

Draft Environmental Principles and Integrating Environmental Protection Statement

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Legislation and
Governance Unit

Introduction

Green Alliance welcomes the publication of the draft Environmental Principles and Integrating Environmental Protection Statement (“the draft Statement”). This is an important step towards the completion of the new environmental governance framework which Wales has been lacking since the UK left the European Union.

It has been a long journey to this point. In March 2018, the then counsel general [reassured](#) the Senedd that the government was unequivocal in its support for environmental principles and promised to take “the first proper legislative opportunity” to enshrine them in law to close the governance gap.

It took a further eight years for this promise to be fulfilled. The Environment (Principles, Governance and Biodiversity Targets) (Wales) Act 2026 (“the Environmental Governance Act”) was [passed by the Senedd](#) in February 2026 and achieved Royal Assent in April 2026.

The duties in section 3 and section 4 of the Act relate directly to the principles, have a standard of ‘special regard’ and apply to Natural Resources Wales (NRW). This is a more direct and ambitious approach than the other UK jurisdictions and is to be commended.

The impact of the duties to apply the principles and to integrate environmental protection in policy making will, however, depend on their effective implementation, including the extent to which this Statement is embraced by Welsh Ministers and public authorities.

The 2026 Plaid Cymru [manifesto](#) committed to embed decarbonisation, sustainability and environmental protection as cabinet level, cross-cutting responsibilities across all portfolio areas. The duties in the Environmental Governance Act, together with this Statement, will help meet this commitment. They will also support the delivery of the forthcoming [Climate and Nature Plan](#) and the ambitious targets on nature recovery that the government has [pledged](#) to set under the Environmental Governance Act.

The Cabinet Minister for Rural Resilience and Sustainability recognised this when he [set out](#) the government's priorities on 23 June 2026. He was clear that the government's focus included embedding environmental principles in policy making.

Overall, Green Alliance welcomes the draft Statement as a strong foundation for embedding environmental principles in policy making in Wales. In this response, we suggest ways to make it clearer and more effective, so it supports joined-up thinking across the whole policy making process and helps tackle environmental challenges. We also propose practical steps for how the government can achieve its aim to put environmental protection and improvement at the heart of policy making.

Consultation questions

Question 1 – does the draft Statement clearly explain the environmental objective?

Yes, the draft Statement clearly explains the purpose and scope of the environmental objective, for example, the fact that the objective does not apply to the duties placed on Natural Resources Wales (NRW), which is instead guided by its 'general purpose' to pursue the Sustainable Management of Natural Resources (SMNR).

However, we question the wording in paragraph 27, which states that a high level of environmental protection requires "more than a 'do minimum' approach", which does not appear in tune with the earlier steer in this paragraph for "a robust and ambitious approach". We suggest that "significantly" is added between "requires" and "more".

We welcome paragraph 28 on protecting people from the effects of human activity on the environment, and paragraph 31 which recognises the relevance of considering the health inequalities experienced by certain population groups in some circumstances. However, we suggest that this section of the draft Statement could better reflect the importance of activity to improve people's health through environmental action, so that this is not accidentally overlooked or downgraded.

For example, paragraph 32 could reflect the link between environmental improvement and improved health and wellbeing, to avoid giving the impression that only activity which prevents harm to people is in scope of the environmental objective. While paragraph 29 does refer to the importance of the environment to people's health and wellbeing, this is not as strongly emphasised in this part of the draft Statement as protecting people from the effects of human activity on the environment.

In our view, paragraph 33 clearly expresses the relationship between the environmental objective (the attainment of a high level of environmental protection and an improvement of the environment) and the specific outcomes which are to result from contributing, through the application of the relevant duties, to its achievement. It also reflects the importance of considering intergenerational impacts.

We also welcome:

- The clarification in paragraph 34 that the outcomes are complementary, mutually supportive and not exhaustive.
- The inclusion of the clear statement in paragraph 33 that Section 1(1)(a) of the Environmental Governance Act does not dilute the importance of ensuring a high level of environmental protection.

We note that paragraph 36 sets an expectation that “Policy and SEA decision-makers” should consider and record how the application of their respective duties under Part 1 of the Environmental Governance Act contributes to a high level of environmental protection and improves the environment.

