

WELSH GOVERNMENT INTEGRATED IMPACT ASSESSMENT

Title of proposal:	Securing a Sustainable Future: Environmental Principles, Governance and Biodiversity targets for a Greener Wales
Official(s) completing the Integrated Impact Assessment (name(s) and name of team):	Matt Edwards Legislation Policy
Department:	LPGU
Head of Division/SRO (name):	Spencer Conlon
Cabinet Secretary/Minister responsible:	Julie James MS, Minister for Climate Change
Start Date:	January 2024

SECTION 1. WHAT ACTION IS THE WELSH GOVERNMENT CONSIDERING AND WHY?

Aims

The collective aim of the proposals contained in the bill and detailed within **Securing a Sustainable Future: Environmental Principles, Governance and Biodiversity targets for a Greener Wales** (“the white paper”) is to strengthen and enhance our response to the climate and nature emergencies.

The proposed bill supports the commitment in the [Programme for Government and Co-operation Agreement](#) to “work towards the establishment of an Environmental Governance Body, a statutory duty and targets to protect and restore biodiversity”. The First Minister also committed in his June 2023 [legislative statement](#) to bring a White Paper forward by January 2024 and a Bill to establish an environmental governance body for Wales, during this Senedd term

The impacts and benefits of these proposals will fall across multiple sectors and will enhance our collective ability to address and respond to the climate and nature challenges ahead.

The strategic proposals within the white paper are divided into three parts, and are as follows:

Part A – Environmental Principles

1. Embed the five EU Environmental principles into Welsh legislation
 - i. Integration
 - ii. Precautionary
 - iii. That preventative action should be taken
 - iv. That environmental damage should as a priority be rectified at source, and
 - v. That the polluter should pay.
2. Introduce a Duty on Welsh Ministers to publish guidance to explain how the environmental principles are intended to be interpreted.
3. Introduce a Duty on Welsh Ministers to have due regard to the environmental principles and the accompanying guidance during the development of its policies and legislation.

Part B – Environmental Governance Body

1. Strengthen environmental governance arrangements in Wales through creating a statutory environmental governance body with a purpose to oversee of the implementation of, and compliance with, environmental law in Wales by the Welsh Ministers and Welsh public authorities.
2. Provide the body with functions to deliver on this purpose, including:
 - a) Supporting monitoring and reporting through data gathering powers and duties to report, including monitoring of statutory targets as they relate to environmental law.

- b) Enabling advice to be provided to Welsh Ministers on changes to environmental law, wider policy and systematic compliance issues; or to Welsh public authorities following consideration of complaints that do not warrant a full investigation and / or where formal enforcement action may not be necessary.
 - c) Enabling complaints and representations around the functioning and implementation of environmental law public to be considered.
 - d) Investigation powers to support evidence gathering and effective scrutiny of alleged non-compliance with environmental law by Welsh public authorities.
 - e) Enforcement powers to address non-compliance with environmental law by Welsh public authorities, including escalation to the courts, judicial review and intervention in civil proceedings.
 - f) Measures to support partnership working with key relevant organisations, such as the office of environmental protection, public service ombudsman etc.
3. Set out how the body will be constituted, including its operating model, appointment process and funding.

Part C – Statutory targets to protect and enhance biodiversity

1. Introduce a headline nature positive target '*to reverse the decline in biodiversity with an improvement in the status of species and ecosystems by 2030 and their clear recovery by 2050*' aimed at driving ambition and actions to tackle the nature emergency.
2. Place a duty on Welsh Ministers to set a suite of statutory supporting biodiversity targets. through secondary legislation to support the headline nature positive target, as well as powers to include interim targets and amend, revoke or replace the biodiversity targets to address the nature emergency.
3. Strengthen implementation, monitoring and reporting of the targets.
4. Place a duty for the Welsh Ministers to make a statutory long-term Wales Biodiversity Strategy and Action Plan setting out how our biodiversity targets will be delivered.
5. Place a duty on key public authorities to ensure they contribute to the delivery of the biodiversity targets.

Context

Long term

What long term trends, challenges and opportunities might affect the proposal?

Recognising the urgent threats posed by climate change and biodiversity loss, the Welsh Government and the Senedd declared climate and nature emergencies in 2019 and 2021, respectively. To address these dual crises, the Welsh Government set ambitious targets such as net-zero greenhouse gas emissions by 2050 and 30% protected areas by 2030. It has also implemented various initiatives to protect biodiversity and restore natural habitats. These efforts aim to balance short-term challenges with long-term environmental improvement.

Since declaring a nature emergency, the Welsh Government has taken steps to address the biodiversity crisis, including:

- Implementing [recommendations](#) from the [biodiversity deep dive](#) that focussed on Wales's response to the global target known as 30 by 30, which is to protect and manage 30 per cent of our land, freshwaters and seas by 2030.
- Developing and implementing the Nature Networks Programme which aims to improve the condition and connectivity of our protected sites network contributing to our international commitments such as 30 by 30. This programme also encourages community engagement whilst also increasing capacity to develop a range of projects to enable our most precious habitats and species to thrive.
- Initiatives such as the [National Peatlands Action Programme](#), [Local Places for Nature](#) and the [National Forest](#) all contribute to tackling the nature emergency as well as the climate emergency which is a key driver of biodiversity loss.
- Ensuring tackling biodiversity is a key component of the Sustainable Farming Scheme which is due to be launched in 2025.
- Updated [Planning Policy Wales](#) to provide further clarity on securing net benefit for biodiversity through the application of the step-wise approach, a stronger emphasis on taking a proactive approach to green infrastructure and strengthened the protection of SSSIs
- The [Marine Protected Area Network Management Grant Scheme](#) which supports proposals to improve understanding of pressures and the introduction of measures to enhance the management of our network, contribute to tackling the nature emergency.

The proposals included in the white paper aim to balance both the short- and long-term challenges posed by these dual emergencies.

