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Foreword

I am pleased to present my first report as the Interim Environmental Protection Assessor for Wales covering our fifth year of operation. This reporting period has been particularly challenging for IEPAW. We said goodbye to our Deputy Assessor Anna Heslop in September. Our new Deputy Assessor William Wilson has taken over the work she was doing on our water quality report but unfortunately there was a 4 month hiatus before he was appointed. The contract for one of the two members of our secretariat came to an end in June and the post was not filled until April 2026.

Despite these difficulties, IEPAW has been very active this year. We have produced five key pieces of work, for which I would like to acknowledge the foundational work initiated by my predecessor, Dr Nerys Llewelyn Jones. The insights gained during those initial years have been instrumental in guiding the current work, and this will continue to be the case with inherited reports in development.

Similarly, I would like to extend my gratitude to the environmental stakeholder community. IEPAW remains appreciative of the valuable insights they have contributed across our reporting areas. Their perspectives and engagement have been, and will continue to be, essential to IEPAW's reporting.

The year has been an eventful one for environmental governance in Wales. IEPAW has been following the progress of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Act from its early drafts through to it being passed by the Senedd. We look forward to working with Welsh Government on the next steps to establish an environmental governance body for Wales, in particular to ensure a smooth transition from IEPAW to the Office of Environmental Governance Wales (OEGW).

Meanwhile we will remain 'open for business' and will be undertaking new work on Civil Sanctions and on Marine Protected Areas as well as working to complete our inquiries into Contaminated Land, Water Quality and Controlled Burning.

Hyndle A. Wilson

Introduction

In March 2021 the Interim Environmental Protection Assessor for Wales Office was set up by the Welsh Government as an independent environmental body in Wales. Although Welsh Government officials provide secretariat support to IEPAW, the assessors and the work they produce are independent of, and do not represent the opinion of, the Welsh Government.

IEPAW is non statutory in nature and is an interim measure in place until the Office of Environmental Governance Wales is established.

Our focus is on the functioning of environmental law, our aims are to:

- provide oversight of the functioning of environmental law in Wales; and
- to consider systemic issues relating to the working or functioning of environmental law in Wales.

The role does not involve consideration of:

- breaches of environmental law;
- areas of non-compliance with environmental law; or
- issues raised that are covered by another complaint's mechanism or process.

Our aim is to identify where action can be taken to improve the functioning of environmental law in order to improve environmental outcomes. Details on how to raise a concern about the functioning of environmental law in Wales, as well as our terms of reference, are available at [Interim Environmental Protection Assessor for Wales \(IEPAW\) prioritisation principles | GOV.WALES](#)

IEPAW is committed to publishing an annual report on the submissions received, its work in considering the functioning of environmental law in Wales and any action taken regarding concerns raised. This is the fifth annual report and covers the period 1 March 2025 to 28 February 2026.

In March 2025, Lynda Warren took over as Interim Assessor replacing Nerys Llewelyn Jones who had led the team previously. John Henderson joined the team as a new Deputy Assessor in March 2025. Anna Heslop stepped down as the other Deputy Assessor in September 2025 and was replaced by William Wilson in December 2025.

Senedd Committees

The Climate Change, Environment and Infrastructure Committee (CCEIC) has provided critical review of IEPAW's function since its inception in 2021. IEPAW has always tried to act upon the recommendations made in the Committee's reports and has implemented many of the suggestions made to improve process, outcomes and impacts on the work it carries out. In 2025 it did not receive an annual review. The Committee commented that this was due to the ongoing pressures of their work on the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill.

In July 2025, IEPAW gave evidence to the Bill Committee at the Senedd. Lynda Warren discussed key areas including the independence of the new Body in Wales and the provision of sufficient resources enabling effective oversight of the challenging issues in Wales. The ability to apply for judicial review and to intervene in proceedings was also raised highlighting concerns that the reference to supplementary powers in Part 9 of schedule 1 of the Bill for the Office of Environmental Governance in Wales (OEGW) to 'do anything it considers appropriate' might not be sufficient to ensure that it had the necessary standing required for judicial review proceedings. IEPAW was of the opinion that without specific reference to judicial review in the Body's functions it might have difficulty in demonstrating to the court that it has standing. IEPAW'S subsequent report¹ on the Aarhus Convention, which addresses these concerns was published as a paper to the Senedd by the Committee in 2025.

This evidence session was IEPAW's only appearance before a Senedd Committee in this reporting year. IEPAW acknowledges the work the CCEIC has done to secure a version of the Bill which takes account of the views of IEPAW and the wider environmental stakeholder community.

In a year where IEPAW has produced several reports marking the conclusion of five years' work and recommendations to support the implementation of environmental law, the IEPAW looks forward to the next evidence session with a new Committee and

¹ Aarhus Convention: report | 2026

Government in place. In the interim, the recommendations made in previous years by the Committee will continue to support the work of the IEPAW.

