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Y Gweinidog Newid Hinsawdd
Minister for Climate Change



Llywodraeth Cymru
Welsh Government

Chairs of the Climate Change, Environment and Infrastructure
and Legislation, Justice and Constitutional Committees.

28 October 2021

Dear Chairs,

On 21 October the UK Government tabled an amendment to clause 56 and schedule 9 - Charges for single use plastic items, of the UK Environment Bill. The amendment expanded the scope of the charging powers to include all items, regardless of what material they were made from. Due to the lateness of the amendment, the power was to apply only to England, meaning Wales's power would have remained constrained to cover plastic single use items only. We were not given prior notice of the amendment.

This would have curtailed Welsh Minister's ability to act in such an important area relative to England. Whilst I understand the UK Government had originally considered extending this power to other materials during the early drafting stages, a position supported by the Welsh Government, it was not included in the Bill as introduced due to the tight timescale required to develop the Bill and lack of wider evidence. This position was maintained throughout the Parliamentary scrutiny process and similar amendments were rejected. Indeed, we were informed as recently as August, following an amendment tabled in the House of Lords to extend the charge, this position would remain unchanged.

Despite the inadequate notice for the amendment, we have continued to work collaboratively with the UK Government on the Environment Bill. Once I was aware of this of this change in position, I wrote to the Rt Hon George Eustice MP, Secretary of State for Environment, Food and Rural Affairs, seeking an urgent amendment to ensure this important change was extended to Wales. I am pleased to advise the request was agreed.

Reducing the use and availability of unnecessary single-use items and the negative impacts they have on our environment is a top priority for the Welsh Government and Welsh Ministers require powers that allow us to take action on this important matter. A broader charging power will provide a strong disincentive to producing single use products. It also allows us to meet our commitment in Beyond Recycling, our Circular Economy Strategy, to phase out unnecessary single-use items in Wales.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

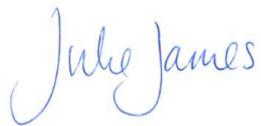
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

On 25 October I issued a Written Statement informing Members of the Senedd of the Secretary of State's agreement to table an amendment. I also explained that, due to the lateness of the amendment, there was insufficient time to facilitate a usual Senedd debate.

I can now confirm that in this unusual situation our intention is to bring forward a debate on 2 November. We have laid a supplementary Legislative Consent Memorandum and motion to give effect to that intention, subject to the Business Committee agreeing not to refer the sLCM for scrutiny and the Senedd agreeing to suspend the relevant Standing Orders to allow the legislative consent motion to be debated without due notice. I appreciate that this solution is far from ideal, but I wanted to demonstrate the Welsh Ministers' commitment to the Sewel Convention by providing the Senedd an opportunity to consider, scrutinise and vote on the new provisions.

I am sure you agree this is a positive step towards tackling commonly littered single use items.

Yours sincerely



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