

Llyr Gruffydd MS  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

28 July 2023

By e-mail [SeneddClimate@senedd.wales](mailto:SeneddClimate@senedd.wales)

Dear Mr Gruffydd,

Thank you for the opportunity to appear before your committee on the 21 June. We were pleased to contribute to the important considerations of the committee and the Welsh Parliament in respect of interim environmental protection measures in Wales, and any long-term successor to them. We would be happy to give evidence to the committee in future, should we be able to assist.

I am writing to provide further information in respect of four matters you highlighted in your recent letter of 5 July.

**1. The OEP has jurisdiction in Wales in relation to environmental matters reserved to the UK Government. Can you provide examples of such matters?**

The devolution settlements for Scotland, Wales and Northern Ireland establish which matters are reserved and which are devolved. Generally, the environment is a devolved matter, but some environmental topics are reserved. By way of example, the Government of Wales Act 2006 (as amended) reserves to the UK Parliament the right to create laws in Wales concerning water and sewage, nuclear energy and energy conservation. There is no single, exhaustive list of reserved matters. We would consider whether a particular legal provision is a reserved matter on a case-by-case basis.

**2. Can you clarify whether you have considered any cases of failure to comply with reserved environmental matters?**

We have not yet considered any failure to comply with reserved environmental matters. We are undertaking a range of work to scrutinise the implementation of environmental laws which protect inland waters in England. Similarly, we are investigating the roles of the Secretary of State for the Environment, Food and Rural Affairs, Environment Agency and

Ofwat in the regulation of combined sewer overflows in England. We anticipate that the outcome of this work may be of relevance to the environment and environmental protection in Wales.

We are happy to provide further information on this investigation to you, as requested, as it progresses.

**3. How have you worked with (or how do you envisage working with) relevant regulators in Wales on these cases?**

Our investigations into potential failures to comply with environmental law remain ongoing and have not yet reached a stage that requires significant consultation. However, where we identify actions that are relevant to the Interim Environmental Protection Assessor for Wales (IEPAW), we will engage to ensure any implications or crossovers are fully understood. Where similar legislation is applied by regulators that span both England and Wales, we are mindful of the need to for a consistent approach and expect to work with those authorities and the IEPAW to ensure coherent application.

**4. Has the OEP been invited to share its experiences with the Welsh Government to inform the development of the Bill?**

We are in regular dialogue with Dr Llewellyn Jones in her role as Interim Environmental Protection Assessor for Wales and discuss a range of issues related to our ongoing work. Within these we have had some discussions with her, her secretariat and officials on our experience establishing and operating the OEP. We'd welcome further opportunity for our experience to benefit the development of arrangements for environmental governance in Wales.

I hope that provides the information that you have sought.

Kind regards,



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