) integrate environmental protection into the carrying out of those functions.

(2) The functions are any functions in connection with the assessment of plans and programmes relating solely to Wales or to any part of Wales under the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (S.I. 2004/1656 (W. 170)) or any corresponding provision replacing those Regulations.

(3) In complying with the duty in subsection (1), a public authority must have regard to guidance included in the environmental principles and integrating environmental protection statement or revised statement published under section 7.

(4) In this section and section 6, "public authority" means a person, other than the Welsh Ministers or Natural Resources Wales, who is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act.

**6 Environmental principles and integrating environmental protection statement**

(1) The Welsh Ministers must prepare a document ("environmental principles and integrating environmental protection statement") explaining—

(a) how they consider the environmental principles should be interpreted;

(b) how they propose to comply with the duty in section 3(1);

(c) how they propose to determine, for the purpose of section 3(4), whether a policy would have no effect or a negligible effect on the environment;

(d) how the environmental principles relate to each other and to the duty in section 3(1)(b);

(e) how the environmental principles and the duty in section 3(1)(b) relate to the environmental objective;

(f) how the duties in section 3(1), section 5(1) and article 4A(1) of the Natural Resources Body for Wales (Establishment) Order 2012 relate to each other;

(g) how the duty in section 3(1) relates to other powers and duties;

(h) how they propose to demonstrate compliance with the duty in section 3(1).

(2) The statement must include guidance to Natural Resources Wales about—

(a) how to comply with the duty in article 4A(1) of the Natural Resources Body for Wales (Establishment) Order 2012 and how to do so in a way that gives effect to its general purpose in article 4 of that Order;

(b) how the environmental principles relate to each other and to the duty in article 4A(1)(b) of the Order;

(c) how the duty in article 4A(1) of the Order relates to other powers and duties.

(3) The statement must also include guidance to public authorities about—

(a) how to comply with the duty in section 5(1);

(b) how the environmental principles relate to each other and to the duty in section 5(1)(b);

(c) how the environmental principles and the duty in section 5(1)(b) relate to the environmental objective;

(d) how the duty in section 5(1) relates to other powers and duties.

(4) The statement may also include any other matters the Welsh Ministers consider appropriate.

**7 Environmental principles and integrating environmental protection statement: procedural requirements**

(1) The Welsh Ministers must consult the following when preparing a draft of the environmental principles and integrating environmental protection statement—

(a) Natural Resources Wales;

(b) the Future Generations Commissioner for Wales;

(c) the OEGW;

(d) such other persons as they consider appropriate.

(2) The Welsh Ministers must lay before Senedd Cymru—

(a) a copy of the draft environmental principles and integrating environmental protection statement, together with

(b) a document giving details of the consultation carried out under subsection (1) and summarising the representations received and the Welsh Ministers' response to them.

(3) If, before the end of the 40-day period, Senedd Cymru makes recommendations in relation to the draft, the Welsh Ministers must lay before Senedd Cymru their response to the recommendations.

(4) The Welsh Ministers must prepare a final environmental principles and integrating environmental protection statement and lay it before Senedd Cymru.

(5) The final statement must not be laid before—

(a) if subsection (3) applies, the day on which the Welsh Ministers lay their response, or

(b) otherwise, the end of the 40-day period.

(6) The Welsh Ministers must publish the final statement when it is laid before Senedd Cymru.

(7) The final statement must be laid before Senedd Cymru no later than 31 March 2027.

(8) The "40-day period"—

(a) begins with the day on which the draft is laid before Senedd Cymru under subsection (2), and

(b) does not include any period during which Senedd Cymru is dissolved or is in recess for more than 4 days.

(9) The Welsh Ministers must review the environmental principles and integrating environmental protection statement after each general election and may review it at any other time.

(10) In subsection (9), "general election" means an ordinary general election or an extraordinary general election held under Part 1 of the Government of Wales Act 2006 (c. 32).

(11) After reviewing the statement, the Welsh Ministers may prepare a revised environmental principles and integrating environmental protection statement; and subsections (1) to (6) and (8) to (10) apply in relation to any revised statement.

(12) The requirement in subsection (1) may be met by consultation carried out before this section comes into force.

## PART 2

## THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES

*The Office of Environmental Governance Wales*

**8 Establishment of the Office of Environmental Governance Wales**

(1) The Office of Environmental Governance Wales ("the OEGW") is established as a body corporate.

(2) Schedule 1 contains further provision about the OEGW.

**9 Independence of the OEGW**

In exercising their functions in respect of the OEGW, the Welsh Ministers must have regard to the need to protect the OEGW's independence.

**10 General purpose etc.**

The OEGW must exercise its functions—

(a) for the general purpose of—

(i) contributing to the attainment of a high level of environmental protection and an improvement of the environment, and

(ii) ensuring the effectiveness of environmental law and that it is complied with, implemented and applied;

(b) impartially, objectively, proportionately and transparently.

**11 Duty to prepare and publish strategy**

(1) The OEGW must prepare and publish a strategy.

(2) The strategy must set out how the OEGW intends to exercise its functions.

(3) The OEGW must exercise its functions in accordance with the strategy.

(4) Schedule 2 contains further provision about—

(a) what in particular the strategy must contain, and

(b) procedural requirements.

*Monitoring, reporting and advising functions*

**12 Monitoring and reporting**

(1) The OEGW must monitor—

(a) public authorities' compliance with environmental law, and

(b) the implementation and application of environmental law.

(2) The OEGW may report on—

(a) any matter that it is required to monitor under subsection (1), or

(b) any other matter concerned with the making of environmental law or its effectiveness.

(3) The OEGW must—

(a) publish its reports under subsection (2), and

(b) lay copies of the reports before Senedd Cymru.

**13 Advising the Welsh Ministers**

(1) The OEGW may give advice to the Welsh Ministers about—

(a) a proposal for the making of new environmental law or other new enactment relating to the environment in Wales,

(b) a proposed change to environmental law or other enactment relating to the environment in Wales, or

(c) any other matter relating to environmental law.

(2) Advice under this section may be given of the OEGW's own initiative or on request by the Welsh Ministers.

(3) Where—

(a) the Welsh Ministers request the OEGW's advice under subsection (1), but

(b) the OEGW determines not to give the advice requested,

the OEGW must give the Welsh Ministers a statement of its reasons for so determining.

(4) The OEGW must publish any advice it gives to the Welsh Ministers under this section.

(5) The Welsh Ministers must have regard to advice given by the OEGW under this section.

(6) In subsection (1), "Wales" includes, so far as the proposal or proposed change relates to fishing, fisheries or fish health, the area of the Welsh zone beyond the seaward limit of the territorial sea.

**14 Advice, guidance and assistance on environmental law**

(1) The OEGW may—

(a) issue guidance (whether general or specific), or

(b) give advice or other assistance to any person,

on any matter relating to environmental law.

(2) Where the OEGW's advice to a public authority under this section includes recommendations relating to the authority's application or implementation of environmental law, the OEGW may require the authority to respond to the recommendations within a period specified by the OEGW.

(3) The OEGW must publish any guidance it issues under this section.

*Information notices*

**15 Information notices**

(1) The OEGW may serve an information notice on a public authority.

(2) An information notice is a notice requiring the public authority to give the OEGW information that it reasonably requires for the purposes of exercising its functions.

(3) An information notice must specify—

(a) the information, or the nature of the information, that is to be given,

(b) the purposes for which the information is required,

(c) how the information is to be given, and

(d) the period within which the information is to be given.

(4) The period specified for the purposes of subsection (3)(d) must be at least 2 months beginning with the day the notice is served.

(5) The OEGW may, by giving notice to the public authority on whom an information notice was served—

(a) withdraw the information notice;

(b) vary the information notice (including by extending the period within which the information is required to be given).

(6) Subsection (7) applies where a public authority makes a representation to the OEGW about an information notice before the end of the period within which the information is required to be given.

(7) In working out the date by which the public authority is required to give the information to the OEGW, the time the OEGW takes to consider the representation does not count as part of the period within which the information is required to be given.

(8) For the purposes of subsection (7), the time the OEGW takes to consider the representation begins with the day the representation is made and ends with the day—

(a) the OEGW gives notice to the public authority under subsection (5) that the information notice is being withdrawn or varied in response to the representation, or

(b) the OEGW gives notice to the public authority that it is not withdrawing or varying the information notice in response to the representation.

*Representations*

**16 Representations**

(1) A person may make representations to the OEGW about any matters relating to—

(a) public authorities' compliance with environmental law,

(b) how environmental law is implemented and applied, and

(c) the effectiveness of environmental law.

(2) The OEGW must prepare and publish a document that sets out the procedure by which the representations may be made.