The annual report for 2025 was submitted to the Committee in May 2025². IEPAW also submitted its Lessons Learned report in July 2025³. No review of these reports has been received.

² Interim Environmental Protection Assessor for Wales: annual report 2024 to 2025 | 2025

³ Interim Environmental Protection Assessor for Wales: lessons learned report | 2025

Stakeholder Engagement

Stakeholder Engagement remains a guiding principle in IEPAW's work. Over the course of 2025 and early 2026, the assessors met with a wide range of professionals to ensure a comprehensive overview of commentaries across its reporting areas. In addition to the quarterly stakeholder meetings, IEPAW held several focused meetings to understand the complexities of issues arising from the submissions it received.

In early 2025 the then deputy, Anna Heslop met with representatives of the Independent Water Commission (IWC) to discuss emerging findings and possible implications for IEPAW's report on water quality in Wales. Subsequent findings derived from a public consultation and discussions within advisory forums demonstrated alignment with several recommendations of the IWC 2025 review by Sir John Cunliffe,⁴ particularly regarding regulatory reform and environmental oversight.

In June, Lynda Warren was taken on a site visit to Ty Llwyd. The visit was followed by a round table discussion hosted by Caerphilly County Borough Council. which highlighted the complexities of historical sites such as these across Wales and raised questions for IEPAW on the effectiveness of the current Contaminated Land Regulations (Part 2 A).

Also in July 2025, the IEPAW team hosted its third annual event at the Royal Welsh Show. With a panel consisting of representatives from Welsh Government, the farming community and national regulators the discussion focused on the IEPAW's recently published report on the Protection of Hedgerows in Wales⁵. Stakeholders heard discussion of the key themes of the report focusing on improving support for farmers through the Sustainable Farming Scheme for hedgerow management, and the effectiveness of the Hedgerow Regulations (1997) and the associated guidance. A lively debate followed and several questions were raised by the stakeholders who had taken the time to join the event.

⁴ Independent Water Commission: review of the water sector | 2025

⁵ The protection of hedgerows in Wales: report |2025

IEPAW met with Audit Wales in 2025 to discuss their review of the approach to the designation of Sites of Special Scientific Interest taken by Natural Resources Wales. Their subsequent report,⁶ published in November 2025 reflected many of the points made in our Protected Sites report published in January 2026⁷.

In October, John Henderson hosted a focus group in Cardiff to discuss the emerging themes in IEPAW's report on contaminated land. Professionals in the field agreed that Part 2A of the Environmental Protection Act 1990 could be improved. There was a need for greater support for Local Authorities as the investigating authority whose involvement is critical to the implementation of the regime. The discussions highlighted the scale of the issues in both England and Wales and the potential difficulties with the current statutory definitions of contaminated land. Work on the report continues.

John Henderson has also continued IEPAW's involvement in the Article 395 of UK-EU Trade and Cooperation Agreement. The latest of these meetings hosted by the EU, (February 2026) in Belgium focused on the circular economy, chemical regulation, bioeconomy and forward planning with opportunities to discuss environmental permitting and the new Planning and Infrastructure Act 2025.

In February 2026 the IEPAW team met with colleagues from the Law Commission to give them an overview of the work IEPAW is undertaking. Whilst the remit and resource of the Law Commission is considerably greater, similarities were found across the areas of investigation and the prospect of collaboration on legislation in the environmental sector as an overarching investigation was discussed. An investigation of this nature would provide the planned Office for Environmental Governance in Wales (OEGW) due to become operational in 2028 with a broad view of the challenges in Wales.

Lynda Warren co-hosted a meeting with the RSPB earlier this year at Lake Vyrnwy, Powys to open discussions on a new report linked to the Heather and Grass etc. Burning (Wales) Regulations 2008⁸. Representatives from the fire and rescue services, regulating bodies, farmers unions and other key stakeholders met on the site

⁶ **Protecting Nature for Future Generations, Nov 2025**

⁷ [Protected sites in Wales: report | 2026](#)

⁸ **The Heather and Grass etc. Burning (Wales) Regulations 2008 | 2008**

to understand first-hand the work the RSPB is doing to manage the heathlands and the impact that controlled burning and 'escaped' or 'uncontrolled' fires have on the landscape. Stakeholders discussed the legal framework and its requirements, controlled burning as a land management tool and the issues of monitoring across such vast swathes of land.

From this piece of work an opportunity arose in March 2026 with Wild Cymru (formerly INCC), whose submission last year began the investigation into controlled burning in Wales, to discuss the recently published IEPAW report on Protected Sites in Wales in an interview with their journalist⁹. The interview also touched on the issue of future governance in Wales and what IEPAW believes is needed to effect long term support for the environment.