We suggest it would be useful to clarify who is caught by the term “Policy decision-maker”, which we understand to be Welsh Ministers and their officials and not NRW, as the environmental objective does not apply to the duties placed on it. As this is the only time this term is used in the draft Statement, it would be helpful to clarify its meaning.

Question 2 – does the draft Statement clearly explain the environmental principles?

Please see below for detailed commentary on where greater clarity on the individual principles would be helpful. We note that the draft Statement, including the section on the principles, refers to ‘decision makers’ throughout, which could cause confusion given the duties apply to policy making. We suggest that the term ‘policy makers’ is used instead.

We note that other policy statements or regulatory guidance on comparable cross-cutting duties contain examples of good practice.

For example:

- The Public Sector Equality Duty [technical guidance](#) includes several examples, ranging from ways in which the courts have interpreted the duty to examples of good practice and the ways in which bodies subject to the duty might respond. These illustrate the concepts used in the legislation and are a helpful tool for improving understanding.

- The Welsh Language Commissioner collects and shares good practice within public organisations in Wales and publishes a series of case studies on its website. These help organisations to design, plan and deliver services in Welsh to the public and offer practical ideas and how to ensure compliance with statutory language duties and promote the use of the Welsh language in different organisations. Good practice examples are published in a range of different areas, including [arrangements to ensure compliance](#), [service delivery](#) and promoting and [facilitating the use of the Welsh language](#).
- The Future Generations Commissioner publishes [examples of good practice](#) from across Wales on implementing the wellbeing goals.

The Welsh government should publish short, focused examples of how the environmental principles could be used in policy making as helpful aids to interpretation. This could be done alongside the draft Statement, for example in an accompanying annex, or in supporting toolkits or guidance documents.

Detailed comments on the principles

The prevention principle

This section of the draft Statement needs to state clearly at the beginning that the prevention principle should promote policy design options that prevent environmental damage before it has occurred, before it moves into detailed commentary on the application of the principle.

We suggest it would be clearer to add “indeed” between “if and “any” in the penultimate line of paragraph 42.

Paragraph 43 should be removed or redrafted as its meaning is not clear.

Paragraph 76 advises that policy makers should prioritise applying the prevention principle, which is sensible, but that isn’t necessarily the same as applying it first, as the precautionary principle should also usually be applied at the same time given it is about evidence. This could be addressed by adding the words “applying the precautionary principle to the evidence” at the end of the penultimate sentence in this paragraph.

We are concerned that the steps outlined in paragraph 47 go beyond the prevention principle. For example, steps 3 and 4 encourage mitigation which is not part of the prevention principle. The draft Statement appears therefore to divert the principle away from its core meaning of ‘prevention’ which risks policy makers wrongly assuming a degree of harm is inevitable and only capable of reduction or mitigation, rather than focusing on whether the harm is preventable. **We suggest that this section is rethought.**

The precautionary principle

The wording in the draft Statement is taken from the 1992 Rio Declaration, although this is not referenced. This is a definition that has been critiqued as being unduly narrow, and for the high threshold for action (serious or irreversible). The assumption that in a state of uncertainty the cost effectiveness of decisions can be calculated is counter intuitive.

While this is a commonly used definition in the UK, a more ambitious definition could be considered, for example [this definition](#) from the EU, which encourages a precautionary approach in the face of scientific uncertainty:

“The precautionary principle enables decision-makers to adopt precautionary measures when scientific evidence about an environmental or human health hazard is uncertain and the stakes are high.”

The rectification at source principle

Paragraph 59 provides example scenarios of where the rectification at source principle might be applied. It would be helpful for example scenarios to be provided for the other principles.

Accidental damage is not mentioned in relation to this principle but is referenced under the polluter pays principle (paragraph 62). This section should clarify that the rectification at source principle applies to all types of damage, both that which cannot be avoided, or which is caused by accident.

This section could be clearer that while the rectification at source principle can help to mitigate the impacts of harms that cannot be prevented, it is also a tool to change behaviour and support innovation to make sure those bearing most responsibility for harm take or support preventative action.

This section should therefore reflect the requirement on policy makers to consider the wider application of the rectification at source principle to consider whether and how policy should change to ensure that incidences of pollution or environmental damage are not repeated in other settings.

