Llywodraeth Cymru
Welsh Government

Number: 55633

Welsh Government

Consultation on the draft Environmental Principles and Integrating Environmental Protection Statement

Summary of Responses and Ministerial Response

November 2026

Mae'r ddogfen hon ar gael yn Gymraeg hefyd / This document is also available in Welsh
Rydym yn croesawu gohebiaeth a galwadau ffôn yn Gymraeg / We welcome correspondence and telephone calls in Welsh

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Summary of Responses and Ministerial Response to the Consultation on the draft Environmental Principles and Integrating Environmental Protection Statement

Context

1. This document summarises the responses received to the Welsh Government public consultation on the draft Environmental Principles and Integrating Environmental Protection Statement (the 'draft Statement'). It also sets out the Ministerial response to the main issues raised. It describes the consultation carried out, alongside the proposed next steps for finalising the Statement.

2. This document has been prepared in accordance with section 7 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 ('the Environmental Governance Act 2026'), in particular section 7(2)(b). Section 7 sets out the procedural requirements for preparing the Statement, including public consultation and Senedd scrutiny.

3. The Welsh Government carried out a public consultation on the draft Statement from 19 June to 11 September 2026. The organisations consulted directly, included Natural Resources Wales ("NRW") and the Future Generations Commissioner for Wales in line with statutory requirements. The Interim Environmental Protection Assessor for Wales ("IEPAW") was also consulted as the Office of Environmental Governance Wales ("OEGW") is not fully established.

4. Online briefing sessions were held on 7 July and 2 September 2026, providing an opportunity for questions on any aspect of the draft Statement. NRW, the Future Generations Commissioner for Wales and the IEPAW each attended at least one of these sessions.

5. Further direct engagement also took place with NRW and certain other public authorities which are directly affected by the duties in the Environmental Governance Act 2026.

6. The consultation received 36 individual responses. The majority supported the approach set out in the draft Statement.

7. This summary of responses may not reflect every issue raised in full. However, each response has been considered carefully.

8. This document is laid before the Senedd together with a copy of the draft Statement in accordance with section 7(2) of the Environmental Governance Act 2026. It is also published on GOV.WALES.

9. The Welsh Government will review and revise the draft Statement, taking account of the consultation responses, any recommendations made by the Senedd and all other relevant factors. It intends to publish and lay before the

Senedd the final Statement by 31 March 2027, in accordance with section 7 of the Environmental Governance Act 2026.

Action Required

This document is for information only.

Further information and related documents

Large print, Braille and alternative language versions of this document are available on request.

Contact details

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Additional copies

This summary of response and copies of all the consultation documentation are published in electronic form only and can be accessed on the Welsh Government's website. This document will also be laid in the Senedd alongside the draft Statement.

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Background

10. Part 1 of the Environmental Governance Act 2026 establishes a new, stronger legislative framework for environmental governance in Wales. It does this by imposing duties on the Welsh Ministers, NRW and certain other public authorities to apply certain environmental principles and to integrate environmental protection. The 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; and (d) the polluter pays principle.

11. These duties are intended to be the foundation for ensuring a high level of environmental protection and an improvement of the environment are integrated into the heart of policy making, and strategic environmental assessment ("SEA"), in Wales. They are essential to contributing to protecting and improving the environment, mitigating and adapting to climate change, maintaining and enhancing ecosystem resilience and halting and reversing the decline in biodiversity.

12. The Environmental Governance Act 2026 builds on and strengthens existing provisions in a wider Welsh legislative framework which shapes how public bodies plan, make decisions and account for outcomes. These include the Well-being of Future Generations (Wales) Act 2015 and the Environment (Wales) Act 2016.

13. Taken together, these Acts embed consideration of the environment and environmental protection at the centre of public thinking in Wales. They support joined-up decisions that recognise how environmental outcomes interact with economic, social and cultural factors, rather than addressing issues in isolation.

14. The Welsh Ministers have prepared the draft Statement in accordance with the requirements of sections 6 and 7 of the Environmental Governance Act 2026. The draft Statement explains, amongst other things, how the Welsh Ministers intend to comply with their duty to apply the principles and integrate environmental protection and provides guidance to NRW and certain other public authorities about how to comply with their respective duties, in accordance with section 6 of the Act. The Welsh Ministers, NRW and relevant public authorities will be required to have regard to the Statement, once finalised, when exercising their respective duties under Part 1 of the Environmental Governance Act 2026.

Introduction

15. The consultation sought views on:

    - the clarity of the explanation of the environmental objective, the environmental principles and how to integrate environmental protection
    - the clarity of the explanation of how the Welsh Ministers propose to comply with their duty
    - how the Welsh Ministers propose to determine whether a policy has no effect or a negligible effect on the environment
    - the clarity of the explanation of how to comply with the duties imposed on NRW and certain public authorities.
    - the effects of the draft Statement on the Welsh language
    - any further points

Overview of the Ministerial Response to the consultation on the draft Statement

16. We appreciate the work that has gone into the feedback on the draft Statement by such a wide range of organisations and individuals. It is clear that comprehensive consideration and expertise have been put into the submissions from respondents on the draft consultation. We have considered very carefully all of the representations received.

17. It was heartening to read of the considerable support for the Welsh Government's ambition to place environmental protection at the centre of public thinking and that the opportunity to strengthen the environmental governance framework in Wales is welcomed. We're glad that so many respondents welcomed the publication of the draft Statement and valued its emphasis on achieving a high level of environmental protection and improving the environment, alongside recognising how policy can influence the interconnected challenges of climate change, biodiversity loss and ecosystem resilience.

18. We value that so many respondents support the statutory environmental objective and the incorporation of the prevention, precautionary, rectification-at-source and polluter-pays principles into Welsh legislation.