In February 2026, The Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill¹ was passed in the Senedd and subsequently received royal assent on April 27th. The legislation is designed to tackle the climate and nature emergencies in Wales and introduces three major changes to Welsh environmental law, namely the establishment of the OEGW, a statutory requirement for Welsh Ministers to set legally binding biodiversity targets and a statutory requirement for public bodies to apply internationally recognised environmental principles in shaping policy that affects the environment. Throughout 2025 IEPAW attended regular meetings with Welsh Government policy teams and contributed to the Bill's development focusing on the critical elements of the OEGW and providing insight of IEPAW experience since 2021. The OEGW will have powers comparable with those of its sister organisations, the Office of Environmental Protection and Environmental Standards Scotland, and will ensure that Wales will be on an equal footing with the rest of the UK.

IEPAW believes that the measures in the Act should strengthen environmental protection in Wales and, if properly enforced, have the potential to reverse the decline of biodiversity in Wales.

⁹ [Wild Cymru | Nature Investigations Unit - An interview with Prof. Lynda Warren, IEPAW](#)

Cross-Border Engagement

IEPAW continues to collaborate with the Office of Environmental Protection (OEP) for England and Northern Ireland, and Environmental Standards Scotland (ESS).

The relationship takes the form of regular meetings and includes intelligence-sharing on reporting areas. Whilst much consideration is given to the overlapping nature of the legislative impacts on devolved borders, it has been useful to understand how some of the laws which apply only to our neighbouring countries could have a positive impact in Wales.

The annual tri-partite conference between our organisations was hosted by OEP in September 2025., Discussions centred on marine environmental protection including work on marine protected areas (MPAs) and implementation of the Marine Strategy Framework Directive.

IEPAW is now embarking on its own report into MPAs following a submission received from the RSPB in December 2025. Lynda Warren held a meeting in early 2026 with colleagues from the OEP, ESS, Defra and Welsh Government opening discussions and exploring the areas with the potential to provide the greatest impact for Wales. The work done by both the OEP and ESS will inform the report, with continued meetings and cross border discussion generating insightful strategy and importantly, observing areas in which the work already completed by counterparts allows IEPAW to save resources, a critical element for a small team.

Continued learning and collaboration in the reporting of contaminated land across the UK through regular meetings with IEPAW counterparts provides significant supplemental resource that aids John Henderson, deputy assessor to the IEPAW in developing the work.

As has been noted in previous years, all four nations continue to allocate resource to work on water quality across the UK. Public interest continues to grow with mainstream media increasingly communicating the issues involved and the effects impacting communities in every locality. William Wilson has taken over the work on this topic, started by Anna Heslop, and aims to finalise the report this year.

Both OEP and ESS gave evidence to the CCEIC alongside IEPAW in their Senedd session for the then Environment (Principles, Governance and Biodiversity Targets (Wales) Bill in July of 2025. This informed the committee's scrutiny of the proposed environmental governance framework prior to the Bill receiving Royal Assent in April 2026 and stressed the importance of establishing a robust, independent watchdog for Wales. Drawing on their respective remits in Scotland, England and Northern Ireland, they provided insight on enforcement mechanisms and the effective handling of formal investigations and issuing compliance notices. In demonstrating how their statutory functions operate in practice, they offered the CCEIC practical advice on resolving the governance gap and designing a bespoke, well-resourced environmental governance organisation for Wales.

Process

Submissions process

We respond to submissions on Welsh environmental law within 20 working days, following our standards. Each submission undergoes a scoping exercise to assess relevance to environmental law and its inclusion in IEPAW's remit. Prioritisation is then based on significance and resource allocation, aligning with our principles¹⁰. We seek to incorporate relevant submissions into ongoing work to optimise resources; those not immediately actionable are committed to future work. All submissions are subject to regular review. If they are deemed no longer relevant or outside the scope of current considerations, they will be withdrawn from the review process unless future revisions or changes make further evaluation necessary.

Reporting process

In 2021 the reporting process between IEPAW and the Cabinet Minister responsible for the environment was set out under a Ministerial Agreement. The agreement details the process by which IEPAW provides the Minister (via their Private Office and relevant official policy departments) with a report and the time the Minister then has to provide a considered response (six weeks).

There have been significant delays in the receipt of a full Ministerial response to the reports we have produced this year. We never received a formal response to our Aarhus Report. IEPAW acknowledges the wider portfolio a Minister needs to manage but notes the impact these delays can have on the themes of a report. In a dynamic environment where key legislation is continuously being amended and new reports from our environmental colleagues are regularly introduced, it is essential that responses are provided within the established timeframes to ensure the relevance and accuracy of our work.