In the short-term, we will take the opportunity to strengthen environmental governance in a way fit for Wales, whilst closing any gaps in the Environmental Governance Framework that were created when UK left the EU. In doing so, the new framework will drive environmental improvement in the long term.

The establishment of a bespoke environmental governance body for Wales will also ensure that the environment is protected in the short term, by being able to take enforcement action to address non-compliance. It will also be well-placed to offer specific insight and expertise over the long term to shape future evidence-based environmental policy and decision making.

Further, the target framework that will be created to meet the long-term ambitions of the Welsh Government in driving Environmental protection and reversing the loss of Biodiversity in Wales.

Prevention

- *How does the proposal support the breaking of negative cycles such as poverty, poor health, environmental damage and loss of biodiversity?*

Taking preventative action to reduce the impacts of environmental damage, as well as restore biodiversity will benefit public health, the natural environment and wider society. Specifically, the policy proposals for this Bill will predominantly combat negative cycles around environmental damage and the loss of biodiversity by:

- a. embedding environmental principles at policy conception, ensuring environmental protection is at the heart of Welsh Ministers decision making.
 - b. establishing an environmental governance body that will consider the functioning of environmental law as well as take necessary action against those who do not comply with their obligations environmental law, many of which are designed to improve and protect the natural environment.
 - c. introducing biodiversity targets directly aimed towards protecting and restoring nature.
- *How could the proposal minimise its own negative impacts e.g. minimising waste and resource use, emissions and impact on air quality, negative impact on social / community cohesion?*

The proposals planned through the introduction of the Environmental Governance and Biodiversity Bill are measures which are aimed at strengthening protection and restoration the environment.

The Bill aims to put in place the set of environmental principles which have historically guided law and policy making in the EU and Wales for over 40 years. The focus of the environmental principles is on the prevention of environmental harm. The Bill also aims to fill the governance gap by introducing an governance body which will help to ensure non-regression of environmental rights and to provide continued citizens' right to hold government to account. Introduction of biodiversity targets through the bill aim to deliver impacts which halt and reverse biodiversity decline which underpins the healthy functioning of ecosystems and their ability to continue to deliver essential ecosystem services or benefits for our well-being.

Biodiversity is complex and dynamic and so identifying the right targets is crucial to driving the most appropriate actions and addressing the key issues underpinning biodiversity loss. We need to undertake robust analysis and modelling as it is imperative to get analysis on the specific detail of the targets right to ensure we don't drive unintended consequences in this complex space with potential detrimental effects.

The consequences of poorly designed targets could result in being expensive to implement, drive perverse outcomes and potentially be politically damaging. We will work with key stakeholders through the development of the governance body and biodiversity targets to ensure we do not have unintended consequences on people or communities as a result of this work.

There are also financial consequences of the Bill proposals, which are considered further within the regulatory impact assessment.

- ♦ *Does the proposal treat a symptom or the underlying cause? If so how? If it treats a symptom, what can be done about the underlying cause?*

The proposals in this bill seek to address both the symptoms and underlying cause of issues relating to environmental protection.

Embedding core environmental principles into the Welsh statute book is intended to establish a fundamental foundation for future decisions to be taken against, and supports existing legislation like the Environmental (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.

The environmental governance body is intended to treat 'symptoms' which contribute to negative cycles around biodiversity loss and environmental protection, by ensuring relevant Welsh public authorities are held to account for any non-compliance with environmental law that has been established to strengthen protections and reverse negative trends.

The biodiversity targets will be established to directly address the underlying cause of biodiversity loss in Wales by placing duties on Welsh Ministers and public authorities to take active steps to reverse this trend.

Integration

- *How could this proposal connect and contribute to different public policy agendas and generate multiple benefits e.g. how can a transport project support improvements in health, culture or worklessness?*

There is a strong link between environmental quality and human health. Air pollution, for example, can contribute to respiratory and cardiovascular health problems. Water pollution can lead to infections and diseases such as cholera and typhoid. The Welsh Government's environmental policies, and the legislation that supports these policies, are already working to tackle these impacts, and these will be further strengthened by the proposals through strengthening environmental governance.

Further, The Welsh Government has committed to reducing emissions from the transport sector in reflection of the large contribution towards greenhouse gases and other pollutants.

In respect of the economy, the Welsh Government's approach to sustainable development seeks to balance the need to preserve our natural environment for future generations against opportunities for economic development. The Welsh Government has developed a number of policies that aim to create an environmentally sustainable and prosperous green economy. This includes promoting sustainable forestry and agriculture, developing circular economy initiatives aiming to reduce waste and resource consumption, as well as new jobs and businesses in the green economy.

Overall, the Welsh Government's environmental policy has a number of positive impacts on other public policy areas. It helps to improve public health, reduce greenhouse gas emissions, and create a more sustainable economy. The policy proposals within the proposed bill seek to directly support these integrated areas by strengthening compliance with environmental law, as well as restoration of biodiversity across Wales.

- *What practical steps have you taken to integrate your proposal with the Programme for Government, well-being objectives and plans, as well as those of other public bodies and Public Service Boards, to maximise the proposal's contribution across the seven well-being goals?*

The proposals reflect the First Minister's announcement on the Government's commitment to bringing forward legislation during this Senedd term to establish an environmental governance body for Wales and to introduce a statutory duty and targets to protect and restore biodiversity. More strategically, the proposals will support the PFG's aim to 'embed our response to the climate and nature emergency in everything we do' through embedding environmental principles at the heart of Welsh Ministers decision making,

ensuring action can be taken against those who do not comply with environmental law, as well as introducing targets directly aimed towards protecting and restoring nature.

The planned public consultation provides further opportunity to test these proposals with public bodies and PSBs, and ultimately ensure the overall proposals contribute strongly to the seven well-being goals. CC

Collaboration

Collaboration

- *Who are the partners that have a shared interest in this proposal?*
- *How have those partners been involved in developing the proposal and planning its delivery, and what contribution will they make to it?*

This Bill supports Welsh Government strategic policy formed to address the Climate and Nature emergencies.