(3) The document must also set out the OEGW's policy on keeping persons informed about its response to their representations and any action it is taking.

*Investigations*

**17 Investigations**

(1) The OEGW may investigate any matter relating to—

(a) whether a public authority is failing, or has at any time (whether before or after this Act receives Royal Assent) failed, to comply with environmental law,

(b) how environmental law is implemented and applied, or

(c) the effectiveness of environmental law.

(2) Investigations under subsection (1) may be carried out of the OEGW's own initiative or in response to any representations made to it by any person.

*Compliance notices*

**18 Compliance notices**

(1) The OEGW may serve a compliance notice on a public authority if it considers that the public authority—

(a) is failing to comply with environmental law, or

(b) has failed to comply with an information notice.

(2) A compliance notice served under subsection (1)(a) must specify—

(a) the environmental law to which the alleged failure relates,

(b) the conduct that has caused the OEGW to consider that the public authority is failing to comply with environmental law,

(c) one or more actions the OEGW requires the authority to take in order to address the failure (which may include action intended to remedy or mitigate, or prevent any repeat of, the failure), and

(d) the period within which each action must be taken.

(3) The period specified for each action for the purposes of subsection (2)(d) must be at least 30 days beginning with the day the notice was served (but see also section 19(2) (duration of specified period in urgent compliance notices)).

(4) A compliance notice served under subsection (1)(b) must specify—

(a) why the OEGW considers the public authority has failed to comply with the information notice,

(b) the action the OEGW requires the authority to take in order to address the failure, and

(c) the period within which the action must be taken.

(5) A compliance notice must also include—

(a) information about the right to request a review of a compliance notice, including the period within which the request must be made, and

(b) an explanation of the consequences of failing to take the action specified in the notice.

(6) The OEGW may, by giving notice to the public authority on whom a compliance notice was served—

(a) withdraw the compliance notice;

(b) vary the compliance notice.

(7) A compliance notice under subsection (1)(a) may not require any action to be taken in respect of an administrative decision taken by a public authority in relation to a particular person or case (for example, a decision on an application for planning permission, funding or a licence, or a decision on regulatory enforcement in a specific case).

**19 Urgent compliance notices**

(1) Subsection (2) applies where the OEGW considers that each action specified in a compliance notice to be served under section 18(1)(a) needs to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health.

(2) The notice may, in relation to each action specified in it, specify a period of less than 30 days, but of at least 7 days, beginning with the day the notice is served, as the period within which the action must be taken (instead of a period of at least 30 days in accordance with section 18(3)).

(3) A compliance notice that specifies a period of less than 30 days for each action in accordance with subsection (2) must indicate that it is an urgent compliance notice.

(4) Such a notice is referred to in this Part as an urgent compliance notice.

**20 OEGW's review of compliance notices**

(1) The OEGW must review a compliance notice if requested to do so by the public authority on whom the notice was served.

(2) A request under subsection (1) must be made by giving notice to the OEGW.

(3) A request for a review of a compliance notice that is not an urgent compliance notice must be made before the end of 30 days beginning with the day the compliance notice is served.

(4) A request for a review of an urgent compliance notice must be made before the end of 7 days beginning with the day the compliance notice is served.

(5) A review under this section must be conducted—

(a) by the OEGW's review committee (see paragraph 10 of Schedule 1);

(b) as soon as is reasonably practicable after the notice is given to the OEGW under subsection (2).

(6) Where the grounds for requesting a review include a failure to comply with section 18(2), (4) or (5), or some other defect or error in, or in connection with, a compliance notice, the review committee must disregard any such failure, defect or error if the committee considers it not to be a material one.

(7) On a review under this section, the review committee may—

(a) confirm the compliance notice,

(b) withdraw the compliance notice, or

(c) vary the compliance notice.

(8) The review committee must give notice of its determination on a review to the public authority that requested the review.

(9) The review committee's determination on a review of a compliance notice is final (and no further requests for a review may be made in relation to the same compliance notice).

(10) A public authority must provide the review committee with such further information as the committee may reasonably require for the purposes of conducting a review under this section.

(11) Subsection (12) applies where a public authority requests a review of a compliance notice under this section.

(12) In working out the date by which the public authority is required to take an action specified in the notice, the time the review committee takes to conduct the review does not count as part of the period specified in the notice as the period within which the authority is required to take the action.

(13) For the purposes of subsection (12) the time the review committee takes to conduct the review begins with the day the public authority requests the review and ends with the day the review committee gives notice under subsection (8).

**21 High Court review after failure to take specified action**

(1) This section applies where the OEGW considers that a public authority has failed to take an action specified in a compliance notice in the period within which the action is required to be taken.

(2) The OEGW may apply to the High Court for an order requiring the public authority to—

(a) take the action as specified in the compliance notice, or

(b) take such action as varied by the Court as it considers appropriate.

(3) An application may not be made in relation to an action specified in a compliance notice that is not an urgent compliance notice before the later of—

(a) the end of the period within which the public authority is required to take the action, and

(b) any time limit that applies to the commencement of judicial review for questioning the alleged conduct in respect of which the compliance notice was served.

(4) An application may not be made in relation to an action specified in an urgent compliance notice before the end of the period within which the public authority is required to take the action.

(5) An order granted on an application under subsection (2) must specify the period within which the action is required be taken.

(6) If, in determining an application under subsection (2), the Court considers that a compliance notice or a part of a compliance notice is unreasonable or that, for any other reason, the notice ought to not have been served or the part ought to not have been included, the Court must by order require the OEGW to withdraw the notice or (as the case may be) the part of the notice.

*Improvement reports and improvement plans*

**22 Improvement reports**

(1) The OEGW may publish an improvement report if it considers that a public authority is failing or has at any time (whether before or after this Act receives Royal Assent) failed to—

(a) comply with environmental law, or

(b) implement or apply environmental law effectively.

(2) The OEGW may also publish an improvement report if it considers that the Welsh Ministers or other public authority has failed to make effective environmental law.

(3) A single improvement report under subsection (1) may relate to a failure by two or more public authorities but only if the OEGW is satisfied that all the authorities concerned are exercising or have exercised their functions in such a way as to lead to the same, or similar, alleged failure.

(4) Where the OEGW publishes an improvement report, it must—

(a) send a copy of the report to—

(i) the public authority in relation to whose alleged failure the report is published, and

(ii) if the Welsh Ministers are not the public authority in relation to whose alleged failure the report is published, the Welsh Ministers, and

(b) lay a copy of the report before Senedd Cymru.

**23 Improvement reports: content**

(1) An improvement report must—

(a) set out the details of the alleged failure to—

(i) comply with environmental law,

(ii) implement or apply environmental law effectively, or

(iii) make effective environmental law;

(b) explain the OEGW's reasons for considering that there has been such a failure;

(c) set out the impact or possible impact of the failure;

(d) recommend actions for the Welsh Ministers to take in response to the failure;

(e) propose timescales for taking those actions.

(2) The actions recommended for the Welsh Ministers under subsection (1)(d) may not include—

(a) revoking or varying an administrative decision taken by a public authority in relation to a particular person or case, or

(b) requiring another public authority to revoke or vary such a decision.

**24 Improvement plans**

(1) Where the OEGW publishes an improvement report, the Welsh Ministers must respond by publishing an improvement plan.

(2) An improvement plan must set out—

(a) what the Welsh Ministers propose to do in response to the recommendations in the improvement report, including in particular—

(i) the actions the Welsh Ministers propose to take to implement the recommendations (in full or in part),

(ii) the proposed timescales for implementing the recommendations,

(iii) the arrangements for reviewing, and reporting on, progress in implementing the recommendations, and

(b) if the Welsh Ministers do not intend to implement the recommendations (in full or in part), the reasons for that.

(3) The Welsh Ministers must publish an improvement plan—

(a) before the end of 6 months beginning with the day they were sent an improvement report under section 22(4)(a), or

(b) if they consider that it is necessary to consult any person about the plan, before the end of 9 months beginning with that day.

(4) Where the Welsh Ministers publish an improvement plan, they must lay a copy of it before Senedd Cymru.

*Co-operation duties*

**25 Co-operation duties**

(1) A public authority must co-operate with the OEGW, and give it such reasonable assistance as it requests (including the provision of information), in connection with the exercise of the OEGW's functions.

(2) A public authority must also make all reasonable efforts to—

(a) swiftly resolve any matter that the OEGW raises concerning the authority's failure to comply with environmental law, to implement or apply environmental law effectively, or to make effective environmental law, and

(b) reach agreement with the OEGW on any remedial action the authority should take for the purposes of environmental protection.