19. Our aim is for the Statement to be as comprehensive, straightforward and helpful as possible while aligning with established processes and avoiding unnecessary burdens and additional bureaucracy. In general, the respondents welcomed how comprehensive the draft Statement is. Others, understandably, suggested references to further specific legislation or very detailed perspectives.

20. While we'll consider the scope to include these additional aspects to the Statement following the feedback these must be balanced with preventing the document becoming overly lengthy and onerous to read and understand.

21. Our ambition is to ensure the Statement is as concise and clear as possible, though it is a technical document and by its nature will inevitably include some legal and technical language.

22. It should be noted that the Environmental Governance Act 2026 lays down specific and detailed requirements for the content of the Statement (section 6). Those requirements are the focus of the content.

23. We do not intend to set out within the Statement the specific method for demonstrating compliance with the duties on Welsh Ministers and NRW. It is important to retain appropriate flexibility in this respect.

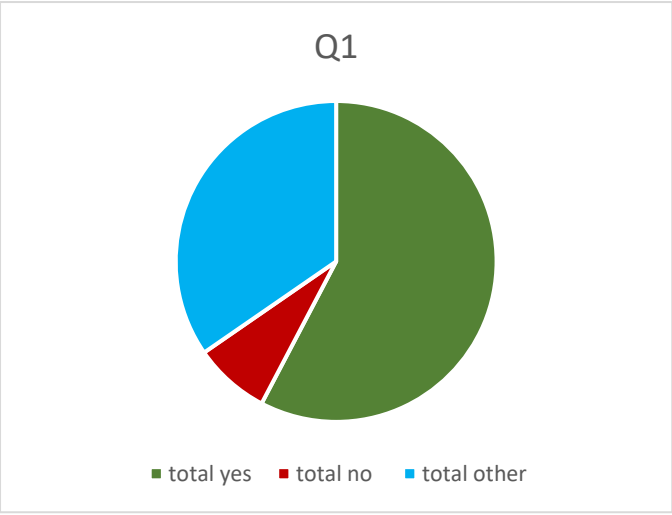
24. We note the emphasis of consultees on the importance of scrutiny and oversight of the duties placed on the Welsh Ministers, NRW and certain other public authorities. As the draft Statement outlines, the OEGW, once established, will monitor public authorities' compliance with environmental law and hold the Welsh Government, and other public authorities, to account.

25. We note the repeated requests for worked examples and case studies to be made available to help explain the application of the duties imposed on the Welsh Ministers, NRW and other public authorities. We agree that the provision of these resources for use by Welsh Government policy officials, NRW and organisations carrying out SEA would be valuable. We are aiming for these materials to be available to those applying the duties. Further work will be needed to engage directly with these organisations to ensure any resources are relevant, helpful and fit for purpose and they may continue to be developed beyond the statutory deadline for publication of the final Statement of 31 March 2027 and if created are unlikely to be within the Statement itself.

The Environmental Objective

Question 1. Do you think that the draft Statement clearly explains the environmental objective?

Summary of responses



Total yes	15
Total no	2
Total other	9
Total not categorised	10
Total responses	36

Fig 1, pie chart showing % response type by total responses (no response not included)

26. Most respondents considered that the draft Statement explains the environmental objective clearly, particularly its emphasis on attaining a high level of environmental protection and an improvement of the environment. Respondents generally welcomed the links drawn between environmental protection, biodiversity recovery, ecosystem resilience, climate change mitigation and adaptation, and the interests of future generations.

27. Other aspects of the draft Statement that were supported, include the expectation that there should be a proactive approach, the ambition reflected in the objective and the relationship with human health.

28. While several respondents welcomed the alignment with existing environmental and wellbeing frameworks, others suggested linking the environmental objective more explicitly to existing legislation and targets.

29. Many respondents also raised concerns about situations where different environmental considerations might conflict or compete. Respondents noted that action designed to advance one outcome, such as climate change mitigation, could potentially have adverse effects on biodiversity, ecosystems, peatlands, water quality, landscapes or other environmental assets. Several respondents argued that the draft Statement should provide clearer direction on balancing competing goals and ensure that benefits in one area do not automatically justify significant damage in another. Related to this, some respondents emphasised the importance of protecting irreplaceable environmental assets and avoiding approaches that aggregate gains and losses without considering their significance, location, duration or reversibility.

30. A recurring theme was the need for greater clarity on how the environmental objective should be applied in practice. Certain respondents recommended stronger practical implementation guidance, clarifying decision-making responsibilities, providing examples of application and incorporating reporting and review mechanisms.

31. Many respondents requested clearer guidance on demonstrating compliance, measuring outcomes, monitoring progress, and evidencing contributions towards environmental improvement. Several respondents called for stronger references to measurable indicators, baselines, environmental thresholds and scientific evidence to support implementation and accountability.

32. Some respondents considered the explanation of the environmental objective could be made clearer in the draft Statement. For example, to prominently set out its legal definition, explain further what constitutes a high level of environmental protection and make the language more accessible and understandable to wider audiences.

Ministerial Response

33. We welcome that the majority of respondents think the draft Statement clearly explains the environmental objective. We are also pleased that respondents generally value the links drawn between environmental protection, biodiversity recovery, ecosystem resilience, climate change mitigation and adaptation, and the interests of future generations.