The Bill proposals have been developed in collaboration with internal and external stakeholders and groups. A public consultation was held in 2019 on the '[Environmental Principles and Governance Post European Union Exit](#)', and provided a good opportunity for stakeholders across the spectrum to feed into initial thinking.

Following the consultation, Welsh Ministers convened an [Environmental Governance Stakeholder Task Group](#) ('the Task Group' comprised of key stakeholders to work with Welsh Government officials to further develop our thinking. Responses to this consultation and from the task group have formed the basis of the proposals around the environmental principles and governance body.

Although Wales does not yet have a permanent environmental governance body in place, an [Interim Environmental Protection Assessor for Wales](#) (IEPAW) was appointed on 1 March 2021. The role of the IEPAW is to consider issues in relation to the functioning of environmental law in Wales and to submit reports on such issues to the Welsh Ministers setting out their recommendations. The IEPAW also provides members of the public with a mechanism to raise submissions about the functioning of environmental law in Wales, who then considers their validity and can make recommendations for any action they consider may need to be taken by Welsh Ministers. The experience of both stakeholders and the IEPAW has been reflected within the overall proposals for the governance body.

Further engagement will be developed and undertaken in the course of delivering the Full Integrated Impact Assessment, including the outcome of the January white paper consultation, as well as targeted engagement with protected characteristic groups.

Involvement

Involvement

- *How have people affected by the proposal been involved in developing it?*

The 2024 white paper builds on previous engagement carried out through the [2019 consultation](#); committee responses; stakeholder task groups and reports published by the [Interim Environmental Protection Assessor Wales](#) (IEPAW).

An Environmental Governance Stakeholder Task Group ('the Task Group') was established following the Welsh Government's 2019 consultation to provide further recommendations in relation to addressing the Governance gap in Wales.

In summer 2023 the Minister for Climate Change worked with a group of key experts and practitioners to undertake a Biodiversity Deep Dive¹. The focus of the deep dive was to develop recommendations to support protecting and effectively managing at least 30% of our land freshwater and sea for nature by 2030. A key long recommendation from this group was to “*develop primary legislation to set overarching nature recovery targets and establish an environmental governance body to be laid as early as possible in this Senedd term, and a suite of more detailed statutory nature recovery targets focussed on achieving environmental outcomes and delivering Wales’s contribution to the post 2020 global biodiversity framework*”. The policy proposals seek to deliver on this recommendation.

- *What matters to the people affected by the proposal and how might they be involved in its delivery?*

The bill proposals could impact substantively on a number of Welsh public bodies, in the following ways:

1. A potential duty on Welsh public authorities to regard environmental principles.
2. Duties on Welsh public authorities to comply with the environmental governance body, including in respect of a general duty to comply, to provide information when requested, and to follow compliance notice directions.
3. A statutory biodiversity duty requiring public authorities to contribute to the delivery of the statutory biodiversity targets.

Direct engagement with these impacted bodies will be undertaken throughout the consultation period, supported by responses to the white paper consultation itself. A further assessment on involvement will be undertaken following this exercise when delivering the Full Integrated Impact Assessment

Impact

- *What are the main arguments for and against the proposal? Please refer to evidence; acknowledge significant gaps in our knowledge and describe any plans to fill them.*

There is a significant body of research and evidence from Welsh, UK and international sources that makes clear the relationship between the natural environment and well-being. A recent [review](#) on the Economics of Biodiversity led by Professor Sir Partha Dasgupta summarises this context effectively, where it reports:

Nature is essential for human existence and good quality of life. Most of nature’s contributions to people are not fully replaceable, and some are irreplaceable.

Nature across most of the globe has now been significantly altered by multiple human drivers, with the great majority of indicators of ecosystems and biodiversity showing rapid decline.

¹ The deep dive included external representation from Natural Resources Wales, RSPB Cymru, Swansea University, Brecon Beacons National Park Authority, Bangor University, Welsh Water, Cardiff University, Environment Systems, Nature Friendly Farming Network, University of Hull, Wales Coasts and Seas Partnership (CaSP) and Living Landscapes Group

Biodiversity is declining faster than at any time in human history. Current extinction rates, for example, are around 100 to 1,000 times higher than the baseline rate, and they are increasing. Such declines are undermining Nature’s productivity, resilience and adaptability, and are in turn fuelling extreme risk and uncertainty for our economies and well-being.

In addition, we have substantial evidence of the need to tackle environmental harm caused from multiple sources, including agricultural, commercial, domestic, industrial and transport. Welsh Government has devolved responsibility to deliver on statutory targets in keeping with the sustainable development principle, and ensure the legislation that has been put in place to achieve these aims is complied with and remains effective.

- *How widely have you explored these arguments through involvement and collaboration?*

Our initial proposals have been built upon previous engagement and consultation, but we welcome further views on the identified impacts, the evidence presented and any areas we have not yet considered during white paper engagement.

Costs and Savings

A full Regulatory Impact Assessment will be undertaken to look at the cost benefit analysis. A draft regulatory impact assessment will be published alongside the white paper.

The Full Integrated Impact Assessment that will accompany the future bill will reflect both feedback from the White Paper and ongoing engagement.

Costs and savings of the proposals will be assessed as part of a Cost Benefit Analysis and Regulatory Impact Assessment, which will be published alongside a future bill.

Mechanism

The proposal is to bring forward primary legislation. A Regulatory Impact Assessment and Integrated Impact Assessment will be completed alongside a future bill.

SECTION 8. CONCLUSION

8.1 How have people most likely to be affected by the proposal been involved in developing it?

1. In March 2019 the Welsh Government launched a consultation on **Environmental principles and governance in Wales post European Union exit**, seeking views on how to deliver an effective environmental governance framework in Wales post-EU exit (the 2019 consultation). Following the 2019 consultation, the Welsh Government subsequently commissioned a stakeholder task group, the “Environmental Governance Stakeholder Task Group” (the Task Group), to assist with the development of options for environmental governance arrangements in Wales. The Task Group was chaired by Professor Robert Lee and comprised key environmental organisations and academics.