In the same vein, IEPAW has worked diligently to complete its outstanding reporting tasks whilst accounting for the significant environmental developments over the past few years. Recognising the need to move quickly, it aims to maintain a more expedited

¹⁰ [Interim Environmental Protection Assessor for Wales \(IEPAW\) prioritisation principles](#)

reporting schedule in the future to effectively identify and address key issues and necessary changes to enhance environmental outcomes. This includes consideration of our resourcing and other work carried out by our counterparts in England, Scotland and Northern Ireland to avoid overlap. As noted below, the fact that we have not been at full capacity for much of the year has made it difficult to make as much progress as we would have liked.

In January 2026 IEPAW provided Private Office with a letter of advice on the Aarhus Principles and their potential implications for the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill ahead of the final Senedd consideration and amendments session the following month. It was essential that the Minister reviewed this work prior to the final session to facilitate its dissemination to the Senedd. At this time IEPAW submitted an additional Ministerial Agreement request to permit the publication of this report (alongside our report on protected sites) before receiving the formal response and establishing a broader reporting framework. An initial response was received from the Minister, outlining his views on the recommendations within the report and whilst an exception was granted for the publication of these specific reports, the Minister did not endorse a permanent change to the existing process.

The inflexibility of the current reporting process agreement poses challenges for IEPAW, particularly given the historical delays in responses and the limited consideration of recommendations outlined in IEPAW reports. This may result in additional obstacles to incorporating IEPAW's perspectives into related initiatives and legislative amendments.

External pressures

In 2025 IEPAW was subject to repeated correspondence and requests for information on some of the current reporting areas. These requests were multiple and caused serious strain to limited resources inhibiting the development of work across all aspects of IEPAW work. Under the UK Environmental Information Regulations (EIR)

2004¹¹ and as an 'independent body' IEPAW is subject to compliance with the regulations and must respond within the given time frames of 20 working days. IEPAW acknowledges and is grateful for the support and advice received from the Welsh Government during these requests and acknowledges the need for an established policy document to support the Prioritisation Principles and Terms of Reference¹² currently adhered to.

Team changes

There have been several changes to the IEPAW team over the past year including the loss of a deputy and one half of the supporting Secretariat team. As a small team, changes of this nature directly affect productivity and the development of reporting areas, resulting in extended delays. Additionally, the Welsh Government's response to these changes and the time required to replace lost resources have, at times, contributed to further delays.

Similarly, unforeseen changes to established financial processes have caused disruptive delays in remittance to the IEPAW Assessor and the deputies. These inconsistencies inhibit working relationships and when exacerbated by prolonged periods of time can adversely impact IEPAW's operations. It is important to proactively identify and address such issues promptly to ensure smooth ongoing processes.

¹¹ The Environmental Information Regulations 2004 | 2024

¹² [IEPAW Terms of reference](#)

Overview of all Submissions received

Since March 2025 we have received six submissions bringing the total number of submissions to 44. Thirty submissions have contributed to reports, 13 are closed, one email submission has not led to further action. Out of the six submissions received since 2025 four were in scope and related to environmental law, two were not.

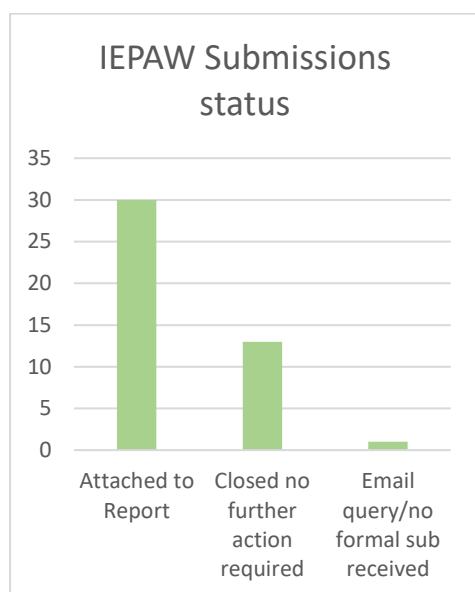


Fig 1: Status of all submissions received to date by the IEPAW

Four submissions received this year were related to the laws on wildlife and habitats, two were related to Environmental Regulation and Information. Those submissions that have been closed with no further action being taken, relate to submissions received prior to March 2025. Although two submissions received this year were deemed outside the scope of the IEPAW, they will remain under review for the next year to determine whether any further information comes to light that might affect the scoping decision.