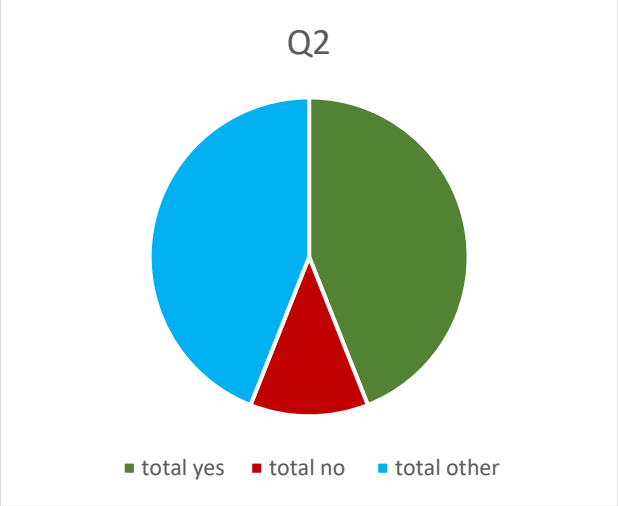
34. We noted the concerns of some respondents about where different environmental considerations might conflict or compete and the suggestion the draft Statement should provide clearer direction on balancing competing goals. As the draft Statement explains, the duties, and the environmental objective, are ambitious and have been designed in a way that intends to provide clear policy direction alongside the flexibility necessary to work effectively, for example across a range of different policy areas. We will, however, explore the scope for further clarity on this matter.

35. We appreciate the views expressed on the application of the environmental objective, including the use of examples. These will be taken into account during the implementation process. . We also note that monitoring and measuring outcomes of individual policies will be an important part of realising the ambition of the Environmental Governance Act 2026

Environmental Principles

Question 2. Do you think that the draft Statement clearly explains the environmental principles?

Summary of responses



Total yes	11
Total no	3
Total other	11
Total not categorised	11
Total responses	36

Fig 2, pie chart showing % response type by total responses (no response not included)

36. Overall, most respondents were positive about the draft Statement's explanation of the environmental principles. Many respondents welcomed the

establishment in statute of the four principles and considered the descriptions accessible and broadly consistent with established environmental policy and legal frameworks.

37. A recurring theme was the need for a clearer explanation of how the principles should operate together in practice. Several respondents emphasised that the relationship between prevention, precaution, rectification at source and polluter pays should be more explicit, particularly where principles may point towards different outcomes.

38. Many respondents supported the overall direction of the Statement, particularly its emphasis on prevention. However, it was also argued that prevention should be more clearly established as the preferred approach, with greater emphasis on avoiding damage before considering mitigation, compensation or remediation.

39. The precautionary principle generated the greatest volume of comment. While many respondents supported the principle and welcomed recognition that scientific uncertainty should not justify inaction, views differed on its interpretation. Some respondents considered the proposed thresholds for action in the draft Statement too restrictive and recommended the use of EU definitions. For example, one respondent explained that these encourage a precautionary approach in the face of scientific uncertainty, without exceptions. In comparison, others cautioned against an overly broad application, stressing the need for sound evidence and consideration of potential benefits alongside risks. Several respondents also questioned specific terms and thresholds used in the draft, including references to "serious or irreversible" harm and evidential requirements.

40. The comments focused less on the principles themselves and more on how they would be interpreted and implemented. Respondents highlighted the need for some further clarity regarding evidential thresholds, pollution which is historic or has come from more than one source, proportionality and the interaction between the principles and certain existing regulatory frameworks.

41. The most common recommendation was the provision of practical examples, case studies, worked scenarios or sector-specific guidance to demonstrate how the principles should be applied in real-world situations. Several respondents also suggested clearer implementation frameworks, additional guidance and stronger explanations of key concepts and terminology. A smaller number proposed visual aids and toolkits to support consistent interpretation.

Ministerial Response

42. We are pleased that many respondents value the establishment of the four environmental principles and considered the draft Statement's descriptions of the principles to be broadly consistent with established environmental policy and legal frameworks.

43. We note that many views were expressed about the detailed interpretation of the principles and particularly the variety of definitions used for the precautionary principle. For example, that used in the Rio Declaration on Environment and Development in 1992 and certain EU based definitions. The principles set out in the Act and described in the draft Statement have been informed by a number of well-recognised sources including international agreements and the EU, whilst also taking account of the approach taken in legislation across other UK nations. The draft Statement explains at some length how the principles should be interpreted and how they should be considered together in the context of the relevant duties. This includes, for example, how the precautionary and prevention principles can be applied to complement each other. We welcome some respondents' suggestions for additional detail in these areas and we will give this further consideration, though a balance needs to be struck to ensure the document remains clear and accessible and does not become overly prescriptive.

44. The Environmental Governance Act 2026 does not prescribe a hierarchy for the principles, The draft Statement explains that the prevention principle should generally be considered first, as it is always preferable that decision-making will aim to prevent environmental damage. The focus should be placed on preventing damage occurring, rather than repairing damage after it has occurred, although recognising that this is not always possible. This is discussed in more detail in the draft Statement.

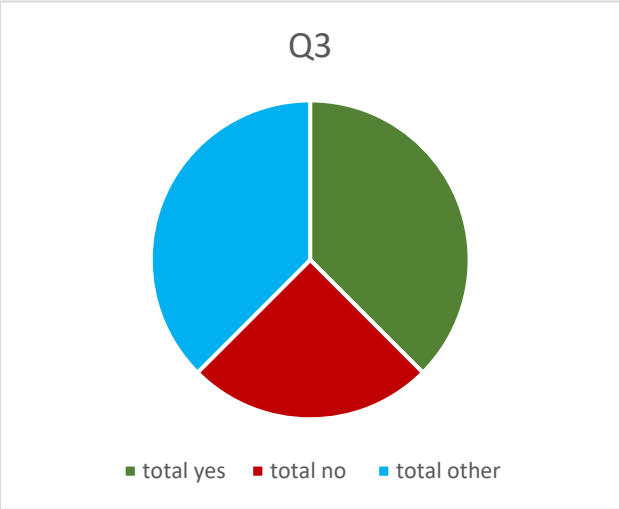
45. The call by some respondents for a proportionate application of the environmental principles in Wales is noted. The application of the duties imposed by Part 1 of the Act on the Welsh Ministers, NRW and certain other public authorities is discussed in detail in the draft Statement. For example, it is explained that the Welsh Ministers and NRW are required to give special attention of considerable importance and weight to the principles when making policy. It makes clear there is a requirement for the environmental principles to feature prominently when considered with other relevant factors. It is also explained that other public authorities are required to "have regard" to the principles when carrying out SEA. In that case it is explained that the regard to be had is what is appropriate in the circumstances and the weight to be given to relevant factors is a matter for the decision maker, provided the decision maker does not act unreasonably.