*Disclosure of information and confidentiality*

**26 Disclosure of information to the OEGW**

(1) A public authority's disclosure of information to the OEGW in accordance with a provision mentioned in subsection (3) does not breach—

(a) any obligation of confidence owed by the authority, or

(b) any other restriction on the disclosure of information (however imposed).

(2) But see also section 183A of the Data Protection Act 2018 (c. 12) (protection of requirements for processing personal data).

(3) The provisions are—

(a) section 15(1) (information notices);

(b) section 20(10) (requirement to provide information that the OEGW reasonably requires for the purposes of a review of a compliance notice);

(c) section 25(1) (public authority's duty to co-operate with the OEGW).

(4) Nothing in this Part requires a public authority to provide the OEGW with information—

(a) that the authority would be entitled to refuse to provide in civil proceedings on the grounds of legal professional privilege, or

(b) that the authority would be entitled, or required by any rule of law, to refuse to provide in civil proceedings on the grounds of public interest immunity.

**27 Confidentiality requirements: the OEGW**

(1) The OEGW must not disclose—

(a) information obtained by virtue of provision mentioned in subsection (2),

(b) correspondence between the OEGW and a public authority that relates to a particular information notice or compliance notice, or to the preparation of a particular improvement report, or

(c) correspondence between the OEGW and a public authority that is, or contains, an information notice or compliance notice or an unpublished draft of an improvement report.

(2) The provisions are—

(a) section 15(1) (information notices);

(b) section 20(10) (requirement to provide information that the OEGW reasonably requires for the purposes of a review of a compliance notice);

(c) section 25(1) (public authority's duty to co-operate with OEGW).

(3) Subsection (1) does not apply to—

(a) a disclosure mentioned in subsection (1)(a) or (b) made with the consent of the public authority that provided the information or correspondence;

(b) a disclosure made for purposes connected with the exercise of the OEGW's functions;

(c) a disclosure that relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part;

(d) a disclosure made for the purposes of civil proceedings;

(e) a disclosure made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime;

(f) a disclosure made in pursuance of an order of a court or tribunal;

(g) a disclosure made in accordance with an enactment requiring or permitting the disclosure.

**28 Confidentiality requirements: public authorities**

(1) A public authority must not disclose correspondence between the OEGW and that, or any other, public authority—

(a) that relates to a particular information notice or compliance notice, or to the preparation of a particular improvement report, or

(b) that is, or contains, such a notice or an unpublished draft of such a report.

(2) Subsection (1) does not apply to—

(a) a disclosure mentioned in subsection (1)(a) made with the consent of the OEGW and the public authority with which the OEGW was corresponding (if not the public authority making the disclosure);

(b) a disclosure mentioned in subsection (1)(b) made with the consent of the OEGW;

(c) a disclosure made for purposes connected with co-operating with an investigation under section 17;

(d) a disclosure made for purposes connected with an information notice or compliance notice;

(e) a disclosure made for purposes connected with a High Court review under section 21, a statutory review or civil proceedings;

(f) a disclosure made for the purposes of a criminal investigation or criminal proceedings or for the purposes of the prevention or detection of crime;

(g) a disclosure made in pursuance of an order of a court or tribunal;

(h) a disclosure made in accordance with an enactment requiring or permitting the disclosure.

(3) The OEGW may not consent to the disclosure of a notice or an unpublished draft of a report in accordance with subsection (2)(b) unless the notice or draft report relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part.

(4) If a public authority's request for consent in accordance with subsection (2)(a) or (b) relates only to a matter in relation to which the OEGW does not intend to take any further action under this Part, the OEGW may not withhold its consent.

(5) In this section, "statutory review" means a claim for statutory review under—

(a) section 287 or 288 of the Town and Country Planning Act 1990 (c. 8),

(b) section 22 of the Planning (Hazardous Substances) Act 1990 (c. 10),

(c) section 113 of the Planning and Compulsory Purchase Act 2004 (c. 5), or

(d) section 183 of the Historic Environment (Wales) Act 2023 (asc 3).

**29 Application of Environmental Information Regulations 2004**

If information or correspondence mentioned in section 27(1) and held by the OEGW, or mentioned in section 28(1) and held by a public authority, is environmental information for the purposes of the Environmental Information Regulations 2004 (SI 2004/3391), it is held by the OEGW or (as the case may be) the public authority, for the purposes of the application of those Regulations to that information, in connection with confidential proceedings.

*Staff transfer schemes*

**30 Staff transfer schemes**

Schedule 3 makes provision about schemes for the transfer of staff from the Welsh Government to the OEGW.

*Interpretation*

**31 Meaning of "environmental law"**

(1) In this Part, "environmental law" means any devolved provision to the extent that it—

(a) wholly or mainly relates to environmental protection, and

(b) does not relate to—

(i) disclosure of, or access to, information;

(ii) taxation, finance or budgets.

(2) Subsection (1)(b)(i) does not exclude from the meaning of "environmental law" provisions in this Part that relate to the disclosure of information.

(3) In subsection (1), "devolved provision" means—

(a) provision contained in, or in an instrument made under, an Assembly Measure or an Act of Senedd Cymru, and

(b) provision contained in any other enactment which, if contained in an Act of Senedd Cymru, would be within the legislative competence of the Senedd (ignoring any requirement for the consent of a Minister of the Crown imposed under Schedule 7B to the Government of Wales Act 2006 (c. 32)).

(4) The Welsh Ministers may, by regulations, provide that a devolved provision specified in the regulations is, or is not, within the definition of "environmental law" in subsection (1) (and this Part applies accordingly).

(5) Before making regulations under subsection (4) the Welsh Ministers must consult—

(a) the OEGW, and

(b) such other persons as they consider appropriate.

**32 Meaning of "public authority"**

In this Part, "public authority" means a person, other than the OEGW, who is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act.

**33 Meaning of "effectiveness of environmental law"**

In this Part, references to the effectiveness of environmental law are references to its effectiveness in contributing to environmental protection.

**34 Meaning of "failing to comply with environmental law"**

In this Part, references to a public authority failing to comply with environmental law are references to the authority—

(a) exercising its functions in a way that is contrary to environmental law, or

(b) failing to exercise its functions where the failure is contrary to environmental law.

## PART 3

## BIODIVERSITY TARGETS, ETC.

**35 Biodiversity targets**

(1) After section 6A of the Environment Act (as inserted by section 39 of this Act), insert—

"*Biodiversity targets*

**6B Biodiversity targets: general**

(1) The Welsh Ministers may by regulations set targets in respect of any matter relating to biodiversity in Wales.

(2) The Welsh Ministers may set a target in the regulations only if they are satisfied that meeting it would contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels, in particular through one or more of the following—

(a) increasing the abundance of native species;

(b) enhancing the resilience of ecosystems (in particular the aspects specified in section 6(2)(a) to (e));

(c) increasing genetic diversity.

(3) In considering whether a target would contribute to the matters specified in subsection (2)(a), (b) or (c), the Welsh Ministers must have regard to the list published under section 7.

(4) The regulations must, in relation to each target—

(a) specify a standard to be achieved, which must be capable of being objectively measured, and

(b) specify a date by which the standard is to be achieved.

(5) The regulations must—

(a) include provision about how to measure—

(i) progress towards achieving each standard specified under subsection (4), and

(ii) whether the standard has been achieved, and

(b) specify indicators as a means of measuring those things.

(6) A target under this section is set when the regulations setting it come into force.

(7) In this section—

(a) "native species" means species that naturally occur or have in the past naturally occurred in Wales, including—

(i) regularly occurring migratory species (both breeding and non-breeding) and natural colonists, and

(ii) species that have been reintroduced in Wales following past extinction;

(b) "natural colonists" means species that arrived in Wales of their own accord and have become established, including those that become migratory species.

(8) In sections 6C, 6D, 6G, 6H and 6I, "specified standard" and "specified date", in relation to a target set under this section, mean the standard and date specified under subsection (4).

**6C Duty to make regulations setting targets: priority areas**

(1) The Welsh Ministers must exercise the power in section 6B to —

(a) set a long-term target in respect of at least one matter within each of the priority areas in subsection (2)(a) and (b),

(b) set a short-term target in respect of at least one matter within each of the priority areas in subsection (2)(a) and (b), and

(c) set a target in respect of at least one matter within each of the priority areas in subsection (2)(c) and (d).

(2) The priority areas are—

(a) reducing the risk of the extinction of native species;

(b) the effective management of ecosystems;

(c) reducing pollution;

(d) the quality of evidence to inform decisions relating to biodiversity, access to that evidence and its use and application.

(3) A target is a "long-term target" if the specified date is at least 15 years after the date on which the target is set.

(4) A target is a "short-term target" if the specified date is less than 15 years after the date on which the target is set.