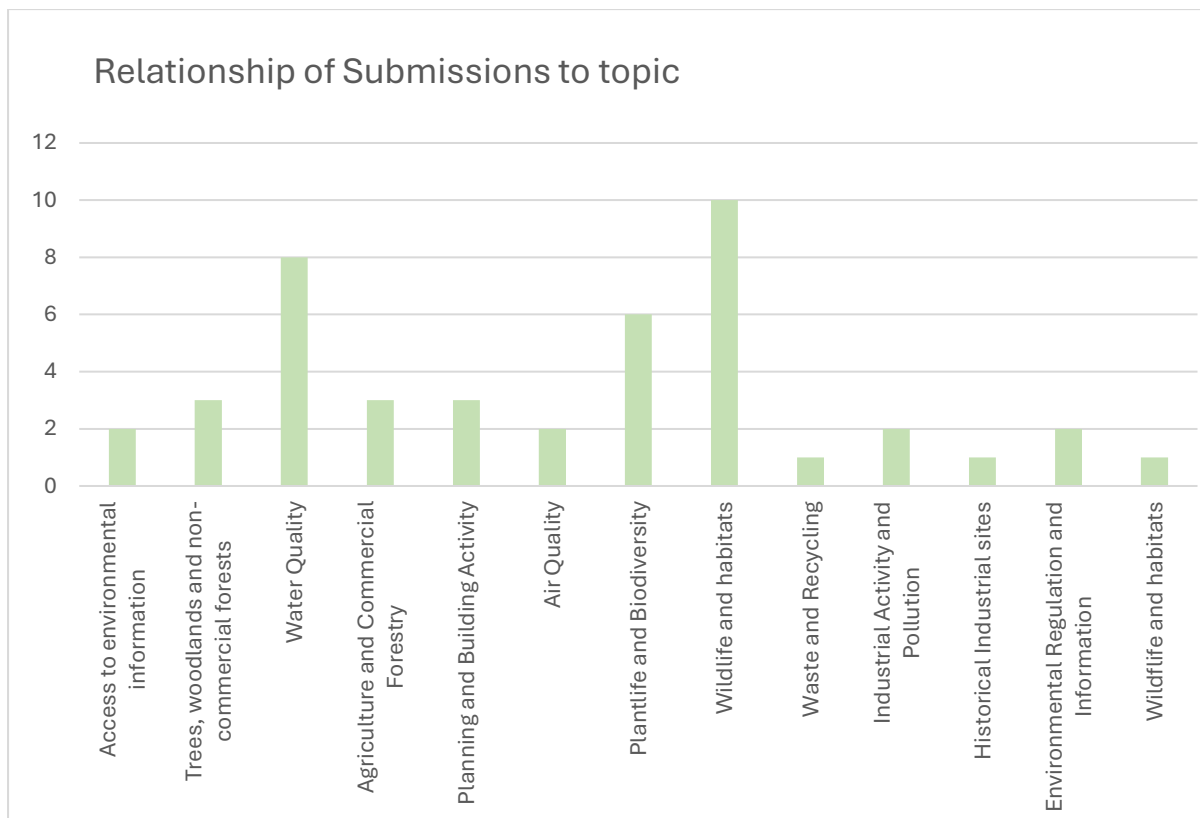


Fig 2: Number of submissions received by IEPAW, by category.

To date 73 per cent of all submissions received have related to the functioning of environmental law and so been deemed to be in scope. Water quality remains the topic on which the most submissions have been received.

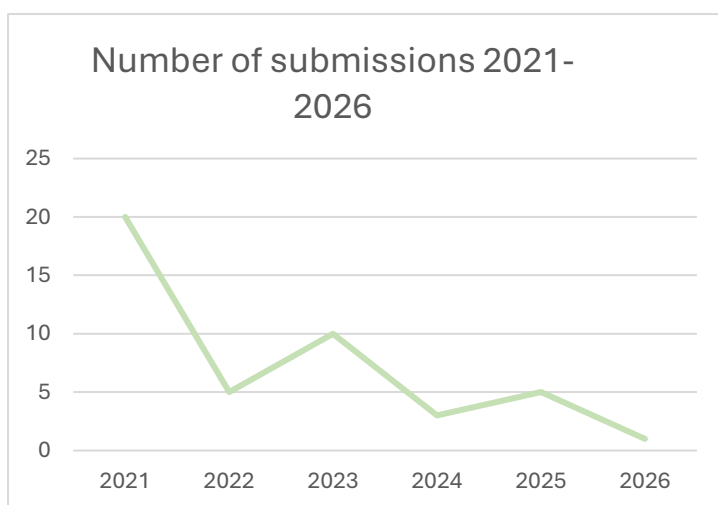


Fig 3: Total number of submissions received each year.

With six submissions received between March 2025 and March 2026, this represents a slight increase from 2024. It shows that after a dip in submissions in the previous years the number of submissions is now increasing.

The number of submissions allocated to reports has increased compared to 2023-2024. Of the 44 submissions received to date 31 have been linked to reports.

Further Details on Concerns Received March 2025 and March 2026

As noted above, six submissions were received this year (March 2025 and March 2026). Two of these submissions did not fall within IEPAW's scope. Under our terms of reference, it is only possible to consider submissions that relate to the functioning of environmental law. This precludes breaches of environmental law or matters that are dealt with under other mechanisms. IEPAW is non-statutory and does not have the investigatory powers of the environmental regulators of England, Northern Ireland and Scotland.