2. The outcome of the 2019 consultation, the 2020 task group, and general engagement with stakeholders throughout 2021-2023 underpin the proposals around environmental principles and the environmental governance body.
3. In summer 2023 the Minister for Climate Change worked with a group of key experts and practitioners to undertake a Biodiversity Deep Dive. The focus of the deep dive was to develop recommendations to support protecting and effectively managing at least 30% of our land freshwater and sea for nature by 2030. A key long recommendation from this group was to *“develop primary legislation to set overarching nature recovery targets and establish an environmental governance body to be laid as early as possible in this Senedd term, and a suite of more detailed statutory nature recovery targets focussed on achieving environmental outcomes and delivering Wales’s contribution to the post 2020 global biodiversity framework”*. The policy proposals seek to deliver on this recommendation.
4. A White paper will be published in January 2024 on the policy proposals and will be supported by wider direct engagement with stakeholders.

8.2 What are the most significant impacts, positive and negative?

The proposals of the bill seek to support Welsh Government aspirations around protecting the environment and reversing the loss of biodiversity. In doing so, they will have a significant positive impact on people and communities, particularly in respect of individual health, benefits to people working in Wales, as well as general community and social cohesion.

The impacts of the bill will further demonstrate Welsh Ministers contribution to the sustainable development principle of the Well-being of Future Generations (Wales) Act 2015, improving economic, social, environmental and cultural well-being of Wales, and proposals are grounded in the seven well-being goals in the act.

Previous consultation and engagement has demonstrated clear support for further action across all three areas of the proposals.

8.3 In light of the impacts identified, how will the proposal:

- **maximise contribution to our well-being objectives and the seven well-being goals; and/or,**
- **avoid, reduce or mitigate any negative impacts?**
- **A Resilient Wales:** The proposals will drive significant and positive impact locally, regionally and nationally on the Welsh environment and ecosystem functioning by strengthening compliance and implementation of existing environmental law, as well as introducing specific targets to improve the ecosystem.
- **A Prosperous Wales:** Strengthening governance arrangements and restoring biodiversity will support a number of policies that aim to create an environmentally

sustainable and prosperous green economy. This includes promoting sustainable forestry and agriculture, developing circular economy initiatives aiming to reduce waste and resource consumption, as well as new jobs and businesses in the green economy. Protecting and restoring ecosystems can provide sustainable livelihoods for communities that depend on natural resources for their income and food security, and healthy ecosystems can help to buffer communities from the impacts of natural disasters, such as floods, storms, and droughts.

- **A Wales of vibrant culture and thriving Welsh Language:** Protection of the natural environment and restoring biodiversity will enhance the cultural capital of Wales and provide further opportunity for outdoor activities. We will ensure equal standards in English and Welsh through the implementation of the proposals contained in the Bill, including when considering appointments to the governance body.
- **A Healthier Wales:** The bill proposals will contribute to a healthier Wales through improved compliance with legislation driving air and water quality enhancements, which will lead to a decrease in respiratory and cardiovascular diseases, as well as other health problems linked to pollution exposure. Further, restoring and improving nature provides better access to green spaces, encouraging people to be more active, which can reduce the risk of obesity, heart disease, and other chronic health conditions, as well as yield substantial mental health benefits.
- **A more equal Wales:** The benefits of strengthening environmental protections and restoring biodiversity will improve health and welfare for everyone, with the greatest impact likely to be felt by those who disproportionately experience greater impacts from pollution due to health or socioeconomic reasons.
- **A Wales of cohesive communities:** Connecting with nature and participating in environmental activities can foster a sense of community and shared values among residents. Parks, community gardens, and other green spaces provide opportunities for people to gather, socialize, and build relationships and exposure to nature can promote resilience in the face of adversity and build a sense of hope and optimism.
- **A globally responsible Wales:** We are facing a nature and climate emergency at a global level, with human activities causing climate change at an unprecedented rate, leading to more extreme weather events, rising sea levels, and melting glaciers. One in six species in Wales (of those monitored) face extinction. The Bill demonstrates Welsh Ministers commitment towards the environment and global biodiversity, and further consolidates Wales's standing in the international community as a country dedicated to sustainability and environmental action.

Negative impacts

The Bill aims to put in place the set of environmental principles which have historically guided law and policy making in the EU and Wales for over 40 years. The focus of the environmental principles is on the prevention of environmental harm. The Bill also aims to fill the governance gap by introducing an governance body which will help to ensure non-regression of environmental rights and to provide continued citizens' right to hold government to account. Introduction of biodiversity targets through the bill aim to deliver impacts which halt and reverse biodiversity decline which underpins the healthy

functioning of ecosystems and their ability to continue to deliver essential ecosystem services or benefits for our well-being.

Biodiversity is complex and dynamic and so identifying the right targets is crucial to driving the most appropriate actions and addressing the key issues underpinning biodiversity loss. We need to undertake robust analysis and modelling as it is imperative to get analysis on the specific detail of the targets right to ensure we don't drive unintended consequences in this complex space with potential detrimental effects.

The consequences of poorly designed targets could result in being expensive to implement, drive perverse outcomes and potentially be politically damaging.

We will work with key stakeholders through the development of the governance body and biodiversity targets to ensure we do not have unintended consequences on people or communities as a result of this work.

There are also financial consequences of the Bill proposals, which are considered further within the regulatory impact assessment.

The extent of this impact will be further tested through upcoming consultation and engagement, including through the proposed White paper.

8.4 How will the impact of the proposal be monitored and evaluated as it progresses and when it concludes?

The proposals are in a formative stage and are still being developed, including through stakeholder consultation. As we further develop the policy approach, we will consider how the proposals should be reviewed post-implementation. As the proposals will require primary legislation a Bill will be introduced in the Senedd during this term. Following implementation, it will be subject to regular monitoring, evaluation and review.

SECTION 9. DECLARATION

Declaration

I am satisfied that the impact of the proposed action has been adequately assessed and recorded.