(5) Targets may not be set in respect of a matter within the priority area in subsection (2)(c) if a target may be set in respect of that matter under the Environment (Air Quality and Soundscapes) (Wales) Act 2024 (asc 2).

(6) In subsection (2)(a), "native species" has the meaning given by section 6B(7).

(7) The Welsh Ministers must lay a draft of a Welsh statutory instrument containing the regulations required by this section before Senedd Cymru before the end of the period of 2 years beginning with the date on which the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx) receives Royal Assent.

**6D Target-setting process**

(1) Before making regulations under section 6B, the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(2) The Welsh Ministers must publish a summary of any such advice they receive.

(3) When making regulations under section 6B, the Welsh Ministers must apply the principles of sustainable management of natural resources.

(4) Before making regulations under section 6B, the Welsh Ministers must publish a report summarising—

(a) the consultation that was carried out in connection with the regulations, and

(b) any representations that were received as a result of the consultation.

(5) Before making regulations under section 6B that set or amend a target, the Welsh Ministers must be satisfied that the target or amended target can be met.

(6) For the purposes of this Part, a target is met if the specified standard is achieved by the specified date.

(7) Subsections (1) to (4) do not apply to provisions in regulations under section 6B that revoke a target that has been met.

**6E Duty to meet targets**

The Welsh Ministers must ensure that targets set in regulations made under section 6B are met.

**6F Designation of public authorities for the purpose of section 6(2A)**

(1) The Welsh Ministers may by regulations designate a public authority within section 6(11) in relation to a target set in regulations made under section 6B.

(2) Before making regulations under this section, the Welsh Ministers must consult—

(a) the public authority they propose to designate, and

(b) such other persons as they consider appropriate.

**6G Review of targets**

(1) The Welsh Ministers may, from time to time, review a target set in regulations under section 6B.

(2) The Welsh Ministers must review a target set in regulations under section 6B if it appears to them—

(a) that the target may not be met, or

(b) that the target may no longer be appropriate.

(3) The Welsh Ministers may, from time to time, review the effectiveness of all current targets for the purpose of determining whether setting further targets in regulations under section 6B would be more effective in contributing to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels.

(4) The Welsh Ministers must review the effectiveness of all current targets for the purpose mentioned in subsection (3)—

(a) if a target set in regulations under section 6B has not been met by the specified date in relation to that target;

(b) if 10 years have passed since the most recently completed review under any of subsection (3), this subsection or subsection (5).

(5) If no review under subsection (3) or (4) has been completed before the end of 2041, the Welsh Ministers must review the effectiveness of all current targets for the purpose mentioned in subsection (3).

(6) A target is current for the purpose of subsections (3) to (5) if—

(a) it has been set in regulations under section 6B that are in force at the time of the review, and

(b) it has not been met at that time.

(7) In carrying out a review under this section, the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(8) The Welsh Ministers must publish a summary of any such advice they receive.

(9) After carrying out a review under this section, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement noting its conclusions.

(10) If a review under subsection (1) or (2) concludes that a target will not be met or is no longer appropriate, the statement must note the reasons for that conclusion and the steps, if any, the Welsh Ministers intend to take in relation to the target in consequence of the review.

(11) If a review under subsection (3), (4) or (5) concludes that further targets should be set in regulations under section 6B, the Welsh Ministers must lay a draft of a Welsh statutory instrument containing such regulations before Senedd Cymru before the end of the period of 2 years beginning with the day on which the review was completed.

(12) A review is completed for the purpose of subsections (4)(b), (5) and (11) when the statement required by subsection (9) is published.

**6H Revoking or lowering targets**

(1) The Welsh Ministers may not make regulations under section 6B that revoke or lower a target (the "existing target") unless they are satisfied that—

(a) because of changes to the evidence to which they had regard when setting the existing target, meeting it would not contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels,

(b) meeting the existing target would have no significant benefit compared with not meeting it or with meeting a lower target,

(c) because of changes in circumstances since the existing target was set, the environmental, social, economic or other costs of meeting it would be disproportionate to the benefits, or

(d) meeting the existing target is no longer achievable—

(i) because of changes in circumstances since the existing target was set, or

(ii) because of changes to the evidence to which the Welsh Ministers had regard when setting the existing target.

(2) If the Welsh Ministers are satisfied that—

(a) the costs of meeting the existing target would be disproportionate to the benefits as mentioned in subsection (1)(c), or

(b) meeting the existing target is no longer achievable as mentioned in subsection (1)(d),

they must, before making regulations under section 6B that revoke the target, consider whether to make regulations that lower the target.

(3) Before making regulations under section 6B that revoke or lower a target, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement explaining why the Welsh Ministers are satisfied as mentioned in subsection (1).

(4) Regulations lower a target if, to any extent, they—

(a) replace the specified standard with a lower standard, or

(b) replace the specified date with a later date.

(5) This section does not apply to provisions in regulations under section 6B that revoke a target that has been met.

**6I Statement about targets**

(1) On or before the specified date in relation to each target set under regulations under section 6B, the Welsh Ministers must lay before Senedd Cymru, and publish, a statement containing the required information.

(2) The required information is (as appropriate)—

(a) that the target has been met,

(b) that the target has not been met, or

(c) that the Welsh Ministers are not yet able to determine whether the target has been met, the reasons for that and the steps the Welsh Ministers intend to take in order to determine whether the target has been met.

(3) Where the Welsh Ministers make a statement that a target has not been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a report.

(4) The report must—

(a) explain why the target has not been met, and

(b) set out the steps the Welsh Ministers have taken, or intend to take, to ensure the target is met as soon as reasonably practicable.

(5) Before deciding on the steps referred to in subsection (4)(b), the Welsh Ministers must seek advice from persons they consider to be independent and to have relevant expertise.

(6) The Welsh Ministers must publish a summary of any such advice they receive.

(7) Where the Welsh Ministers make a statement that they are not yet able to determine whether a target has been met, the Welsh Ministers must, before the end of 6 months beginning with the date on which the statement is laid, lay before Senedd Cymru, and publish, a further statement containing the required information.

(8) Subsections (2) to (7) apply to further statements under subsection (7) as they apply to a statement under subsection (1)."

(2) Before section 7 of the Environment Act, insert—

*"Biodiversity lists".*

(3) In section 25(4) of the Environment Act, after "section 22(1)" insert ", or to revoke a target that has been set in regulations under section 6B and that has been met,".

**36 Public authorities' duties**

(1) After section 6(2) of the Environment Act, insert—

"(2A) In complying with subsection (1), a public authority within subsection (11) that has been designated in regulations under section 6F must take action to contribute to meeting the target in relation to which it has been designated."

(2) In section 6(5)(d) of the Environment Act, at the beginning, insert "where the public authority is one within subsection (11),".

(3) In section 6(9) of the Environment Act, in the definition of "public authority", at the end of paragraph (e) insert ", but not the Office of Environmental Governance Wales".

(4) After section 6(10) of the Environment Act, insert—

"(11) A public authority is within this subsection if it is—

(a) a devolved Welsh authority within the meaning given by section 157A of the Government of Wales Act 2006 (c. 32), or

(b) listed in paragraph 9(2) or (6) of Schedule 7B to that Act."

**37 Welsh Ministers' plans under section 6 of the Environment Act**

After section 6(6) of the Environment Act, insert—

"(6A) The Welsh Ministers must—

(a) when preparing their plan under subsection (6)—

(i) consult the Office of Environmental Governance Wales, and

(ii) apply the principles of sustainable management of natural resources,

(b) when preparing their plan under subsection (6), consult—

(i) such persons or bodies as the Welsh Ministers reasonably consider have an interest in matters relating to biodiversity in Wales, and

(ii) members of the public in Wales, and

(c) when they publish that plan, also publish a report summarising—

(i) the consultation that was carried out in preparing the plan, and

(ii) any representations that were received as a result of the consultation.

(6B) The plan prepared and published by the Welsh Ministers under subsection (6) must, in particular, set out—

(a) what action they propose to take to contribute to the fulfilment of the vision of the Global Biodiversity Framework, namely that "by 2050, biodiversity is valued, conserved, restored and wisely used, maintaining ecosystem services, sustaining a healthy planet and delivering benefits essential for all people,

(b) proposals covering the areas of responsibility of each of the Welsh Ministers,

(c) what action they propose to take to ensure that the targets set in regulations under section 6B are met and when they propose to take that action,

(d) how the targets, if met, will contribute to halting and reversing the decline in biodiversity or to restoring biodiversity to resilient levels,

(e) where the standard specified under section 6B(4) in relation to a target is achieved, how they propose to maintain that standard, and

(f) what action they propose to take to comply with the duty in section 8A to promote awareness of biodiversity.