46. We note the views of some respondents for more clarity on certain matters in the Statement and welcome the suggestions about ways to support consistent and effective application of the principles, including practical examples and case studies. Our aim is for such materials to be available to policy officials and to NRW and certain Public Authorities as part of the support for implementation.

Integration of Environmental Protection

Question 3. Do you think that the draft Statement clearly explains how to integrate environmental protection during policy and decision making?

Summary of responses



Total yes	9
Total no	6
Total other	9
Total not categorised	12
Total responses	36

Fig 3, pie chart showing % response type by total responses (no response not included)

47. Respondents broadly supported the approach to integrating environmental protection in the draft Statement. This included that environmental protection should be integrated when making policy and the SEA process, rather than be treated as a separate or retrospective consideration. Many considered the draft Statement to provide a positive strategic framework.

48. Respondents also welcomed the emphasis on considering environmental impacts early in the policy making and SEA process, the inclusion of cumulative and in-combination effects, and the description of the rationale behind the integration of environmental protection.

49. However, a number felt that the draft Statement explains the intention of the integration of environmental protection more clearly than the practical process for achieving it. As a result, a dominant theme was the need for greater operational detail. It was suggested that more explanation could be provided on how to integrate, especially in the cases of policy making outside of more conventional environmental policy areas. This included but was not limited to economic development, health, transport and housing.

50. Certain respondents argued that the draft Statement would be strengthened by emphasising that environmental considerations should be taken into account at the outset of the policy making and the SEA process. Others

called for an outline of how the integration duty links with existing assessment frameworks.

51. Several respondents called for more detail on the record keeping requirements when considering the integration of environmental protection to be outlined. This should help to demonstrate consistently how environmental protection should influence decisions in practice.

52. Some respondents questioned the perceived ambiguity in key terminology around application. The need for clearer language to secure greater accessibility was highlighted. One respondent queried the references in the draft Statement to “decision-makers” seemed to be moving from policy to implementation. They suggested the wording was changed to make it clear that the Statement refers to policy making and the SEA process.

53. One respondent said that Part A of the draft Statement provided clear guidance on the integration of environmental protection. However, they suggested there was value in Parts B, C and D referring more explicitly to the duty in the same way as those parts had a dedicated section referring to the environmental principles.

54. Respondents frequently emphasised the importance of considering cumulative, indirect and cross-boundary impacts, particularly where environmental effects arise across multiple policies, plans, programmes or developments.

Ministerial Response

55. We value the views expressed on the clarity of the explanation of how to integrate environmental protection in the draft Statement and that there is broad support. The draft Statement makes clear that the duty to integrate environmental protection must be applied throughout policy making and the SEA process (as the case may be) and we note this was welcomed by the majority of respondents.

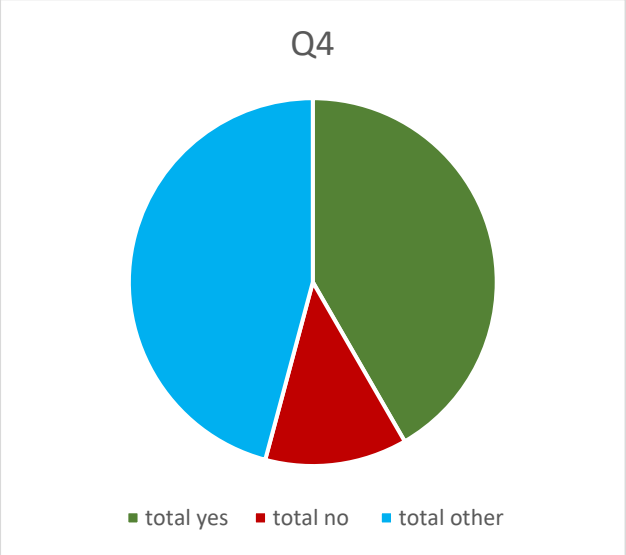
56. We recognise the emphasis that some respondents placed on considering cumulative effects and we note that paragraph 74 of the draft Statement explains that cumulative or in-combination effects on the environment should be considered when environmental effects are assessed. We will consider if this needs to be explained further.

57. We note the call from many respondents for the need for greater operational detail, including the practical process for integrating environmental protection. We will consider very carefully how the Statement’s drafting can be further clarified to respond to the feedback provided, on terminology and how cross-references, can contribute to ensuring the integration of environmental protection is clearly explained.

The Welsh Ministers' duties when making policy

Question 4. Do you think that the draft Statement clearly explains how the Welsh Ministers propose to comply with their duty, for the purpose of contributing to the environmental objective, to have special regard to the environmental principles and integrate environmental protection when making policy?

Summary of responses



Total yes	10
Total no	3
Total other	11
Total not categorised	12
Total responses	36

Fig 4, pie chart showing % response type by total responses (no response not included)

58. Overall, respondents generally considered that the draft Statement provides a clear explanation of how the Welsh Ministers propose to comply with the duty when making policy in relation to Wales.