The first submission related to the need to incorporate Aarhus conventions into Welsh environmental Law. IEPAW advice to the Minister was taken on board.

We were pleased to hear that in responses to this, a reference to judicial review is being added to the Explanatory Memorandum to the Act.

The second submission related to the frequency and extent of out-of-control grassland habitat burning by landowners and graziers, and its damage to habitats and biodiversity. This has been linked to the controlled burning report.

The third submission related to the failure by NRW to comply with legal duties in the open access designation of Afon Eden (Cors Goch Trawsfynydd) under the Countryside & Rights of Way Act 2000. This was not linked to a report, and no formal submission was made.

The fourth submission is related to insufficient protection in the Hedgerow Regulations 1997 in relation to land earmarked for development. This issue was discussed in the Hedgerows report.

The fifth submission is related to concerns on the functioning of the law in relation to marine protected areas (MPAs). It claimed that practical delivery of the law is impeded, insufficient priority is allocated by Welsh Government for a coherent network of MPA's. This is the first submission of relevance to the new marine environment report.

The sixth submission is related to concern that there is currently no statutory footing for conservation covenants in Welsh legislation. This does not relate to the functioning of environmental law in Wales and is not linked to a report.

We received seven direct email concerns none of which was taken forward. This was because the concerns related to a 'specific issue' rather than a general regulatory issue.

An email on environmental and animal exploitation was concerned with the large volumes of raw solid sewage and slurry that have been spread and stored in mountain heaps for a number of years, in open fields near residential homes.

There were two emails on waste and recycling; one claimed that government departments were failing to comply with environmental law by permitting e-commerce companies to use single-use packaging despite viable reuse options. The second was about construction and demolition waste being deposited and buried close to the boundary of Tir Mawr a Dderi Hir SSSI, by Rhondda Cynon Taf County Borough Council.

There were two emails on industrial activity and pollution. One was about historical contamination at Maendy Quarry leaching into land near homes and spreading toxic vapour odour across residential property.

The second claimed there had been planning permission breaches that caused light and noise pollution at Cefn Saeson School Sports Fields, Neath, highlighting a lack of sound pollution assessments and non-compliant light infrastructure.

We received an email concern that focused on habitat destruction, where housing developers have repeatedly destroyed parts of the site in pursuit of planning permission, harming wildlife and protected species as well as rich environmental stocks. and another on wildlife and habitats concerning overgrown trees and shrubs near a cycle path causing danger.

Reporting 2026-26

Published reports

Hedgerows

The report on hedgerows¹³ was written in response to submissions received in 2021 primarily concerning the efficacy of the Hedgerow Regulations 1997. There were also concerns over the use of bird-deterrent netting of hedgerows. The report:

- assesses whether existing legal framework is functioning effectively;
- identifies areas where the existing legal protection may not be delivering the intended benefits, particularly in relation to the protection of biodiversity;
- identifies potential gaps in existing legislation;
- identifies areas where the practical application of the legislation may be impeded; and
- provides recommendations for how the law could be improved.

According to NRW's 2020 assessment only 17 per cent of hedgerows in Wales were in good condition in 2016. For hedgerows on arable land this figure dropped to 2 per cent.

Under current legislation, there is no specific protection for urban hedgerows, despite the fact that they provide many ecosystem services, especially for biodiversity. We recommended that hedgerows should be brought within the planning regime and that local planning authorities should be provided with guidance on the factors to be taken into when they consider planning applications.

We were grateful for the input from Cardiff University students on this work.

Trees and Woodlands

The report on the legal protection of trees and woodlands in Wales¹⁴ was written in response to submissions questioning whether the law relating to tree felling, Tree

¹³ The protection of hedgerows in Wales: report | 2025

¹⁴ The Protection of Trees and Woodlands in Wales: report | 2025

Preservation Orders (TPOs) and the planning system adequately addresses the value of trees and woodlands in Wales. The amendments introduced by the Agriculture (Wales) Act 2023 address some of the concerns raised with us about felling licences. The same applies to the reforms to Tree Preservation Orders included in the draft Planning (Wales) Bill. The latest edition of Planning Policy Wales embeds the environmental importance of trees into policy and includes some strong requirements for local planning authorities to follow. We have made recommendations which we hope will be helpful to the Welsh Government and others in their efforts to implement the policy on trees and woodlands and will encourage them to consider how best to address the gaps that remain such as the lack of specific protection for trees recognised as being of particular importance.

