

Briefing by the Marine Conservation Society

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November 2025

# Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill

**The Marine Conservation Society is calling on the Welsh Government and political parties to:**

- ✓ Ensure that the environmental principles duties are effectively integrated into all policy making
- ✓ Secure and enshrine in law the independence of the Office of Environmental Governance Wales (OEGW)
- ✓ Address current legislative gaps in areas that are devolved to the Welsh Government but occur beyond 12 nautical miles (outside of Welsh Government jurisdiction)
- ✓ Within the first two years of the next government, consult on and set effective biodiversity targets and ensure they are implemented within 24 months of the Act receiving Royal Assent

## State of Play: What's in the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill and how can it be improved?

Part 1 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill will embed four international environmental principles into Welsh law. These are:

- The precautionary principle
- The principle of prevention
- The principle that environmental damage should as a priority be rectified at source
- The polluter pays principle

The Bill places duties on Welsh Ministers and Natural Resources Wales to have 'special regard' to these principles and to integrate environmental protection into their policymaking. The Bill also places duties on certain public authorities to have regard to these principles.

The Marine Conservation Society supports calls to clarify or strengthen the following sections of the Bill:

### **1. Ensure that environmental principles duties are effectively integrated into all policymaking**

Currently, the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill outlines that the duty to have 'special regard' for the environmental principles only applies to policy 'that has, or could have, any effect on the environment.' This is a smaller scope than in other nations of the UK, where the duty applies to all policy making.

The Welsh Government must reconsider the scope of the principles and ensure they apply to **all** policy making.

## Environmental Governance

Part 2 of the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill establishes the Office of Environmental Governance Wales (OEGW).

This is a new statutory environmental oversight body. The OEGW will monitor, report and ensure public authorities adhere to environmental laws and principles, provide escalatory enforcement of environmental laws, and periodically review how effective environmental laws are and recommend improvements.

Since Brexit, Wales has been without a statutory environmental body – making it the only UK nation in this position. Whilst the Interim Environmental Protection Assessor for Wales (IEPAW) has been in place since 2021, they do not have the formal powers of investigation or enforcement.

The Marine Conservation Society supports calls to clarify or strengthen the following sections of Part 2 of the Bill:

### **2. Secure and enshrine in law the independence of the Office of Environmental Governance Wales (OEGW)**

Whilst the Welsh Government recognises the 'paramount importance' of OEGW's independence in its Explanatory Memorandum, there are no legal safeguards to protect this independence long term. Legislation is the only way to safeguard the security and certainty of the OEGW's independence.

One of its functions will be to hold the Welsh Government to account and must have the autonomy to act without government interference.

The Welsh Government must amend the Bill so that Welsh Ministers have a duty to respect the independence of the OEGW. This would follow the example of Schedule 1 of the UK Government's Environment Act 2021 which has worked to safeguard the independence of the Office for Environmental Protection (OEP).

### **3. Address current legislative gaps in areas that are devolved to the Welsh Government but occur beyond 12 nautical miles (outside of Welsh Government jurisdiction)**

There is currently a concerning legal gap within devolved legislation (such as fisheries) that occur beyond 12 nautical miles – outside of Welsh Government jurisdiction.

At present, there is a lack of clear hierarchy in terms of which body between the OEP or the OEGW would address these areas. This must be clarified in legislation to avoid unnecessary delay for any issues arising in these areas. The Welsh Government must work with the UK Government to outline how this legislative gap will be addressed.

## Biodiversity Targets

Over 190 countries adopted the Kunming–Montreal Global Biodiversity Framework at the UN Biodiversity Conference (COP15) in 2022 – a historic agreement that is committed to halting and reversing nature loss. The framework outlines four overarching goals and 23 targets to guide conservation on a global scale, uniting efforts to tackle nature and biodiversity loss.

One of the most significant and widely recognised targets within the framework is the '30by30' target – a commitment to protect 30% of land and sea for nature by 2030.