59. There was strong support for the explanation that environmental principles should be given considerable importance and weight when making policy. Several respondents welcomed the emphasis on applying the duty throughout the policy making process and the requirement to document compliance.

60. However, many respondents argued that further guidance is needed on the practical application of "special regard". This included how competing considerations should be balanced and how the duty should influence final policy outcomes.

61. Transparency and accountability were among the most frequently raised issues. Certain respondents called for auditable records showing environmental effects, evidence considered, alternatives assessed, relevant environmental principles applied, and how the application of the principles influenced policy making. A common concern was the qualification that assessments carried out in accordance with the policy making duty would be published with the policy "when appropriate". A considerable number of

respondents suggested this should be strengthened to require publication, unless exceptional reasons for withholding publication could be demonstrated.

62. Several respondents also questioned the distinction between policymaking and implementation. Some expressed concern that excluding individual decisions from the duty could limit its effectiveness and reduce public confidence that environmental principles would influence outcomes in practice. Others sought greater clarity regarding the treatment of budgets, action plans, delivery plans and policies developed on behalf of Welsh Ministers by public authorities.

63. Consultees made a range of recommendations. These included providing practical examples, case studies or templates to support consistent application of the duty; clarifying responsibilities where other public authorities contribute to policymaking; and improving guidance on taking into account environmental, social and economic considerations. Some also recommended clearer monitoring and review arrangements.

Ministerial Response

64. We are grateful for the positive feedback that the draft Statement clearly explains how Welsh Ministers propose to comply with the new duties and also for the strong support for the explanation of the “special regard” duty to give considerable importance and weight to the principles when policy-making.

65. We have noted the remarks about the exclusion of administrative decisions in relation to a particular person or case from the “policy” definition and, therefore, from the duty imposed on the Welsh Ministers by section 3(1) of the Environmental Governance Act 2026. The duty applies whenever the Welsh Ministers are making policy in relation to Wales (unless the policy in question would have no effect or a negligible effect on the environment). The resulting policies will then inform individual or administrative decisions. We consider this approach to be effective and appropriate and avoids applying the principles to individual administrative decisions which would be complex and create duplication, with little benefit.

66. The draft Statement emphasises the importance of clearly demonstrating compliance to ensure transparency and accountability and explains how this can be achieved. We have considered carefully the feedback from respondents about how the Welsh Ministers ensure transparency and accountability when they demonstrate compliance with the duty. We will explore if there are further ways of ensuring suitable arrangements are in place. The draft Statement explains that assessments carried out in accordance with the Welsh Ministers’ policy-making duty will be published with the policy, when appropriate (paragraph 125).

67. We acknowledge the greater clarity sought from some respondents regarding the treatment of budgets and policies developed on behalf of the Welsh Ministers. The duty to have special regard to the principles and to integrate environmental protection applies to all policy making (except where a policy

would have no or a negligible effect on the environment). This includes policy making that involves budgets, the allocation of resources, financing or expenditure. The duty also applies when other public authorities develop policy proposals on behalf of the Welsh Ministers. These matters are explained further in the draft Statement.

Question 5. Do you have any comments on how the Welsh Ministers propose to determine whether a policy has no effect or a negligible effect on the environment? If so, please outline them below.

Summary of responses

68. Most respondents were positive that the text explaining the proposed threshold for determining whether a policy has no or negligible effect on the environment is very low and is likely to apply only in very rare circumstances. Many respondents welcomed the draft Statement's recognition that the duty will usually apply to the Welsh Ministers' policy making and supported the requirement for policy makers to explain and record the reasons for any determination that a policy falls outside the duty.

69. Several respondents considered the current approach in the draft Statement was sufficiently clear. However, a common view was that the approach requires greater clarity to ensure consistency, transparency and confidence when determining whether a policy genuinely has no or a negligible effect on the environment. One respondent thought that it should remain as exactly drafted.

70. Respondents noted that the reference in the draft Statement to existing impact assessment tools or an unspecified "appropriate alternative method" was too vague and could lead to an inconsistent approach. One respondent stressed the need to give policy makers a clearer understanding of what impact assessment tools would be available and how they should be applied.

71. Respondents recommended a range of mechanisms to strengthen and justify the approach. These included outlining screening criteria, practical examples of policies that would, and would not, meet the threshold, documentation expectations, quality assurance and publication arrangements and providing opportunities for review where new evidence emerges.

72. A dominant theme was the need for assessments to consider the full range of potential environmental effects. Many respondents emphasised that determinations should account for direct and indirect impacts, cumulative and in-combination effects, long-term and reasonably foreseeable consequences, and effects that extend beyond administrative boundaries. Several respondents also recommended that assessments explicitly consider environmental sensitivity, reversibility of impacts and timescales.

73. Several respondents argued that the precautionary principle should be applied where evidence is uncertain.

74. One respondent said it should be made clear that the effects considered include those beyond our borders as required by the Globally Responsible Wales goal.

Ministerial Response

75. We welcome the feedback that most respondents support our approach and the explanation that the threshold for determining whether a policy has no or negligible effect on the environment is very low. As the draft Statement explains, the intention is to avoid the duty applying in those circumstances where policy making has no environmental effect or the environmental effect is so small as to be insignificant or inconsequential.

76. Policy makers will have to carefully assess the effects of their policy to determine whether their policy meets the criteria. We will give further consideration as to whether the Statement needs to clarify that this assessment should account for matters such as direct and indirect impacts, cumulative and in-combination effects, long-term and reasonably foreseeable consequences, and effects that extend beyond administrative boundaries.