Protected sites¹⁵

IEPAW received two submissions about the management and protection of protected sites in Wales. They were particularly concerned about the lack of information on the conservation status of Sites of Special Scientific Interest (SSSIs). It was claimed that many sites were damaged or degraded and that sites were not being managed appropriately or protected. This report addresses these claims in the light of evidence received from a wide range of bodies on the following topics:

- Monitoring of protected sites
- Targets for protected sites
- Possible changes to the existing legal framework
- Barriers to agreeing management agreements
- Enforcement mechanisms
- An adaptive approach to site management

The report highlights weaknesses in monitoring, including long gaps between assessments and insufficient data on site conditions, alongside challenges in setting meaningful targets, inconsistent use of existing legal powers, barriers to management

¹⁵ Protected sites in Wales: report | 2026

agreements, and limited enforcement effectiveness. The report finds that many sites are in poor or unknown condition due to resource constraints and fragmented approaches in management.

The report recommends strengthening the legal framework, introducing a statutory duty for regular monitoring, improving funding and enforcement, and adopting more adaptive, evidence-based management approaches to contribute effectively to nature recovery.

It concludes that the Common Standards Monitoring approach continues to be appropriate. Our report recognised that this sort of monitoring is heavy on resource. It is strongly of the view that imposition of the statutory duty must be accompanied by an increase in funding, to enable NRW to carry out a monitoring programme where every site is monitored at least every six years. The outcomes of the programme should be reported annually.

Aarhus Convention¹⁶

In March 2025 IEPAW received a submission which alleged that the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill would not be able to deliver its intended objectives without the inclusion of the 'Aarhus Principles'. The Convention grants rights to members of the public under three pillars:

- access to environmental information;
- public participation in environmental decision-making;
- access to justice in environmental matters.

IEPAW's report on the Convention made the following recommendations:

- 1. We recommend that the Welsh Government ensures the Explanatory Notes to the Act include reference to judicial review and to intervention in proceedings in respect of the supplementary powers in Schedule 1, Part 9, paragraph 23.***
- 2. We recommend that the Welsh Government, in the next Senedd term, work with the MOJ to amend the Act to include express provision for the OEGW to apply for judicial review in urgent cases and to intervene.***

¹⁶ [Aarhus convention report| 2025](#)

IEPAW received a letter in response from the then Deputy First Minister and Cabinet Secretary for Climate change and Rural Affairs, Huw Irranca Davies. The first recommendation, to make specific reference to judicial review in the Explanatory Memorandum was accepted. The second recommendation was rejected on terms of there being no credible evidence to corroborate the view that the court would deny standing to the OEGW because it has no such powers.

This response was sent as an 'initial response' to the report. IEPAW never received a more considered correspondence.

Special Protection Areas (SPA) letter of Advice to Ministers

IEPAW, OEP and ESS each received a submission which focussed on the perceived significant delays to the completion of the UK Network and in September 2025 we wrote to the Minister to express our concerns over the lack of progress in implementing the recommendations for Wales in the Third Network Review and to draw his attention to the work being undertaken by OEP and ESS on this issue.

We recommended that Welsh Ministers:

- 1. Publish the (updated if necessary) prioritised framework for implementation; and**
- 2. Implement the Third Network Review in line with that prioritised framework.**

Further suggestion was made to encourage Welsh Ministers to ensure that Natural Resources Wales (NRW) is provided with sufficient resources (in terms of additional manpower, budget and support) to implement the recommendations of the Third Network Review.

OEP, who previously issued investigation notices to DEFRA, DAERA and Natural England on this issue, expanded the scope of their investigation to include the need for a marine SPA review. IEPAW urged Welsh Ministers to work closely with the UK administrations to ensure the timely completion of a Marine SPA review.

IEPAW did not ask for, nor did it receive, a response from the Minister on the recommendations made. The Climate Change and Environmental Infrastructure Committee published the letter as a paper for Members' consideration.

Reports under development

Water Quality

Work began on a report on freshwater quality in 2024, after we received a number of submissions on the subject of different types of water pollution. Evidence was also received from several stakeholders in response to our original Call for Evidence in that year.

This work was interrupted by team changes at IEPAW but resumed in December 2025 on the appointment of a William Wilson as deputy assessor. In the meantime, several significant developments have taken place, including publication of the Bolton review on the Control of Agricultural Pollution Regulations, the Final Report of the Independent Water Commission, and the Welsh Government's Water Green Paper. Following consideration of these developments, we have decided that the report should be wide ranging in its coverage of issues affecting water quality.¹⁷ It is our intention, therefore, to include the following topics:

- Wastewater, CSOs and sewage pollution
- Land use and agricultural pollution
- Water Framework Directive
- Chemical pressures on the waters of Wales
- Monitoring
- Enforcement
- Regulator resources.

¹⁷ In order to allow for evidence to be submitted on agricultural pollution, and to allow for new or updated evidence on the other topics, a second Call for Evidence was issued on 15 June 2026, open until 27 July 2026.