(6C) In subsection (6B)(a), the "Global Biodiversity Framework" means the Kunming-Montreal Global Biodiversity Framework, adopted under the United Nations Convention on Biological Diversity referred to in subsection (4)(a) at the fifteenth meeting of the Conference of the Parties in December 2022."

**38 Reports under section 6 of the Environment Act**

(1) In section 6(7) of the Environment Act, for "to comply with subsection (1)" substitute " —

(a) to comply with subsection (1), and

(b) where subsection (2A) applies, to contribute to meeting the target in relation to which it has been designated".

(2) After section 6(7) of the Environment Act, insert —

"(7A) The report published by the Welsh Ministers under subsection (7) must, in particular, report on the progress being made towards meeting the targets set in regulations under section 6B and whether they are likely to be met.

(7B) As soon as reasonably practicable after publishing their report under subsection (7), the Welsh Ministers must send a copy of it to the Office of Environmental Governance Wales.

(7C) Sending a copy of the report under subsection (7B) is to be treated as a request by the Welsh Ministers to the Office of Environmental Governance Wales for advice under section 13 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx)."

**39 Evaluation report**

(1) After section 6 of the Environment Act, insert –

**"6A Evaluation of action to maintain and enhance biodiversity**

(1) The Welsh Ministers must prepare a report under this section (an "evaluation report").

(2) The evaluation report must set out the Welsh Ministers' assessment of the impact and effectiveness of the proposals set out in accordance with section 6(6) and (6B) in the plan most recently published by them and of action taken in accordance with those proposals.

(3) The Welsh Ministers must publish the first evaluation report before the end of 2031, and, subsequently, before the end of every third year after 2031.

(4) As soon as reasonably practicable after publishing an evaluation report, the Welsh Ministers must send a copy of it to the Office of Environmental Governance Wales.

(5) Sending a copy of the report under subsection (4) is to be treated as a request by the Welsh Ministers to the Office of Environmental Governance Wales for advice under section 13 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (asc xx)."

(2) In section 24 of the Environment Act—

(a) in subsection (1), before paragraph (a), insert—

"(za) an evaluation report prepared under section 6A;";

(b) in subsection (3), after "subsection (1)", insert "in relation to the documents mentioned in subsection (1)(a) or (b),".

**40 Promoting awareness of biodiversity**

(1) For the italic cross-heading preceding section 9 of the Environment Act, substitute—

*"Duties of the Welsh Ministers".*

(2) After that italic cross-heading, insert—

**"8A Duty to promote awareness of biodiversity**

The Welsh Ministers must take steps to promote awareness in Wales of the importance of biodiversity and of the threats to biodiversity."

## PART 4

## GENERAL

**41 Power to make consequential etc. provision**

(1) If the Welsh Ministers consider it necessary or appropriate for the purposes of, in consequence of, or for giving full effect to any provision of this Act, they may by regulations make supplementary, incidental or consequential provision.

(2) Regulations under subsection (1) may modify any enactment other than this Act.

(3) In subsection (2) "modify" includes amend, revoke and repeal.

**42 Regulations**

(1) A power to make regulations under this Act is exercisable by Welsh statutory instrument.

(2) A power to make regulations under this Act includes—

(a) power to make different provision for different purposes;

(b) power to make—

(i) supplementary, incidental or consequential provision;

(ii) transitional or saving provision.

(3) Regulations made under any of the following provisions are subject to the Senedd approval procedure—

(a) section 31(4);

(b) section 46(8);

(c) paragraph 2(3) of Schedule 1;

(d) paragraph 3(1)(i) of Schedule 1.

(4) Regulations made under section 41(1) are also subject to the Senedd approval procedure if they modify any provision of primary legislation.

(5) Any other regulations made under section 41(1) are subject to the Senedd annulment procedure.

(6) In this section, "primary legislation" means any of the following—

(a) an Act of Senedd Cymru;

(b) an Assembly Measure;

(c) an Act of Parliament of the United Kingdom.

**43 Service of notices and other documents**

(1) This section applies where a provision of this Act requires or authorises a notice, direction or other document to be given to a person (whether the provision uses the word "give", "serve", "send" or any other expression).

(2) The document may be given in any of the following ways—

(a) by handing it to the person or, in the case of a person who is a body corporate, handing it to the secretary or clerk of the body at its registered or principal office;

(b) by leaving it at the person's usual or last known place of residence or, if the person has given an address for service, at that address;

(c) by sending it by post in a pre-paid letter—

(i) addressed to the person at the person's usual or last known place of residence or, in the case of a person who is a body corporate, addressed to the secretary or clerk of the body at its registered or principal office, or

(ii) if the person has given an address for service, addressed to the person at that address;

(d) if the person has given an address for service using electronic communication, by sending it to the person at that address using an electronic communication that complies with the conditions in subsection (3).

(3) The conditions are that the document is—

(a) capable of being accessed by the person to whom it is sent,

(b) legible in all material respects, and

(c) capable of being used for subsequent reference.

(4) Where a document is served by leaving it at an address in accordance with subsection (2)(b), service is deemed to be effected, unless the contrary is proved, on the day the document is left at that address.

(5) Where an electronic communication is used to serve a document on a person in accordance with subsection (2)(d) and is received by the person outside the person's normal business hours, service is deemed to be effected on the next working day.

(6) Sections 231 and 233 of the Local Government Act 1972 (c. 70) do not apply to documents to be given under this Act to or by a county council, a county borough council, a community council or a corporate joint committee.

**44 General interpretation**

In this Act—

"compliance notice" ("*hysbysiad cydymffurfio*") means a notice served under section 18;

"effectiveness of environmental law" ("*effeithiolrwydd cyfraith amgylcheddol*") has the meaning given by section 33;

"environment" ("*amgylchedd*") means—

(a) air, water and land (including the earth's crust),

(b) plants, wild animals and other living organisms and their habitats, and

(c) the natural systems, cycles and processes through which the things in paragraphs (a) and (b) interact;

"the Environment Act" ("*Deddf yr Amgylchedd*") means the Environment (Wales) Act 2016 (anaw 3);

"environmental law" ("*cyfraith amgylcheddol*") has the meaning given by section 31;

"environmental objective" ("*amcan amgylcheddol*") has the meaning given by section 1;

"environmental principles" ("*egwyddorion amgylcheddol*") has the meaning given by section 2;

"environmental principles and integrating environmental protection statement" ("*datganiad o egwyddorion amgylcheddol ac integreiddio diogelu'r amgylchedd*") means a statement prepared and published under section 7;

"environmental protection" ("*diogelu'r amgylchedd*") means—

(a) protection of the environment from the effects of human activity;

(b) maintenance, restoration or enhancement of the environment;

(c) protection of people, in particular their health, from the effects of human activity on the environment;

(d) monitoring, assessing, considering, advising or reporting on anything in paragraphs (a) to (c);

"failing to comply with environmental law" ("*methu â chydymffurfio â chyfraith amgylcheddol*") has the meaning given by section 34;

"improvement plan" ("*cynllun gwella*") means a plan published under section 24;

"improvement report" ("*adroddiad gwella*") means a report published under section 22;

"information notice" ("*hysbysiad gwybodaeth*") means a notice served under section 15;

"the OEGW" ("*SLlAC*") means the Office of Environmental Governance Wales established under section 8(1);

"public authority" ("*awdurdod cyhoeddus*") has the meaning given—

(a) in relation to sections 5 and 6, by section 5(4);

(b) in relation to Part 2, by section 32;

"urgent compliance notice" ("*hysbysiad cydymffurfio brys*") has the meaning given by section 19(4).

**45 Consequential amendments**

Schedule 4 makes provision in consequence of this Act.

**46 Coming into force**

(1) This Part, apart from section 45, comes into force on the day after the day on which this Act receives Royal Assent.

(2) The following provisions come into force at the end of the period of 2 months beginning with the day on which this Act receives Royal Assent—

(a) sections 1 and 2;

(b) section 6 and section 7, except subsection (1)(c);

(c) sections 8 and 10 and Schedule 1, except paragraphs 10 and 21;

(d) section 30 and Schedule 3;

(e) sections 31 to 34;

(f) Part 3;

(g) paragraphs 1 to 4 of Schedule 4 (and section 45 in so far as relating to those paragraphs).

(3) Sections 3 to 5 come into force on 31 March 2027.

(4) Except as provided for by subsections (1) to (3), and subject to subsection (5), the provisions of this Act come into force on a day appointed by the Welsh Ministers in an order made by Welsh statutory instrument.

(5) If the provisions mentioned in subsection (6) have not come into force by the end of the period of 24 months beginning with the day on which this Act receives Royal Assent, they come into force at the end of that period.