Name of Senior Responsible Officer / Deputy Director: Spencer Conlon

Department: Climate Change and Rural Affairs

Date: 15/01/2024

1. Policy objectives

Our policy objectives for the proposed Bill are to complement and enhance the existing environmental policy and legislation framework through:

- I. embedding a set of fundamental environmental principles into Welsh law, which will be considered at the heart policy-making decisions and legislative proposals.
- II. establishing a new environmental governance body, which will hold Welsh public authorities to account for any non-compliance with environmental law, including through enforcement action.
- III. setting impactful biodiversity targets; ensuring we are taking active steps to protect and restore biodiversity across Wales.

Collectively, the proposals will drive action in tackling the climate and nature emergency by driving environmental improvement from policy conception through to providing oversight across all environmental legislation.

2. Gathering evidence and engaging with children and young People

The proposals set out in the White Paper have been developed in light of the feedback to the [Consultation on Environmental Principles and Governance post Brexit](#) launched in 2019.

The proposals set out in the White Paper will be consulted on alongside a draft Regulatory Impact Assessment and draft Integrated Impact Assessment.

We are considering how to best engage with children and young people during the development of our approach, for how we will seek to engage with children and young people or their representatives during the consultation period, particularly in relation to those elements of the reform agenda that could have greater relevance to them.

As part of this, we will work with relevant specialists within Welsh Government to craft a targeted approach that will provide a direct opportunity for children and young people to input into our policy thinking.

- **What participatory work with children and young people have you used to inform your policy? If you have not engaged with children and young people, please explain why.¹**

As the policy develops, we hope to establish links with the Children’s Rights Advisory Group. We also intend to engage directly with the Children’s Commissioners office during the development of proposals for the Bill to seek their feedback and views. We will continue this working relationship as we progress through the Bill process and move towards implementation.

3. Analysing the evidence and assessing the impact

The policy proposals form part of our wider strategy to address the climate and nature emergencies, and failing to do so will significantly impact on future generations.

Children are uniquely vulnerable to the impacts of environmental harm and climate change. Their developing bodies and brains can be more susceptible to the harmful effects of pollution and extreme weather events. Additionally, children spend more time outdoors than adults, which increases their exposure to environmental hazards. Specific risks include:

- Children are more likely to develop respiratory illnesses, such as asthma and pneumonia, from air pollution.²
- Climate change can disrupt food production and distribution, leading to food insecurity and malnutrition. Children may not get the nutrients they need to grow and develop properly, which can have lifelong consequences for their health and well-being.³
- Extreme weather events can damage schools and disrupt education. Children may have to miss school to help their families or to find safe shelter. This can lead to missed learning opportunities and hinder their educational progress.
- Children are more likely to be affected by the psychological stress associated with climate change. They may experience fear, anxiety, and hopelessness about the future.⁴ These emotional problems could then interfere with their social and emotional development.

Welsh Government already has a range of policies and legislation to combat the climate and nature emergency and mitigate these risks, but if both Welsh Government and Welsh public authorities do not meet their statutory duties on the environment, environmental damage could be caused which will no longer mitigate these risks. Young people would therefore have an interest in how public authorities are held to account for complying with their environmental statutory duties.

The role of the Governance body will be to ensure that public authorities comply with wider environmental law, as well as oversee the wider implementation and effectiveness of the law.

In a similar vein, young people also have an interest in understanding the commitment to the restoration of Biodiversity in light of the Climate and Nature emergencies. The setting of Biodiversity targets provides markers of intent not only demonstrating the strength of support for the reversal of biodiversity decline, but a public commitment to action.

We intend to continue gathering details of a number of studies and research papers on the effects of the reversal and restoration of biodiversity. As new evidence is found, this impact assessment will be updated.

- **How does your proposal enhance or challenge children's rights, as stipulated by the UNCRC articles and its Optional Protocols? Please refer to the [articles](#) to see which ones apply to your own policy.**

² [Air quality and respiratory health in children - PMC \(nih.gov\)](#)

³ [Maternal and Child Nutrition \(thelancet.com\)](#)

⁴ [Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey - The Lancet Planetary Health](#)

Based on early thinking in relation to the policy proposals, we have considered how the proposals set out in the White Paper impact on the United Nations Convention on Rights of a Child (“the UNCRC”). The Articles we consider could apply are Articles 1, 2, 3, 6, 12, 13, 15, 23, 27, 31 and 36. The remainder of the Articles have been assessed as not applicable.

We have not identified any direct negative impacts for children or young people arising from the proposals set out in the White Paper, though this will be explored in more depth during the previously mentioned targeted engagement.

UNCRC Articles or Optional Protocol	Enhances (X)	Challenges (X)	Explanation
Article 1: Everyone under 18 years of age has all the rights in this Convention.	X		The White Paper sets out proposals to ensure that the public can raise a complaint in a free and fair fashion to the new Environmental Governance Body. During the policy development, we will articulate further the steps we will take to ensure that young people have access to, and awareness of the processes open to them.
Article 2: The Convention applies to everyone whatever their race, religion, abilities, whatever they think or say and whatever type of family they come from.	X		
3 - All Organisations concerned with children should work towards what is best for each child	X		The proposals seek to indirectly promote children’s well-being through strengthening environmental law and restoring biodiversity.
Article 6: All children have the right of life. Governments should ensure that children survive and develop healthily	X		The proposals seek to indirectly promote children’s health through strengthening compliance with environmental law, particularly in relation to air and water quality.
Article 12: Children have the right to say what they think should happen, when adults are making decisions that affect them, and to have their opinions taken into account.	X		Children and young people will be provided an opportunity to feed into these proposals through the consultation process, as well as targeted engagement.
Article 13: Children have the right to get and to share information as long as the information is not damaging to them or to others	X		Children and young people will be provided an opportunity to feed information and their insight into these proposals through the consultation process, as well as targeted engagement.