77. We are committed to ensuring the approach is consistent, robust and transparent and will take full account of that feedback as we consider the best way forward.

Natural Resources Wales' (NRW) duties when making policy

Question 6. Do you think that the draft Statement clearly explains how to comply with the duty on NRW to have special regard to the environmental principles and integrate environmental protection when making policy, and how this relates to NRW's general purpose?

Total yes	13
Total no	2
Total other	9
Total not categorised	12
Total respondents	36

Summary of responses

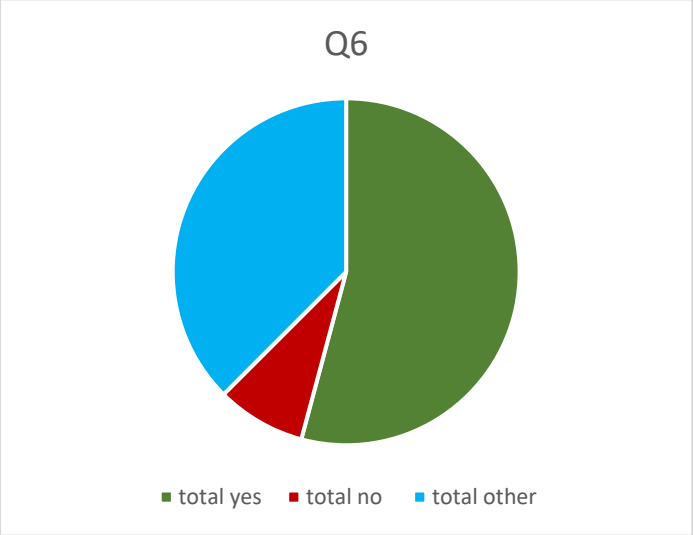


Fig 5, pie chart showing % response type by total responses (no response not included)

78. Overall, the majority of respondents considered that the draft Statement provided a clear explanation of how NRW should apply the duty to have special regard to the environmental principles and integrate environmental protection in policy making. Positive feedback was also received on the requirements for evidence-based decision making and the requirements to apply the duty from an early stage and assess the positive and negative environmental effects.

79. Several respondents highlighted the need for clearer explanation of the interactions of the new duty with the other legislative duties and responsibilities of NRW. This included the relationship with the Sustainable Management of Natural Resources (SMNR) principles. One respondent said the current explanation of the interactions did not communicate the sense of complementarity and mutual reinforcement set out in other parts of the draft Statement. They suggested setting out more clearly in the explanation how applying the duty could support and strengthen activity.

80. Comments were provided about the exclusion of individual regulatory, planning and licensing decisions made by NRW (or authorities acting on their behalf) from the scope of the duty. One respondent called for individual permitting, consenting, authorisations, exemptions and approval decisions to be explicitly included and another noted that NRW may decide to make new policy or change its existing policy because an individual decision may impact or carry a risk to the environment. They thought this risked an uncertain policy environment and a risk of delayed decision making in matters such as environmental permitting.

81. Concerns were raised about the expectation in the draft Statement that policymakers should document their application of the duties throughout the policy making process. It was felt this risked establishing a highly resource intensive documentation requirement. It was recommended that formal documentation is focused on appropriate key decision stages to minimise resource burden. Several respondents argued that publication of assessments should be the default position, with reasons provided where publication is not possible.

82. Many respondents highlighted implementation considerations, particularly the need for adequate resources, expertise and capacity within NRW to fulfil the duty effectively. Some called for a proportionate approach to the assessment expectations which align with NRW's existing policy and evidence processes wherever possible. Another said that while proportionality can help frame difficult decisions of prioritisation and legitimacy, care should be taken to avoid any potential reliance on proportionality to justify not taking action to address environmental damage purely on the grounds of cost.

83. A recurring theme regarded the definition of "policy" and the scope of "policy making". Several respondents called for greater clarity including potential

confirmation that the duty applies throughout the policy development cycle rather than only at the point of adoption. Another was concerned that the breadth of NRW policies the duty applied to, would mean the same documentation expectations irrespective of the likely environmental effect. The respondent thought this would create significant new compliance burdens. Some suggested specific policy areas be excluded from the duty.

Ministerial Response

84. We welcome that most respondents considered the explanation in the draft Statement of NRW's duties when policy making is clear. We note that respondents support an evidence-based decision-making approach and the requirements to apply the duty from an early stage and assess the positive and negative environmental effects.

85. The duty applies whenever NRW are making policy in relation to Wales. The resulting policies themselves will then inform these individual or administrative decisions. We consider this approach to be effective and appropriate and avoids applying the principles to individual administrative decisions which would be complex and create duplication, with little benefit. The draft Statement recognises that in some instances, individual decisions might be made with significant impacts on, or risk to, the environment and which effectively require new policy to be made or existing policy to be amended. In those cases, such policy would be subject to the duties. We do not anticipate this needs to cause any delay to decision-making.

86. With regard to the concerns about the new duty resulting in an increased administrative burden on NRW, we want to provide reassurance that our intent is for the duty to complement NRW's existing administrative arrangements, duties and responsibilities and enhance the effectiveness of policy making rather than create extra bureaucracy.

87. We will consider if the draft Statement can be amended in the light of the suggestions made to further achieve this and particularly consider the wording around how policy makers document their application of the duties throughout the policy making process.

88. The draft Statement makes clear that the duties apply throughout NRW's policy making process. The duty applies to all NRW policy making because it is considered that all NRW policy making has, or could have, an effect on the environment, given NRW's role and remit.