(6) The provisions are—

(a) section 7(1)(c);

(b) paragraphs 10 and 21 of Schedule 1;

(c) sections 11 to 29 and Schedule 2;

(d) paragraph 5 of Schedule 4 (and section 45 in so far as relating to that paragraph).

(7) An order under subsection (4)—

(a) may make transitional or saving provision;

(b) may appoint different days for different purposes.

(8) Regulations may amend subsection (5) to substitute a different period for the period for the time being specified in that subsection.

(9) The period substituted in accordance with subsection (8) may not be longer than 48 months beginning with the day on which this Act receives Royal Assent.

**47 Short title**

This Act may be referred to as—

(a) the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026, or

(b) Deddf yr Amgylchedd (Egwyddorion, Llywodraethiant a Thargedau Bioamrywiaeth) (Cymru) 2026.

# SCHEDULE 1

*(introduced by section 8)*

## THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES

### PART 1

### STATUS

*Status*

1 (1) The OEGW is not to be regarded as a servant or agent of the Crown or as enjoying any status, immunity or privilege of the Crown.

(2) The OEGW's property is not to be regarded as the property of the Crown or property held on its behalf.

### PART 2

### MEMBERSHIP

*Members*

2 (1) The members of the OEGW are—

(a) a person appointed by the Welsh Ministers as its chairperson,

(b) a person appointed by the Welsh Ministers as its deputy chairperson,

(c) at least 3 and no more than 5 other persons appointed by the Welsh Ministers, and

(d) its chief executive (see paragraph 6).

(2) In this Schedule, the chairperson, deputy chairperson and members of the OEGW appointed under sub-paragraph (1)(c) are collectively referred to as "non-executive members".

(3) The Welsh Ministers may, by regulations, amend sub-paragraph (1)(c) to substitute a different number for either or both of the numbers for the time being specified in that sub-paragraph.

(4) Before making regulations under sub-paragraph (3) the Welsh Ministers must consult—

(a) a committee of Senedd Cymru for the time being with remit for environmental protection,

(b) the OEGW, and

(c) such other persons as they consider appropriate.

*Disqualification*

3 (1) A person is disqualified from being a member of the OEGW if the person is—

(a) a member of—

(i) Senedd Cymru;

(ii) the House of Commons;

(iii) the House of Lords;

(iv) the Scottish Parliament;

(v) the Northern Ireland Assembly;

(b) a member of a county council or a county borough council in Wales;

(c) a member of a National Park authority for a National Park in Wales;

(d) a member of Natural Resources Wales;

(e) a member of the Welsh Government;

(f) a Minister of the Crown;

(g) a member of the Scottish Government;

(h) a Northern Ireland Minister;

(i) the holder of an office, or a member or member of staff of a body, specified by the Welsh Ministers by regulations.

(2) A person is also disqualified from being a non-executive member if the person is a member of the OEGW's staff.

*Terms of non-executive members*

4 (1) A non-executive member of the OEGW holds office for such a period, and on such terms and conditions, as may be specified in the terms of appointment, but this is subject to sub-paragraphs (2) and (3) and paragraph 5.

(2) The period of office specified in a non-executive member's terms of appointment may not exceed 4 years.

(3) A person may not be appointed as a non-executive member for more than 2 periods of office (and sub-paragraph (2) applies to each period of office).

(4) For the purposes of sub-paragraph (3), the following do not count as appointments for a period of office—

(a) a person's appointment as chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in paragraph 9(2), or

(b) a person's appointment as a non-executive member other than chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in paragraph 9(4).

(5) The OEGW may, with the approval of the Welsh Ministers, pay its non-executive members such remuneration, expenses and allowances as the OEGW may determine.

*Removal etc. of non-executive members*

5 (1) The Welsh Ministers may, by giving notice to a person who is a non-executive member, remove the person from office if they are satisfied that—

(a) the person is unfit to remain a member, or

(b) the person is unable or unwilling to exercise the functions of a member.

(2) The Welsh Ministers may, by giving notice to a person who is a non-executive member, suspend the person from office if it appears to them that there may be grounds to exercise the power in sub-paragraph (1).

(3) A suspension under sub-paragraph (2) has effect—

(a) for a period specified in the notice, or

(b) if no period is specified in the notice, until the Welsh Ministers give further notice to the suspended person.

(4) Before removing a non-executive member from office under sub-paragraph (1), the Welsh Ministers must—

(a) serve the member with a notice—

(i) informing the member of the proposed removal,

(ii) setting out the reasons for the proposed removal, and

(iii) requiring any representations about the proposed removal to be made within 14 days beginning with the day the notice is served;

(b) consult the chairperson and deputy chairperson of the OEGW.

(5) Sub-paragraph (4) does not apply where the Welsh Ministers consider that the removal from office needs to take effect urgently.

(6) Sub-paragraph (4)(b) does not—

(a) require the Welsh Ministers to consult the chairperson or deputy chairperson where—

(i) the Welsh Ministers have served notice on that person under sub-paragraph (4)(a), or

(ii) that person is unable to act for the time being, or

(b) apply where the office of chairperson or (as the case may be) deputy chairperson is vacant for the time being.

(7) A non-executive member may resign from office by giving at least 3 months' notice to the Welsh Ministers and the OEGW.

(8) A person ceases to be a non-executive member of the OEGW if that person becomes disqualified (see paragraph 3).

(9) A person suspended from office under sub-paragraph (2) may not participate in the proceedings of the OEGW, or the proceedings of its committees or sub-committees or of a joint committee, during the period in which the suspension has effect.

PART 3

STAFF

*Chief executive*

6 (1) The OEGW must have a chief executive.

(2) The first chief executive of the OEGW is to be appointed by the Welsh Ministers on such terms and conditions (including terms and conditions as to remuneration, expenses, allowances and pension) as they may determine.

(3) Subsequent appointments are to be made by the non-executive members of the OEGW on such terms and conditions as they may determine.

(4) But the non-executive members of the OEGW may not determine terms and conditions as to remuneration, expenses, allowances or pension without the approval of the Welsh Ministers.

(5) The chief executive is a member of the OEGW's staff.

*Other staff*

7 (1) The OEGW may appoint other members of staff.

(2) A member of staff appointed under this paragraph is appointed on such terms and conditions as the OEGW may determine.

(3) But the OEGW may not determine terms and conditions as to remuneration, expenses, allowances or pension without the approval of the Welsh Ministers.

PART 4

APPOINTMENT REQUIREMENTS

*Appointment requirements*

8 (1) In appointing a person as a non-executive member, the Welsh Ministers must have regard to the desirability of the OEGW's members (between them) having experience of, and having shown capability in—

(a) environmental law and policy;

(b) environmental science;

(c) investigatory and enforcement proceedings.

(2) Before appointing or reappointing a person as the chairperson or deputy chairperson of the OEGW, the Welsh Ministers must consult a committee of Senedd Cymru for the time being with remit for environmental protection on the proposed appointment.

(3) Before appointing a person as a non-executive member or as chief executive in accordance with paragraph 6(2), the Welsh Ministers must—

(a) establish a panel to make recommendations to the Welsh Ministers in relation to candidates for such appointment, and

(b) have regard to the panel's recommendations.

(4) The panel must comprise of—

(a) 1 member of Senedd Cymru nominated by a committee of Senedd Cymru for the time being with remit for environmental protection,

(b) 1 member of staff of the Welsh Government, and

(c) 2 independent members.

(5) The Welsh Ministers must be satisfied—

(a) that each member of the panel, other than the member of Senedd Cymru appointed to the panel in accordance with sub-paragraph (4)(a), has experience of at least one of the matters listed in sub-paragraph (1)(a) to (c), and

(b) that the members of the panel (between them) have experience of all those matters.

(6) Sub-paragraph (3) does not apply in relation to a person's appointment for a second period of office where it would follow immediately after the first.

(7) Sub-paragraph (4)(a) does not apply where the committee mentioned in that sub-paragraph declines to make a nomination or fails to do so within 21 days beginning with the day the Welsh Ministers request the nomination.

(8) In calculating the period of 21 days mentioned in sub-paragraph (7), no account is to be taken of any time during which Senedd Cymru is dissolved or is in recess for more than 4 days.

*Disapplication of appointment requirements: interim members*

9 (1) Paragraph 8(2) and (3) do not apply where the Welsh Ministers appoint a person as the OEGW's chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in sub-paragraph (2).

(2) The circumstances are—

(a) that the OEGW's chairperson or (as the case may be) deputy chairperson—

(i) has ceased to be a member of the OEGW before the end of the period of office specified in their terms of appointment (by reason of death, resignation, disqualification or removal from office), or

(ii) is suspended from office under paragraph 5(2), and

(b) that as a result, the OEGW's quorum specified in the rules made under paragraph 14 cannot be met.