15 - children have a right to meet together and to join groups and organisations, as long as this does not stop other people from enjoying their rights	X		Driving further compliance with environmental law, as well as restoring biodiversity, will enhance green spaces and provide further opportunity for children to meet.
Article 23: Children who have any kind of disability should have special care and support so that they can lead full and independent lives	X		Evidence shows that children and disabled people can be disproportionately impacted by negative health outcomes associated with pollution. Strengthening compliance with environmental law will further support this group.
27 - children have a right to a standard of living that is good enough to meet their physical and mental needs. The government should help families who cannot afford to provide this.	X		Driving further compliance with environmental law, as well as restoring biodiversity, will enhance green spaces and provide further opportunity for children to meet mental and physical needs.
31 - All children have a right to relax and play, and join in a wide range of activities	X		Driving further compliance with environmental law, as well as restoring biodiversity, will enhance green spaces and provide further opportunity for children to engage in activities
36 - children should be protected from activities that could harm their development	X		Evidence shows that children and disabled people can be disproportionately impacted by negative health outcomes associated with pollution. Strengthening compliance with environmental law will further support this group.

4. Ministerial advice and decision

Our CRIA findings and analysis will be integrated into our ministerial advice to inform their decision.

6. Communicating with Children and Young People

If you have sought children and young people's views on your proposal, how will you inform them of the outcome?

Through the consultation process we are discussing how best to seek views from young people on the proposals and will update this section when further information is available.

7. Monitoring and Review

The proposals are in a formative stage and are still being developed, including through stakeholder consultation. As we further develop the policy approach, we will consider how the proposals should be reviewed post-implementation. As the proposals will require primary legislation a Bill will be introduced in the Senedd during this term. Following implementation, it will be subject to regular monitoring, evaluation and review. Further, the CRIA will be updated to reflect any secondary legislation that may be introduced

1. Describe and explain the impact of the proposal on people with protected characteristics as described in the Equality Act 2010.

The proposals of the bill seek to support Welsh Government aspirations around protecting the environment and reversing the loss of biodiversity. In doing so, they will have a significant positive impact on citizens across Wales, including those with protected characteristics. It will also indirectly support the Welsh Government's further development to affect a 'just transition' away from the fossil-fuelled economy of the past to a new low carbon future, where we move to a cleaner, stronger, fairer Wales whilst leaving no-one behind

Evidence clearly shows that there are major impacts being felt from climate change and extreme weather events in Wales. Experts recognise that climate change is not an isolated phenomenon, but moreover closely linked to other planetary systems such as biodiversity, water cycles, and land use.⁵

The health risks posed by climate change won't play out evenly across the UK, both in terms of location and generation. Some threats, like novel vector-borne diseases, drought, and wildfires, might hit southern regions first. Others, like sea-level rise and flooding, will primarily impact coastal towns, low-lying areas, and floodplains. An aging population will further amplify national vulnerability to climate-related health issues in the coming decades. These risks will exacerbate existing health disparities and inequalities. People with limited control over their environment, adaptability, or ability to respond to new threats will be most at risk, including children, people with disabilities, those experiencing homelessness, and individuals residing in specific settings like prisons, schools, and social care facilities.⁶

It is in this context that we have considered the benefits of the proposals, which we think will be particularly acute in respect of individual health, benefits to people working in Wales, as well as general community and social cohesion.

Benefits to individual health include:

- Improved compliance with legislation driving air and water quality enhancements, which will lead to a decrease in respiratory and cardiovascular diseases, as well as other health problems linked to pollution exposure.⁷
- Restoring and improving nature will provide access to green spaces, encouraging people to be more active, which can reduce the risk of obesity, heart disease, and other chronic health conditions.⁸

⁵ [PHW-Climate-Change-HIA-Summary-Report-English-Final-10_2023-002.pdf](#)
(phwwhocc.co.uk)

⁶ [Health Effects of Climate Change in the UK: state of the evidence 2023](#)
(publishing.service.gov.uk)

⁷ [Health matters: air pollution - GOV.UK](#) (www.gov.uk)

⁸ [\(PDF\) Urban green spaces and health - a review of evidence](#) (researchgate.net)

- Spending time in nature has been shown to lower stress levels, reduce anxiety, and improve mood.⁹

Benefits to people working in Wales include:

- Protecting and restoring ecosystems can provide sustainable livelihoods for communities that depend on natural resources for their income and food security.¹⁰
- Healthy ecosystems can help to buffer communities from the impacts of natural disasters, such as floods, storms, and droughts.¹¹
- Green job creation: Investing in renewable energy, sustainable agriculture, and other environmentally friendly industries can create new jobs and boost economic growth.¹²

Benefits to communities and social cohesion include:

- Connecting with nature and participating in environmental activities can foster a sense of community and shared values among residents.¹³
- Enhanced social interactions: Parks, community gardens, and other green spaces provide opportunities for people to gather, socialize, and build relationships.

Exposure to nature can promote resilience in the face of adversity and build a sense of hope and optimism.¹⁴

As policy is developed, this assessment will be updated. . Further consideration of these impacts against each characteristic is provided below.

2. Record of Impacts by protected characteristic:

Age

For children and young people, which we consider as those aged between 0 – 18 years of age, evidence suggests they are uniquely vulnerable to the impacts of environmental harm and climate change. Their developing bodies and brains can be more susceptible to the harmful effects of pollution and extreme weather events. Additionally, children spend more time outdoors than adults, which increases their exposure to environmental hazards.