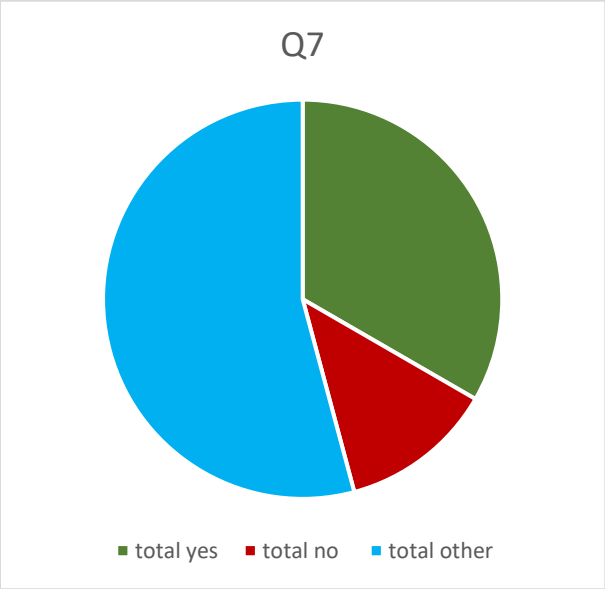
Certain Public Authorities duties when undertaking Strategic Environmental Assessment (SEA)

Question 7. The Environmental Governance Act requires certain public authorities, for the purpose of contributing to the environmental objective, to have regard to the environmental principles and integrate environmental protection when carrying out

functions in connection with the assessment of plans and programmes under the 2004 Regulations.

Do you think that the draft Statement clearly explains how to comply with that duty?

Summary of responses



Total yes	8
Total no	3
Total other	13
Total not categorised	12
Total respondents	36

Fig 6, pie chart showing % response type by total responses (no response not included)

89. Overall, responses indicated broad support for the draft Statement's approach to providing guidance for certain public authorities on applying that duty when carrying out SEA.

90. Areas of support included the incorporation of the duty into existing assessment processes, the stage-by-stage structure of Part D and the intention to use SEA as the key mechanism for demonstrating compliance. A recurring theme was support for the requirement to apply environmental principles throughout all stages of SEA. Various respondents welcomed the linkage between the duty and key stages, including baseline evidence gathering, development of alternatives, assessment of effects, consultation and monitoring.

91. Responses ranged from those who felt the draft already provided a clear explanation of compliance, to those who considered it only partially clear or insufficiently detailed in key areas.

92. Several respondents argued that the Statement should place greater emphasis on ensuring SEA influences plans and programmes at an early stage. There were calls for genuinely reasonable alternatives to be explored while options remain open, with transparent reporting on why alternatives were rejected.

93. Clarity was also sought on any transitional arrangements for SEA. This included how the duty should be applied where an SEA started before 31 March 2027 and whether completed stages remain valid or would need to be revisited. Local Development Plans (LDPs) were provided as an example where iterative SEAs are undertaken at different stages.

94. Some respondents called for an illustrative list of the public authorities bound by the duties. Others called for the Wales SEA Guidance to be updated by 31st March 2027 to provide the necessary tools to successfully implement the new duty and refer to the Statement.

95. Many respondents considered that further clarification and stronger direction would be required to ensure consistent implementation. The importance of guidance on baseline evidence, monitoring, reporting and cumulative, cross boundary and long-term effects was emphasised.

96. Other common recommendations included providing case studies and practical worked examples and clarifying legal and procedural interactions of the new duty with other existing assessment frameworks.

Ministerial Response

97. We value the broad support for the approach to explaining the duty on certain public authorities when undertaking SEA. This includes the stage-by-stage structure of Part D, the support for the requirement to apply the environmental principles throughout all stages of SEA and the incorporation of the duty into existing assessment processes.

98. We also appreciate the recommendations made for further clarity in particular aspects and will explore further ways to address those points. In terms of SEA commenced but not completed by 31 March 2027, relevant authorities are encouraged as a matter of policy to consider the environmental principles and integration of environmental protection prior to the commencement of the section 5 duty, if appropriate. Authorities should be anticipating the commencement of the duty and planning accordingly.

99. However, the section 5 duty to apply the principles and integrate environmental protection will only apply to the carrying out of SEA functions by certain public authorities after 31 March 2027 (when section 5 comes into force). Therefore, the duty does not apply to functions carried out before that date. In terms of that duty, therefore, if certain distinct and discrete aspects of the SEA process have completed prior to 31 March 2027, there is no requirement to apply the duty to those aspects of the SEA process as those functions will have been exercised before the duty comes into force.

100. We will give further consideration to including a list of public authorities to which the duty applies.

Welsh Language

Question 8. What, in your opinion, would be the likely effects of the draft Statement on the Welsh language? We are particularly interested in any likely effects on opportunities to use the Welsh language and on not treating the Welsh language less favourably than English.

Do you think that there are opportunities to promote any positive effects?
Do you think that there are opportunities to mitigate any adverse effects?

Question 9. In your opinion, could the draft Statement be formulated or changed so as to:

Have positive effects or more positive effects on using the Welsh language and on not treating the Welsh language less favourably than English; or
mitigate any negative effects on using the Welsh language and on not treating the Welsh language less favourably than English?

Summary of responses

101. Overall, most respondents generally considered the draft Statement unlikely to have significant positive or negative effects on the Welsh language. Some respondents viewed the draft Statement as largely procedural in nature and therefore unlikely, in itself, to influence opportunities to use Welsh or result in the language being treated less favourably than English. Several respondents stated that, provided existing Welsh language standards and bilingual practices continue to be applied, no adverse effects were anticipated.

102. A key theme was the importance of ensuring that the support for implementation is fully bilingual. Respondents emphasised that guidance, training, educational materials, technical documents, monitoring information, consistent bilingual terminology, evidence, data, digital tools and public engagement resources should be available in Welsh and English simultaneously and to an equivalent standard.

