

Julie James MS,  
Minister for Climate Change

20 July 2021

Dear Julie,

### Follow-up questions in relation to the Legislative Consent Memorandum for the Environment Bill

Thank you for attending the Committee's 15 July 2021 meeting to give evidence on the Legislative Consent Memorandum ('LCM') for the Environment Bill ('the Bill').

Following the meeting, the Committee agreed I should write to you to request further information and/or clarification on the issues below.

#### Concurrent plus powers

You told us it is not the Welsh Government's intention for the Secretary of State to use the concurrent plus powers in Part 3 of the Bill. However, you also told us these powers are still needed for the purpose of future proofing.

1. Can you provide a detailed explanation of the circumstances under which you believe it would be appropriate for the Secretary of State to seek to use the concurrent plus powers?
2. Can you set out the criteria the Welsh Ministers would use when determining whether to consent to the use of the concurrent plus powers?
3. You told us the Senedd would be given an opportunity to provide a view on whether the Welsh Ministers should consent to the use of the concurrent plus powers. There is currently no formal process in place to facilitate this. How do you envisage this process working in practice?

#### Part 1 – Environmental governance

You told us you are hoping to introduce a Welsh environmental governance Bill during the second year of the Sixth Senedd.

4. Can you clarify whether you intend to consult on detailed proposals for a new environmental governance system? If so, what timeline are you working towards?

5. What work has the Welsh Government undertaken to date to develop proposals for statutory environmental targets?

Your predecessor told the Fifth Senedd's Climate Change Environment and Rural Affairs Committee she was pursuing with Defra an amendment to the Bill to ensure suitable provision is made for cooperative working between the Office for Environmental Protection and a future environmental governance body for Wales.

6. Can you provide us with an update on this matter? If the Bill has been amended, can you confirm you are satisfied that it makes adequate provision for cooperative working?

### **Part 3 – Waste and resource efficiency**

You told the Committee the Welsh Government is “determined to introduce a plastics Bill” to ban single use plastics. However, the Welsh Ministers already have the power to do this under the Environmental Protection Act 1990 ('the 1990 Act').

7. Why is it necessary to introduce a Bill to ban single use plastics given you already have the power to do this?

8. Can you provide further information on your proposals for a plastics Bill and the timeline you are working towards for its introduction?

9. Can you provide an update us on your discussions with the UK Government in relation to the potential impact of the Internal Market Act on your proposals to ban single use plastics?

### **Part 5 – Water**

10. Can you explain the purpose of the provisions for Wales in Part 5 of the Bill, and how and when you intend to use the powers conferred on the Welsh Ministers in Part 5?

11. Can you clarify whether and how the provisions in Part 5 interact with the regulatory framework for bathing water quality?

### **Part 8 – REACH**

12. What assessment have you made of the potential risks of regulatory divergence from the EU in this area? Do you consider that the new UK REACH regime provides the same level of protection as the EU scheme it has replaced?

13. Can you provide an update on when a final Common Framework on chemicals and pesticides will be available?

### Financial implications

According to the LCM, "There are currently no additional financial implications for the Welsh Government or the Senedd as a result of taking these powers in this bill".

14. What work have you undertaken to assess the potential costs associated with the implementation of the provisions for Wales in the Bill?

During our meeting, you told us you were awaiting a response from the UK Government to your request for a delay in UK Parliamentary proceedings on the Bill to allow further time for Senedd scrutiny of the LCM. It would be helpful if you could inform us of any proposed changes to the scrutiny timetable as soon as possible.

I should be grateful if you would provide a response to the issues set out in this letter by **Friday 30 July 2021**.

Yours sincerely,



Llyr Gruffydd MS  
Chair, Climate Change, Environment, and Infrastructure Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.  
We welcome correspondence in Welsh or English.