(3) Paragraph 8(3) does not apply where the Welsh Ministers appoint a person as a non-executive member other than chairperson or deputy chairperson for a period of 12 months or less in the circumstances set out in sub-paragraph (4).

(4) The circumstances are—

(a) that one or more persons—

(i) have ceased to be members of the OEGW before the end of the period of office specified in their terms of appointment (by reason of death, resignation, disqualification or removal from office), or

(ii) are suspended from office under paragraph 5(2), and

(b) that as a result, the OEGW's quorum specified in the rules made under paragraph 14 cannot be met.

PART 5

COMMITTEES AND DELEGATION

*Review committee*

10 (1) The OEGW must establish a committee ("the review committee") to conduct reviews requested under section 20(1).

(2) The OEGW may include as members of the review committee any of the OEGW's members or any members of staff.

(3) The OEGW must also appoint to the review committee 1 or more persons who are not members of the OEGW or members of its staff ("co-opted members").

(4) The OEGW may not appoint a person as a co-opted member unless the person's name is included in a list maintained and published by the OEGW of persons who may be appointed as co-opted members.

(5) The OEGW may not include persons in the list unless it considers that they have experience of, and capability in, one or more of—

(a) environmental law and policy;

(b) environmental science;

(c) investigatory and enforcement proceedings.

(6) Rules made under paragraph 14(3) or (as the case may be) a determination made under paragraph 14(4) must provide—

(a) for the procedure by which the review committee is to appoint one of its members as its chairperson,

(b) that co-opted members are entitled to vote at meetings of the review committee, and

(c) that a member of the review committee may not participate or vote in the committee if it is conducting a review of a compliance notice with which the member was involved.

(7) The OEGW may pay such remuneration, expenses and allowances as it may determine to co-opted members.

*Other committees and sub-committees*

11 (1) The OEGW may establish committees and sub-committees (in addition to the review committee it is required to establish under paragraph 10).

(2) A committee established under this paragraph may establish sub-committees.

(3) A committee or sub-committee established under this paragraph may include persons who are not members of the OEGW or members of its staff ("co-opted members").

(4) A co-opted member is not entitled to vote at a committee or sub-committee established under this paragraph unless authorised by rules made under paragraph 14(3) or a determination made under paragraph 14(4).

(5) The OEGW may pay such remuneration, expenses and allowances as it may determine to co-opted members.

*Joint committees*

12 (1) The OEGW may, in connection with the exercise of its functions, establish a committee jointly with any person.

(2) In this Schedule, a committee established under this paragraph is referred to as a "joint committee".

(3) The OEGW may pay remuneration and allowances to any person who—

(a) is a member of a joint committee, but

(b) is not a member of the OEGW or a member of its staff.

*Delegation*

13 (1) The OEGW may delegate any of its functions to any one or more of its—

(a) committees,

(b) sub-committees (whether established under paragraph 11(1) or (2)),

(c) members, or

(d) members of staff.

(2) A committee of the OEGW may delegate any function exercisable by it to—

(a) a sub-committee of the OEGW (whether established under paragraph 11(1) or (2)),

(b) a member of the OEGW, or

(c) a member of the OEGW's staff.

(3) A sub-committee of the OEGW (whether established under paragraph 11(1) or (2)) may delegate any function exercisable by it to—

(a) a member of the OEGW, or

(b) a member of the OEGW's staff.

(4) The OEGW may—

(a) determine that a committee or sub-committee of the OEGW may not delegate a function specified in the determination;

(b) vary or revoke a delegation made by a committee or sub-committee of the OEGW;

(c) vary a determination, variation or revocation made by a committee under sub-paragraph (5).

(5) A committee of the OEGW that has delegated a function to a sub-committee may—

(a) determine that the sub-committee may not delegate the function;

(b) vary or revoke any delegation of that function made by that sub-committee.

(6) A function is delegated under this paragraph to the extent and on the terms specified by the person making the delegation, but this is subject to sub-paragraphs (4) and (5).

(7) The delegation of a function under this paragraph does not prevent the OEGW (or the committee or sub-committee as the case may be) from exercising the function.

(8) The delegation of a function under this paragraph does not affect the OEGW's responsibility for the exercise of the function.

(9) This paragraph does not apply to the functions of the OEGW or its review committee under section 20 or paragraph 10 of this Schedule.

PART 6

PROCEDURE ETC.

*Procedure*

14 (1) The OEGW must make rules to regulate its own procedure (including quorum).

(2) The number specified in the rules as the OEGW's quorum may not be lower than 4.

(3) The OEGW must make rules to regulate the procedure of its committees and sub-committees (including quorum).

(4) Rules made by the OEGW under sub-paragraph (3) may authorise its committees and sub-committees to determine their own procedure (including quorum).

*Validity of proceedings and acts*

15 The validity of proceedings and acts of the OEGW (or of its committees or sub-committees, or of a joint committee) is not affected by—

(a) a vacancy in the membership of the OEGW, or

(b) any defect in the appointment of a member.

PART 7

FINANCIAL MATTERS

*Funding*

16 (1) The Welsh Ministers must pay to the OEGW such sums as they consider to be sufficient to enable it to carry out its functions.

(2) The Welsh Ministers' payments to the OEGW may be made at such times and on such conditions as the Welsh Ministers may determine.

*Accounting officer*

17 (1) The chief executive of the OEGW is its accounting officer.

(2) If the chief executive is unable to discharge the responsibilities of the accounting officer, the OEGW must nominate another member of its staff to be the accounting officer for as long as the chief executive is unable to discharge the responsibilities.

(3) If the office of chief executive is vacant, the OEGW must nominate a member of its staff to be the accounting officer for as long as the office of chief executive remains vacant.

(4) The accounting officer has, in relation to the accounts and finances of the OEGW, the responsibilities that are for the time being specified by the Welsh Ministers.

(5) The responsibilities that may be specified under this paragraph include (among other things)—

(a) responsibilities in relation to the signing of the accounts;

(b) responsibilities for the propriety and regularity of the finances of the OEGW;

(c) responsibilities for the economy, efficiency and effectiveness with which the OEGW uses its resources;

(d) responsibilities owed to the Welsh Ministers, Senedd Cymru or its Public Accounts Committee.

*Accounts*

18 (1) The OEGW must, for each financial year—

(a) keep proper accounts and proper records in relation to those accounts, and

(b) prepare a statement of accounts.

(2) Each statement of accounts must comply with any directions given by the Welsh Ministers as to—

(a) the information to be included in it,

(b) the manner in which the information is to be presented,

(c) the methods and principles according to which the statement is to be prepared, and

(d) additional information that is to accompany the statement.

(3) No later than 31 August after the end of each financial year, the OEGW must submit its statement of accounts for that financial year to—

(a) the Welsh Ministers, and

(b) the Auditor General for Wales.

(4) In this paragraph, "financial year" means—

(a) the period beginning with the day section 8 comes into force and ending with the second 31 March following that day, and

(b) subsequently, each successive period of 12 months.

*Audit*

19 (1) This paragraph applies in relation to each statement of accounts submitted to the Auditor General for Wales by the OEGW under paragraph 18(3).

(2) The Auditor General for Wales must—

(a) examine, certify and report on the statement of accounts;

(b) provide a copy of the certified statement of accounts and the report to the OEGW.

(3) The Auditor General for Wales must, before the end of the period of 4 months beginning with the day the statement of accounts is submitted ("the 4-month period"), lay before Senedd Cymru—

(a) a copy of the certified statement of accounts and report, or

(b) if it is not reasonably practicable to comply with paragraph (a), a statement to that effect, which must include reasons as to why this is the case.

(4) Where a statement has been laid under sub-paragraph (3)(b), the Auditor General for Wales must lay before Senedd Cymru a copy of the certified statement of accounts and report as soon as reasonably practicable after the end of the 4-month period.

(5) In complying with sub-paragraph (2), the Auditor General for Wales must examine and report on whether, in the opinion of the Auditor General for Wales, the expenditure to which the accounts relate has been incurred lawfully and in accordance with the authority that governs the expenditure.

*Examination into use of resources*

20 (1) The Auditor General for Wales may carry out examinations into the economy, efficiency and effectiveness with which resources have been used in the discharging of the OEGW's functions.

(2) But that does not entitle the Auditor General for Wales to question the merits of the OEGW's policy objectives.

(3) Before carrying out an examination, the Auditor General for Wales must—

(a) consult Senedd Cymru, and

(b) take into account the views of Senedd Cymru as to whether or not an examination should be carried out.