With the State of Nature Wales 2023 report outlining that one in six species in Wales face potential extinction, urgent action is needed to safeguard biodiversity and the ecosystems on which we rely.

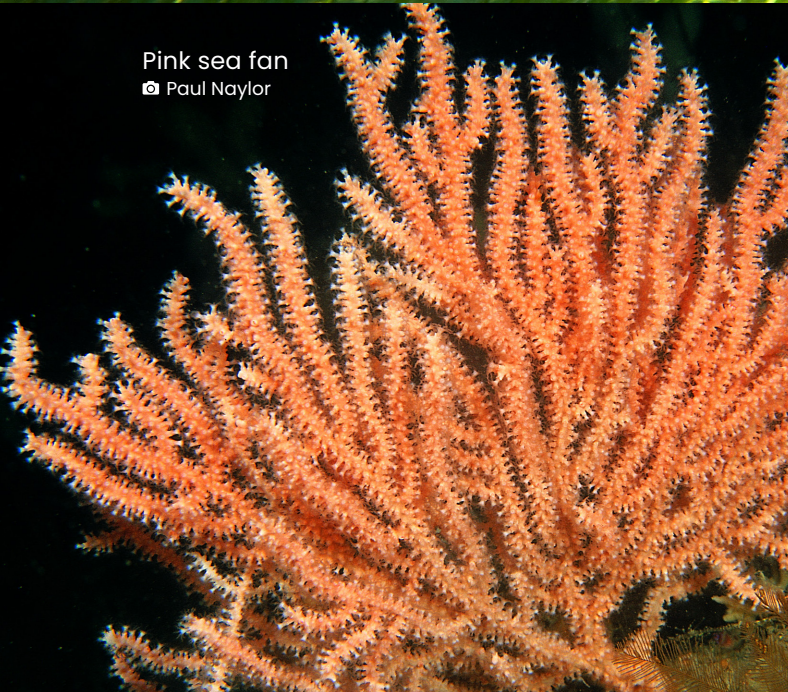
Part 3 of the Bill empowers Welsh Ministers to set statutory biodiversity targets via secondary regulations passed in the Senedd.

Focus areas for these targets include reducing risks of extinction among native species; managing ecosystems effectively; cutting pollution and improving the quality, access and application of biodiversity evidence. Part 3 requires that each target be equipped with action plans detailing how to achieve each target; regular evaluations of progress; reporting to ensure transparency and accountability and a duty to raise public awareness about biodiversity importance and threats.

Sand eels in seagrass meadow  
© Heather Hamilton



Pink sea fan  
© Paul Naylor



Angelshark  
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The Marine Conservation Society supports calls to clarify or strengthen the following sections of Part 3 of the Bill:

**4. Consult on and set effective biodiversity targets and ensure they are implemented within 24 months of the Act receiving Royal Assent. Targets must reduce pollution effectively and ensure contaminants are at levels not detrimental to coastal, estuarine, and marine species and habitats. They must also reduce the risk of extinction to native species.**

Whilst the Bill outlines a period of up to 36 months from receiving Royal Assent for targets to be set, this could mean that targets are not set until 2029. This is a year before the Global Biodiversity Framework's 2030 deadline. This would risk further delay to the vital changes we need to address biodiversity loss in Wales.

Targets must reduce pollution effectively and ensure contaminants are at levels not detrimental to coastal, estuarine and marine species and habitats. Targets must also reduce the risk of extinction to native species. We need strong, effective biodiversity targets that provide Wales with the best possible chance of reaching 30 by 30 targets.

## Northern gannets

📍 Kevin Morgans

## As an MS, how can you help?

- Push your political party to include our key policy recommendations in your 2026 Senedd Manifesto
- Following the Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill receiving Royal Assent, work with the Marine Conservation Society to set robust targets to cut water pollution to levels that do not harm coastal, estuarine and marine wildlife, and prevent native species from going extinct

For more information, please contact Elise Lavender  
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