103. Respondents made a range of recommendations to strengthen the draft Statement. This included encouraging the involvement of Welsh speaking communities early enough to influence policy and assessment, and the consideration of the cumulative effects of environmental and land use change on Welsh-speaking communities. It was also suggested to encourage recognising local knowledge and Welsh place names as relevant sources of evidence. One respondent also suggested referring more explicitly to existing Welsh language legislation, standards and the Cymraeg 2050 action plan in the Statement.

104. Another respondent suggested that in areas of higher linguistic density, or where a policy could materially alter population, housing, employment, land use or community networks an enhanced assessment should be required.

105. One respondent noted that environmental policy can have considerable effects on Welsh-speaking rural and coastal communities through land use, agriculture, fisheries, energy, housing, transport, tourism and nature recovery.

106. It was suggested the Statement include more references to how a healthy and biodiverse natural environment in Wales contributed to our vibrant culture and to the growth in the use of the Welsh language. Another respondent considered the Statement could also explicitly acknowledge the contribution that Wales's landscapes, and local communities make to cultural identity and the Welsh language.

107. One respondent thought that a strong Statement could positively help protect the environmental and social foundations of Welsh-speaking rural communities and by making participation genuinely bilingual. They thought a weak or procedural Statement could leave concentrated rural impacts and loss of trust unaddressed.

Ministerial Response

108. We much appreciate the valuable insights provided on the Welsh language. Policy making and plans and programmes subject to SEA will need to continue to apply relevant Welsh language legislation and standards. We will consider carefully the scope to strengthen the draft Statement in view of the comments received.

109. Work has begun within Welsh Government to develop materials which will help policy officials to implement the principles and the duty to integrate environmental protection. These resources will be available bilingually.

110. Welsh Language standards provide a strong legislative framework to ensure that Welsh is treated no less favourably than English and already apply directly to policy making. They seek to promote and facilitate the Welsh language and we will continue to seek opportunities to promote Welsh alongside the implementation of the environmental principles.

111. We note the connection between Welsh heritage, landscape, environment and language and will consider how this can be incorporated further during policy assessment.

Further comments on the draft Statement

Question 10. Do you have any comments on the draft Statement which have not been covered by the above questions?

Summary of Responses

112. Overall, respondents who provided comments were broadly supportive of the draft Statement and its ambition to strengthen environmental governance and

embed environmental protection within policy making and while undertaking SEA.

113. Some very helpful points were made in addition to those already raised in the responses to questions 1 to 9 which are outlined below.

114. Concerns were raised that unclear implementation could create unnecessary bureaucracy, delays or additional regulatory burdens. Respondents outlined a series of suggestions to aid effective implementation of the new duties on the Welsh Ministers, NRW and certain public authorities.

115. These suggestions included:

- embedding the duties in the training and awareness raising programmes of the relevant organisations maintaining a central permanent, dedicated environmental principles team to provide advice and support
- referring to the environmental principles in relevant cross government mechanisms, senior leaders championing the implementation of the duties including in cross organisation project boards and, providing dedicated training for senior decision makers as they can play an important awareness raising role
- establishing a cross organisation working group to share best practice and experience of implementation, with 'champions' appointed from all the appropriate directorates.

As far as possible, these actions should be taken before the legal duties come into force.

116. It was recommended that robust monitoring and evaluation be required of how the Statement is being applied and practically informing policy. This should take account of outcome evidence, not only evidence that the required forms were completed. This would allow the avoidance of a "tick-box" approach. Reporting annually to the Senedd and having on-going processes for engaging with stakeholders were also suggested.

117. It was emphasised that the draft Statement should explain what policy makers should do after considering the environmental principles. It should clearly set out the possible actions they can take. These could include changing a policy, delaying it until more evidence is available, deciding not to proceed, or stopping an existing policy where the environmental risks are too high.

118. One respondent commented specifically on the implications of Artificial Intelligence for the environment.

119. Common requests from respondents included clearer guidance on the meaning of "special regard" and how environmental principles should be applied consistently across different sectors and public authorities. The importance of providing practical guidance, examples and case studies was stressed to ensure effective delivery of the duties, including for specific

sectors. A small number of respondents also requested greater clarity on the application of particular principles in specialist contexts.

120. Many respondents supported strong transparency, governance and oversight arrangements, including clearer responsibilities, monitoring frameworks, review mechanisms and adequate resourcing for implementation and scrutiny bodies.

121. Other suggestions included simplifying and restructuring parts of the draft Statement to improve accessibility for practitioners and reviewing existing assessment guidance.

122. Various suggestions were made to make specific wording clearer in the Statement. These included adding “2026” to the acronym “Environmental Governance Act” and avoiding the references to “decision makers”.

Ministerial Response

123. The additional comments above were detailed and well considered and we would like to thank those that wrote in for their time and consideration. We are considering carefully the best training, tools and resources for Welsh Government policy officials, NRW and for organisations carrying out SEA. The development of these resources also provides an opportunity for greater communication and transparency within the policy making process.

124. Several points raised in this section of the consultation and in the overview section we have already responded to above.

125. The Environmental Governance Act 2026 establishes clear duties on the Welsh Ministers, NRW and certain other public authorities. It is not our ambition to create unnecessary administration, however it is important that the duties are implemented effectively and compliance is clearly demonstrated alongside existing duties and processes.

126. The legislation provides that the Welsh Ministers must review the Statement after each general election and may review it at any other time. This review may give a good opportunity to review effectiveness and outcomes of the duties in practice.

127. We are committed to the effective implementation of the duties and with that in mind look forward to considering the suggestions made further.