

Written Response by the Welsh Government to the report of the Climate Change, Environment and Infrastructure Committee entitled Report on operation of the interim environmental protection measures.

Recommendation 1.

The Welsh Government should clarify whether it intends to reappoint the Interim Assessor for a further year, until February 2024. If so, it must explain the steps it intends to take to ensure that a new statutory oversight body is operational before the end of the reappointment.

Response: Accept

I can confirm the Welsh Government intends to reappoint the Interim Assessor for a further year to ensure the IEPAW service remains operational until February 2024.

As the First Minister confirmed in his letter to the Committee dated 18 July 2022, working towards the establishment of an environmental governance body is part of our Programme for Government and the Cooperation Agreement between the Welsh Government and Plaid Cymru and we are committed to bringing forward legislation on this important issue during this Senedd term. Welsh Government officials are working on further advice to the Minister for Climate Change on the establishment of a permanent body.

I cannot advise the Committee at this time on the timescales for establishing a permanent environmental oversight body, but I will write to the Committee with an update on this issue as soon as I am in a position to do so.

Financial Implications –

Recommendation 2.

The Interim Assessor should work towards improving public awareness of the service. As a minimum, they should:

- identify ways to make it easier for the public to access information on the service via the website, and
- engage with relevant free advice services in Wales as a means of developing referral routes to the complaints process.

Recommendation 3.

The Interim Assessor should commit to publishing details of their rolling programme work on the website. This information should be updated periodically.

Response: Accept

Welsh Government officials have liaised with the Interim Assessor about recommendations 2 and 3 of the report and she has indicated she intends to implement both recommendations in full. The Welsh Government will provide the Interim Assessor with the support she requires to deliver these improvements, in particular by taking steps to ensure that the IEPAW webpages are more easily accessible and she is able to make use of social media channels to publicise the work of the IEPAW. The Interim Assessor will write to the Committee separately on the progress of these recommendations.

Financial Implications – None

Recommendation 4.

The Welsh Government should provide details of the evidence used to estimate demand on the service and to determine corresponding resource requirements, both in terms of the number of days the Interim Assessor is contracted to work and secretariat support for the role.

Response: Accept

Initial estimates for the demand for the service were based on information from interested stakeholders, including regulators such as Natural Resources Wales and consideration of the caseload of the European Commission. Factoring in the possibility a domestic system may be more visible and accessible, thus attracting more complaints. It was very difficult to predict the case load, but initial estimates were 15-25 submissions would be received per year, resulting in 4 – 6 investigations and 1-2 cases progressing to enforcement measures.

It is important to note these estimates were produced with a permanent environmental governance body in mind, with the ability to consider complaints about alleged non-compliance with the law. As such, we expected the Interim Assessor's more limited remit to result in significantly fewer cases being received. It was not possible to produce an accurate figure on what the caseload would be for the interim arrangements.

The Government's assessment was initially borne out by the caseload received by the IEPAW during the initial six months. During the first 8 months of its operation, only five submissions were received. As noted in the Interim Assessor's Annual Report, there was an unexpected spike in the number of submissions received during November and December 2021(15 cases) which took the overall figure into the range we would have expected for a body with a much broader remit.

Financial Implications – None

Recommendation 5.

The Welsh Government should undertake an urgent review of the resources available to the Interim Assessor. In doing so, it must satisfy itself that the Interim Assessor is sufficiently resourced to carry out their role and responsibilities effectively. The Welsh Government should report back to the Committee on the outcome of the review as soon as practicable.

Response: Accept

The Government recognises the pressures the Interim Assessor has faced, particularly in light of the high demand for the service over the last 18 months, and the implications this will have had on the resources available to her. We agree with the Committee that further consideration is needed of the resourcing on the IEPAW to ensure it can carry out its intended functions effectively until permanent environmental governance arrangements are in place.

As such, the Government will commit to undertake an internal review of the resources available to the Interim Assessor. Once this review is complete, we will report back to the Committee on the findings of this review at the earliest opportunity.

In the meantime, the IEPAW's Secretariat Team has been working to secure additional resource for the Interim Assessor. This has included commissioning external support from academics and legal professionals when producing IEPAW reports. This should result in

fewer demands being made on the Interim Assessor's time, which will ensure that the IEPAW is able to turn around reports more quickly going forwards.

Financial Implications – None

Recommendation 6.

The Welsh Government should commit to publishing its responses to Interim Assessor reports no later than six weeks following receipt. Responses should set out what action the Welsh Government intends to take as a result of the advice and/or recommendations, including indicative timelines for delivery. If the Welsh Government chooses not to take action, it should set out its reasons.

Recommendation 7.

The Welsh Government should commit to notifying the Senedd when it publishes a response to a report by the Interim Assessor. This should be in the form of a Written Statement.

Response: Accept

The Welsh Government accepts both these recommendations in full.

Recommendation 8.

The Welsh Government should explain what arrangements are in place to monitor the on-going effectiveness of the interim measures and the impact of the measures on environmental outcomes.

Response: Accept

No formal monitoring arrangements are currently in place, although the Welsh Government has been considering options for evaluating the effectiveness of the interim measures and their impact on environmental outcomes. In doing so, consideration is being given to how such an evaluation process could be used to inform the design and development of a permanent environmental governance body for Wales.