Specific risks include:

- Children are more likely to develop respiratory illnesses, such as asthma and pneumonia, from air pollution.¹⁵

⁹ [Nature and mental health: An ecosystem service perspective | Science Advances](#)

¹⁰ [Economics of Ecosystems and Biodiversity teebweb.org](#)

¹¹ [download \(undrr.org\)](#)

¹² [Final Report - The Economics of Biodiversity: The Dasgupta Review - GOV.UK \(www.gov.uk\)](#)

¹³ [Interrelations between sense of place, organizational commitment, and green neighborhoods - ScienceDirect](#)

¹⁴ [Nature-based outdoor activities for mental and physical health: Systematic review and meta-analysis - ScienceDirect](#)

¹⁵ [Air quality and respiratory health in children - PMC \(nih.gov\)](#)

- Climate change can disrupt food production and distribution, leading to food insecurity and malnutrition. Children may not get the nutrients they need to grow and develop properly, which can have lifelong consequences for their health and well-being.¹⁶
- Extreme weather events can damage schools and disrupt education. Children may have to miss school to help their families or to find safe shelter. This can lead to missed learning opportunities and hinder their educational progress.
- Children are more likely to be affected by the psychological stress associated with climate change. They may experience fear, anxiety, and hopelessness about the future.¹⁷ These emotional problems could then interfere with their social and emotional development.

Welsh Government already has a range of policies and legislation to combat the climate and nature emergency and mitigate these risks, but if both Welsh Government and Welsh public authorities do not meet their statutory duties on the environment, environmental damage could be caused which will no longer mitigate these risks. Young people would therefore have an interest in how public authorities are held to account for complying with their environmental statutory duties.

The role of the Governance body will be to ensure that public authorities comply with wider environmental law, as well as oversee the wider implementation and effectiveness of the law.

In a similar vein, young people also have an interest in understanding the commitment to the restoration of Biodiversity in light of the Climate and Nature emergencies. The setting of Biodiversity targets provides markers of intent not only demonstrating the strength of support for the reversal of biodiversity decline, but a public commitment to action.

We intend to continue gathering details of a number of studies and research papers on the effects of the reversal and restoration of biodiversity. As new evidence is found, this impact assessment will be updated.

For those between young and average retirement age (18-64), the proposals will yield similar indirect health and social benefits as those identified in respect of children. Additionally, as this group are primarily of 'working age' there will be particular benefits to this group, including;

- protecting and restoring ecosystems can provide sustainable livelihoods for communities that depend on natural resources for their income and food security.¹⁸
- Healthy ecosystems can help to buffer communities from the impacts of natural disasters, such as floods, storms, and droughts.¹⁹
- Green job creation: Investing in renewable energy, sustainable agriculture, and other environmentally friendly industries can create new jobs and boost economic growth.²⁰

¹⁶ [Maternal and Child Nutrition \(thelancet.com\)](https://www.thelancet.com)

¹⁷ [Climate anxiety in children and young people and their beliefs about government responses to climate change: a global survey - The Lancet Planetary Health](#)

¹⁸ [Economics of Ecosystems and Biodiversity teebweb.org](http://teebweb.org)

¹⁹ [download \(undrr.org\)](https://undrr.org)

²⁰ [Final Report - The Economics of Biodiversity: The Dasgupta Review - GOV.UK \(www.gov.uk\)](https://www.gov.uk)

For older persons (65 and over), similarly to children, air and water pollution has a particularly adverse effect²¹, specifically in terms of respiratory and cardiovascular diseases. Strengthening environmental protections will have a positive impact on the health of older people. Further, studies show that access to green spaces provide older people with enhanced opportunity for social interaction, alleviates stress and provides improvements to mood and concentration, leading to a significant contribution in older people's well-being.²²

The proposals seek to strengthen the Environmental Governance Framework within Wales and combat the loss of biodiversity. The previous section outlines the benefits that nature and the environment provide across all age groups within society. The introduction on a permanent Environmental Governance Body will offer an escalation route for all members of the public to raise complaints about potential environmental breaches.

Disability

Protecting the environment and reversing biodiversity loss will provide benefits to disabled people. Preserving clean air and water quality can alleviate respiratory and immune system issues, which could be particularly impactful for individuals with impairments or health conditions that affect these systems.

Maintaining well-functioning and accessible public spaces like parks, nature trails, and green areas creates opportunities for recreation and connection to nature for everyone. Exposure to green spaces has been shown to reduce stress, improve mood, and promote physical activity, all of which benefit mental and physical health, including for disabled people.

The proposed Environmental Governance Body will need to be comprised of a range of experts with diverse backgrounds and perspectives. The chair of the body will be expected to demonstrate commitment to and notable delivery against principles of equality and diversity. When appointing the chair and board, we will be pro-active in targeting specific sectors and organisations, such as Disability Wales, and Learning Disability Wales, to make them aware of employment opportunities. The body is expected to similarly maintain this approach when employing into their organisation. They should also consider using the services of Disabled People's Employment Champions to enhance their approach to inclusive recruitment. Appointments to the body's board are expected to be made using the public appointments process. The Welsh Government is a Disability Confident Leader, and through public appointments process we have committed to interview any candidate with an impairment, health condition, who is neurodivergent or who uses British Sign Language if they meet the minimum criteria for a role.

Gender Reassignment (the act of transitioning and Transgender people)

Protecting the environment supports the well-being of Transgender people. The associated physical and mental health benefits of access to nature will benefit everyone, including transgender individuals. Further pollution and climate change can disproportionately impact marginalized communities, including LGBTQ+ individuals, who

²¹ [The effects of air pollution on hospitalizations for cardiovascular disease in elderly people in Australian and New Zealand cities - PubMed \(nih.gov\)](#)

²² [Urban Green Space and Subjective Well-Being of Older People: A Systematic Literature Review - PMC \(nih.gov\)](#)

may face greater exposure due to housing disparities²³ or discrimination in employment²⁴. Environmental protection reduces these health risks for all, including for transgender people.

We recognise the experiences of transgender people are diverse, and environmental issues may affect them differently depending on factors like race, class, and geography. However, recognizing the interconnectedness of environmental justice and LGBTQ+ rights can create opportunities for broader solidarity, recognising that the environment is for everyone regardless of identity, race or characteristic.

Pregnancy and maternity

Measures to improve environmental protection will benefit both pregnant people and their developing babies, impacting their immediate health and the long-term well-being of their children. The specific impacts on children are detailed in the assessment of the 'age' characteristic.