Contaminated Land

Work on the preparation of a report on Part 2A of the Environmental Protection Act 1990, led by deputy John Henderson with the support of Professor Robert Lee has continued over the last year. Professor Lee and the IEPAW have had various one-to-one meetings with stakeholders and convened a meeting of subject experts (which took place in Cardiff in November 2025). The issue of financing the contaminated land regime has emerged as the dominating issue.

Controlled Burning of Grassland

Work on our report on controlled burning was instigated by a submission claiming that there has been an increase in wildfires on uplands caused by deliberate burning that has got out of control. The meeting at Lake Vyrnwy led to a series of further meetings and information gathering. It is anticipated that the report will be completed in 2026.

Marine Protected Areas

The Protected Sites Report did not cover Marine Protected Areas. A submission from RSPB provided the opportunity for us to devote resources to this topic, the scope of which is currently under consideration.

Impact Monitoring

The theme of impact monitoring has been consistent with CCEIC reporting on the Interim Measures and the body of IEPAW's work since their first report for 2022-23.

In our Annual Reports, we provided updates on our work during the ensuing years in developing impact monitoring processes. This included an additional section on Impact Monitoring in which we outlined our progress addressing the recommendation of the Committee and providing details of our assessments. As previously noted, we have established formal processes for reviews of submissions. We continue to develop our impact monitoring processes, and these now include procedures for identifying and reviewing the impact of Report Recommendations. We are also developing our approach to monitoring and reporting on our internal processes. This will be evidenced across the remaining tenure of IEPAW and in direct reference to the reports published in the last year and those to come.

This evidence will be used to assess progress against each individual recommendation as well as the cumulative impact of each report.

Internal Impact Monitoring: Submissions Reviews

As noted above, IEPAW has received 44 submissions in total. Quarterly reviews are undertaken of all submissions to determine whether any significant changes in environmental legislation have implications for decisions previously made and particularly regarding submissions originally determined to be outside IEPAW's remit.

Several submissions have now been closed without further action from IEPAW. As a result, these submissions are no longer part of the review process. In many cases, the decisions were made based on the understanding that the issues raised by submitters have been addressed by relevant authorities through appropriate measures and processes.

Direct impacts have been observed through the contributions IEPAW made in 2025 in discussion with the CCEIC and through regular interaction with the Welsh Government policy team responsible for delivering the Environmental Bill.

The working relationship with the policy team has been proactive and many of IEPAW's observations and experiences over the past six years have been taken into account in the development of the Bill.

As noted above IEPAW made two recommendations for specific reference to judicial review as part of the OEGW's functions. We were pleased to hear that in response to this, it was decided that a reference to judicial review should be added to the Explanatory Memorandum to the Act.

The positive impact of IEPAW is further reflected in ministerial recognition of its effectiveness. Huw Irranca-Davies highlighted the strength of collaboration, noting the "very good working relationships"¹⁸ between IEPAW, OEP and ESS in February this year. This acknowledgement reinforces IEPAW's role as a credible and constructive body, demonstrating how it supports partnership working across the environmental governance landscape and contributes to more coordinated and effective oversight.

In the Sixth Senedd on 11/02/2026¹⁹, IEPAW's recommendations on civil sanction powers for NRW were formally recognised. The Minister Huw Irranca Davies confirmed that these proposals were being 'actively considered' and emphasised that when a "call from the IEPAW" is received it 'should be taken very seriously'. This reflects the growing authority and credibility of IEPAW, highlighting its role in shaping policy discussions and strengthening environmental governance in Wales.

In March last year Ceri Davies (NRW) noted "we had the benefit of operating with an IEPAW,"²⁰ which has "no doubt helped us" to establish and boundaries around organisational responsibilities. Importantly, this experience has fostered confidence in future arrangements, particularly through a willingness to support "a co-operation duty," while recognising the assessor's enforcement role. Overall, the IEPAW has contributed to "setting out clearly where those responsibilities complement each other, rather than overlap," strengthening coordinated and effective environmental governance in Wales.

¹⁸ [Senedd record Wales | 2026](#)

¹⁹ [Senedd record Wales](#)

²⁰ [Senedd record Wales](#)

Raising a concern with the IEPAW

We welcome comments and feedback in relation to the role of IEPAW and its work. If you wish to raise a concern about the functioning of environmental law in Wales, you can fill in a Submission Form which can be found on the IEPAW website at:

<http://www.gov.wales/raising-concern-about-functioning-environmental-law>

Further information about our activities, details of calls for evidence or stakeholder events can also be found on the IEPAW website

<http://www.gov.wales/interim-environmental-protection-assessor-wales>

If you have any comments about this or the role or wish to be added to the mailing list, please contact us at:

IEPAW@gov.wales