(4) The Auditor General for Wales must—

(a) as soon as is reasonably practicable, publish a report of the results of an examination carried out under this paragraph, and

(b) lay a copy of the report before Senedd Cymru.

PART 8

REPORTING REQUIREMENTS

*Annual report*

21 (1) As soon as is reasonably practicable after the end of each financial year, the OEGW must—

(a) prepare and publish a report on the exercise of its functions during that financial year, and

(b) lay a copy of the report before Senedd Cymru.

(2) If a report indicates that the OEGW considers that the Welsh Ministers did not provide it with sufficient sums to carry out its functions in the financial year to which the report relates, the OEGW must submit the report to the Welsh Ministers.

PART 9

SUPPLEMENTARY PROVISIONS

*Register of interests*

22 (1) The OEGW must establish and maintain a register of its members' interests.

(2) The OEGW must publish the entries recorded in the register of members' interests.

*Supplementary powers*

23 (1) The OEGW may do anything it considers—

(a) appropriate for the purposes of, or in connection with, its functions, or

(b) incidental or conducive to the exercise of those functions.

(2) But the OEGW may not—

(a) charge fees;

(b) borrow money;

(c) invest money;

(d) make grants, lend money or give other financial assistance;

(e) accept gifts of money, land or other property.

## SCHEDULE 2

*(introduced by section 11)*

## THE OFFICE OF ENVIRONMENTAL GOVERNANCE WALES: STRATEGY

*Content*

1 (1) The strategy prepared and published under section 11(1) must set out how the OEGW intends to—

(a) comply with—

(i) its duty to exercise its functions for the general purpose set out in section 10(a), and

(ii) its duties under other enactments, including the duty to carry out sustainable development under Part 2 of the Well-being of Future Generations (Wales) Act 2015 (anaw 2);

(b) act impartially, objectively, proportionately and transparently;

(c) monitor developments in the effectiveness of legislation relating to environmental protection that applies other than in Wales or which is made by international organisations;

(d) collaborate with other persons for the purpose of the exercise of its functions;

(e) exercise its functions in a way that seeks to avoid overlap with the exercise of functions by—

the Auditor General for Wales,

the Committee on Climate Change (within the meaning given by section 32 of the Climate Change Act 2008 (c. 27)),

the Future Generations Commissioner,

the Information Commissioner,

Natural Resources Wales,

the Public Services Ombudsman for Wales, and

any other person whose functions appear to the OEGW to be capable of overlapping with the OEGW's functions.

(2) The strategy must also set out how the OEGW intends to—

(a) in carrying out its functions under section 12(1), monitor any targets relating to the environment set by or under environmental law;

(b) manage representations it receives in accordance with the document published under section 16, including its policy on—

(i) publishing information relating to the representations, and

(ii) prioritising its consideration of the representations;

(c) enable a public authority to make representations to it about an information notice with which the authority has been served.

(3) The strategy must also contain the OEGW's investigation policy, setting out in particular—

(a) how the OEGW intends to take account of different kinds of information in determining whether to carry out an investigation;

(b) circumstances in which the OEGW may determine not to carry out an investigation;

(c) how the OEGW intends to prioritise investigations;

(d) how the OEGW intends to engage with a public authority in relation to which the OEGW is, or is considering, carrying out an investigation;

(e) how the OEGW intends to publish information relating to its investigations.

(4) The strategy must also contain the OEGW's enforcement policy, setting out in particular—

(a) circumstances in which the OEGW may determine—

(i) to serve a compliance notice,

(ii) to publish an improvement report instead of serving a compliance notice, or

(iii) not to serve a compliance notice or publish an improvement report;

(b) how the OEGW intends to prioritise cases in which it considers it appropriate to serve a compliance notice;

(c) how the OEGW intends to engage with a public authority in relation to which the OEGW may, or will, serve a compliance notice or publish an improvement report;

(d) how the OEGW intends to determine—

(i) for the purposes of section 19(1), whether steps specified in a compliance notice are required to be taken urgently to prevent or mitigate an imminent risk of serious damage to the environment or to human health, or

(ii) whether to apply to the High Court for a review under section 21(1);

(e) how the OEGW intends to publish information relating to compliance notices, reviews of compliance notices, and improvement reports.

*Procedural requirements*

2 (1) In preparing the strategy, the OEGW must consult—

(a) a committee of Senedd Cymru for the time being with remit for environmental protection, and

(b) any other persons it considers appropriate.

(2) The OEGW must review its strategy—

(a) before the end of the period of 4 years beginning with the day it is first published, and

(b) subsequently before the end of each period of 4 years beginning with the day the previous review is concluded.

(3) The OEGW may revise its strategy following a review under sub-paragraph (2).

(4) Sub-paragraph (1) applies to a revision of the OEGW's strategy under sub-paragraph (3) as it applies to the initial preparation of the strategy.

(5) If the OEGW revises its strategy under sub-paragraph (3), it must publish the revised strategy as soon as reasonably practicable.

(6) The OEGW must, as soon as reasonably practicable after publishing the strategy or a revised strategy, lay a copy of the strategy or revised strategy before Senedd Cymru.

## SCHEDULE 3
*(introduced by section 30)*

## STAFF TRANSFER SCHEMES

*Power to make staff transfer schemes*

1 (1) The Welsh Ministers may make one or more schemes providing for members of staff of the Welsh Government to become members of staff of the OEGW (a "staff transfer scheme").

(2) A staff transfer scheme may (among other things)—

(a) provide for the transfer of rights and liabilities;

(b) provide for anything done (or having effect as if done) by or in relation to the Welsh Government to be treated as having been done by or in relation to the OEGW;

(c) make any other provision that is the same as or similar to a provision made by the Transfer of Undertakings (Protection of Employment) Regulations 2006 (S.I. 2006/246) in a case where those Regulations do not apply;

(d) provide for the continuation and validity of anything done by or in relation to the Welsh Government before the transfer;

(e) provide for references to the Welsh Government in an instrument or other document to be treated as references to the OEGW;

(f) make consequential, supplementary, incidental or transitional provision.

*Modification of staff transfer schemes*

2 (1) The Welsh Ministers may modify a staff transfer scheme.

(2) But if a transfer of staff under the scheme has taken effect, any modification that relates to the transfer may be made only with the agreement of the person (or persons) affected by the modification.

(3) A modification takes effect from the date when the original scheme came into effect or such later date as the Welsh Ministers may specify.

*Duty to lay staff transfer schemes before Senedd Cymru*

3 The Welsh Ministers must lay a copy of a staff transfer scheme before Senedd Cymru.

*Interpretation*

4 (1) For the purposes of this Schedule—

(a) an individual who holds employment in the civil service is to be treated as employed by virtue of a contract of employment, and

(b) the terms of the individual's employment in the civil service are to be regarded as constituting the terms of the contract of employment.

(2) In sub-paragraph (1) "civil service" means the civil service of the State.

## SCHEDULE 4

*(introduced by section 45)*

## CONSEQUENTIAL AMENDMENTS

*Environment Act 1995 (c. 25)*

1 (1) The Environment Act 1995 is amended as follows.

(2) In section 81B (functions of relevant Welsh public authorities etc.), after subsection (3) insert—

"(3A) Regulations under subsection (3) may not designate the Office of Environmental Governance Wales as a relevant Welsh public authority."

*Government of Wales Act 2006 (c. 32)*

2 In section 148 of the Government of Wales Act 2006 (meaning of "Welsh public records"), after subsection (2)(ka) insert—

"(kb) the Office of Environmental Governance Wales,".

*Welsh Language (Wales) Measure 2011 (nawm 1)*

3 In Schedule 6 to the Welsh Language (Wales) Measure 2011 (persons liable to be required to comply with standards: public bodies etc.), in the table, under the heading "General", after the entry for the Office of Communications insert—

| | |
|---|---|
| "The Office of Environmental Governance Wales ("*Swyddfa Llywodraethiant Amgylcheddol Cymru*") | Service delivery standards<br>Policy making standards<br>Operational standards<br>Record keeping standards" |

*Active Travel (Wales) Act 2013 (anaw 7)*

4 (1) The Active Travel (Wales) Act 2013 is amended as follows.

(2) In section 10B (promotion by local and other authorities of active travel as a way of reducing or limiting air pollution), after subsection (4) insert—

"(4A) Regulations under subsection (3) may not specify the Office of Environmental Governance Wales."

*Well-being of Future Generations (Wales) Act 2015 (anaw 2)*

5 (1) The Well-being of Future Generations (Wales) Act 2015 is amended as follows.

(2) In section 6(1) (meaning of "public body"), after paragraph (f) insert—

"(fa) the Office of Environmental Governance Wales;".