In respect of pregnant individuals, they are more susceptible to the harmful effects of air and water pollution that could lead to low birth weight, preterm birth as well as increased risk of respiratory problems for developing infants. Contaminated water can expose pregnant women and their fetuses to toxins and heavy metals, impacting fetal development and causing health problems like birth defects.

Further, providing and protecting safe, recreational spaces like clean parks and natural areas provides opportunities to exercise, reduce stress, and improve mental well-being. These factors contribute to a healthy pregnancy and overall well-being.

Race (include different ethnic minorities, Gypsies and Travellers and Migrants, Asylum seekers and Refugees)

UK Government research²⁵ shows that those in the 'non-white' ethnic groups were more likely to be in persistent low income. Low-income communities often face a disproportionate burden of environmental hazards²⁶. This can include exposure to air and water pollution from industrial facilities, living near hazardous waste sites, and lacking access to safe drinking water and green spaces. These factors contribute to higher rates of health problems like asthma, cancer, and heart disease in these communities.

Research also shows outcomes for Gypsy, Roma and Traveller communities are poor compared to other ethnic groups, which could stem from the consequences of living on Traveller sites or actively travelling, as well as direct and indirect discrimination. When health problems arise, there are also issues with accessing healthcare services, registering for services due to discrimination or language and literacy barriers, and problems associated with a lack of trust leading to a lack of engagement with public health campaigns²⁷.

²³ [LGBTQ+ and Homelessness - Statistics and Support | Crisis UK](#)

²⁴ [lgbt_in_britain_work_report.pdf \(stonewall.org.uk\)](#)

²⁵ [Persistent low income - GOV.UK Ethnicity facts and figures \(ethnicity-facts-figures.service.gov.uk\)](#)

²⁶ [Disparities in the Impact of Air Pollution | American Lung Association](#)

²⁷ [Tackling inequalities faced by Gypsy, Roma and Traveller communities - Women and Equalities Committee \(parliament.uk\)](#)

Religion, belief, and non-belief

Limited literature has been found on the impacts of environmental protection on religious belief.

Sex / Gender

The policy proposals are expected to have a positive impact in respect of sex / gender, recognising there may be disproportionate impacts of pollution on people working in outdoor workplaces.²⁸

The proposed Environmental Governance Body will need to be comprised of a range of experts with diverse backgrounds and perspectives. The chair of the body will be expected to demonstrate commitment to and notable delivery against principles of equality and diversity. Appointments to the body are expected to be made using the public appointments process.

Sexual orientation (Lesbian, Gay and Bisexual)

The associated physical and mental health benefits of access to nature will benefit everyone, including lesbian, gay and bisexual individuals. Further pollution and climate change can disproportionately impact marginalized communities, including LGBTQ+ individuals, who may face greater exposure due to housing disparities²⁹ or discrimination in employment³⁰. Environmental protection reduces these health risks for all, including the LGBTQ+ community.

We recognise the experiences of LGBTQ+ people are diverse, and environmental issues may affect them differently depending on factors like race, class, and geography. However, recognizing the interconnectedness of environmental justice and LGBTQ+ rights can create opportunities for broader solidarity, recognising that the environment is for everyone regardless of identity, race or characteristic.

The proposed Environmental Governance Body will need to be comprised of a range of experts with diverse backgrounds and perspectives. The chair of the body will be expected to demonstrate commitment to and notable delivery against principles of equality and diversity. Appointments to the body are expected to be made using the public appointments process.

Marriage and civil partnership

We have considered and have not identified any implications relating to unlawful discrimination in relation to marriage or civil partnership associated with these policy proposals

Children and young people up to the age of 18

²⁸ [Long-term exposure to NO2 and PM10 and all-cause and cause-specific mortality in a prospective cohort of women - PubMed \(nih.gov\)](#)

²⁹ [LGBTQ+ and Homelessness - Statistics and Support | Crisis UK](#)

³⁰ [lgbt_in_britain_work_report.pdf \(stonewall.org.uk\)](#)

The specific impacts on children and younger people up to the age of 18 are detailed within the assessment of the 'age' characteristic and the Children's Rights Impact Assessment.

Low-income households

Low-income communities often face a disproportionate burden of environmental hazards³¹. This can include exposure to air and water pollution from industrial facilities, living near hazardous waste sites, and lacking access to safe drinking water and green spaces. These factors contribute to higher rates of health problems like asthma, cancer, and heart disease in these communities.

Strengthening environmental protection will benefit these communities by further mitigating the impacts and likelihood of these environmental hazards.

3. Human Rights and UN Conventions

Do you think that this policy will have a positive or negative impact on people's human rights?

Our initial assessment is that the proposals are compatible with [UN](#) Convention rights and do not have a negative impact on people's human rights. The proposals may indirectly have a positive impact in relation to The International Covenant on Economic, Social and Cultural Rights³², which includes

- the right to work in just and favourable condition
- the right to social protection, to an adequate standard of living and to the highest attainable standards of physical and mental well-being;

4. EU/EEA and Swiss Citizens' Rights

4.1 Residency – the right to reside and other rights related to residence: rights of exit and entry, applications for residency, restrictions of rights of entry and residence;

The proposal will have no effect.

4.2 Mutual recognition of professional qualifications –the continued recognition of professional qualifications obtained by EU/EEA/Swiss citizens in their countries (and already recognised in the UK);

The proposal will have no effect.

4.3 Access to social security systems – these include benefits, access to education, housing, and access to healthcare.

The proposal will have no effect.

³¹ [Disparities in the Impact of Air Pollution | American Lung Association](#)

³² <http://www.ohchr.org/EN/ProfessionalInterest/Pages/CESCR.aspx>

4.4 Equal treatment – this covers non-discrimination, equal treatment, and rights of workers;

The proposal will have no effect.

4.5 Workers rights - Workers and self-employed persons who are covered under the Citizens Rights Agreements are guaranteed broadly the same rights as they enjoyed when the UK was a Member State. They have a right to not be discriminated against due to nationality, and the right to equal treatment with UK nationals.

The proposal will have no effect.