It should also recognise that applying the rectification at source principle to policy making may require a shift from an ‘end-of-pipe’ mindset to one that prioritises upstream solutions, for example policy to promote integrated catchment-based outcomes for the water environment.

The polluter pays principle

We suggest that “bearing” is added between “for” and “the” in the first line of paragraph 61.

We welcome the government’s [commitment](#) to explore ways to strengthen the polluter pays principle. The text in this section of the draft Statement does not reflect this commitment or the historic contamination and ongoing systemic pollution facing much of Wales’ environment and communities, including from diffuse agricultural pollution and chemicals contamination. We suggest that an introductory paragraph is added that reflects the importance of this principle in the Welsh policy context.

Question 3 – does the draft Statement clearly explain how to integrate environmental protection during policy and decision making?

Paragraph 38 clearly explains that Welsh Ministers, NRW and certain public authorities should consider the integration of environmental protection alongside the application of their duties to apply environmental principles. While Part A provides clear guidance on the integration of environmental protection in policy making, we suggest that Parts B, C and D could more explicitly refer to this duty.

We welcome the statement in paragraph 83 that the duties on Welsh Ministers are to be applied broadly and strategically across all policy making.

We also welcome the consistent steers in the draft Statement that the duties are to be applied throughout the policy making process. **We note that there is recognition that the duties should apply from an early stage in policy making (for example, in paragraphs 120 and 154) but suggest that the Statement clarifies that policy makers should consider the principles from the outset and throughout subsequent stages in policy development.** Early does not necessarily mean at the very start of the policy making process.

We note that paragraph 38 of the draft Statement says that “opportunities should be explored” to incorporate appropriate monitoring, assessment, and reporting mechanisms to promote transparency and accountability and to support evidence building and review. This should be strengthened to require such mechanisms to be developed and publicised. This would provide consistency with the stronger statements in paragraphs 125 and 158 of the draft Statement that Welsh Ministers and NRW must make appropriate arrangements to document their assessment of the application of their duties throughout the policy making process.

Question 4 – does the draft Statement clearly explain how the Welsh Ministers propose to comply with their duty, for the purpose of contributing to the environmental objective, to have special regard to the environmental principles and integrate environmental protection when making policy?

Yes, although we suggest that greater clarity would be helpful in the following sections:

- What alternative method to impact assessment is it envisaged will be used to determine whether a policy would have no or a negligible effect on the environment (paragraph 105)?
- On the application of the Section 3(1) duties to policy making that involves budgets, resource allocation, financing or expenditure, we welcome the commitment to include an entry in the Strategic Integrated Impact Assessment explaining how the duties have been complied with. However, **we suggest that financial policy is included in the list of examples of making policy in paragraph 92.**
- We welcome the recognition in paragraph 111 that the duties will apply to public authorities who make policy proposals for Welsh Ministers. Greater clarity should be provided on the “appropriate administrative arrangements” which are expected to be made with such authorities to ensure that the duties are cascaded consistently. **A list of the authorities which make policy proposals for Welsh Ministers should be published to aid transparency,** and the principles should be included in framework documents between the government and these authorities, where relevant.
- Paragraph 120 sets out the components of the assessment that Welsh Ministers will use to demonstrate compliance with their duties. This should emphasise that these are all essential parts of the assessment process and should always be addressed in assessments, to ensure consistent application of and reporting on the principles.
- Paragraph 125 sets an expectation that, in the interests of transparency and accessibility, assessments will be published with the policy, “when appropriate”. We suggest this should be strengthened to require publication, unless exceptional reasons for withholding publication can be demonstrated. It is important to build a culture of transparency from the start; if this is not done, it can lead to implementation issues. For example, the Office for Environmental Protection [found](#) a concerning lack of transparency on the UK government’s implementation of its equivalent duty. We note that reporting requirements are built into the Public Sector Equality Duty, including for public authorities to publish relevant, proportionate information demonstrating compliance, and to set themselves specific, measurable equality objectives. This Statement should seek to match those standards.

Question 5 - do you have any comments on how the Welsh Ministers propose to determine whether a policy has no effect or a negligible effect on the environment?

In our view, this section of the draft Statement is clearly drafted and does not need further elucidation. It fulfils the policy intent of the Act, reflecting statements made to the Senedd during the scrutiny of the bill, for example during the Stage 2 debate when the then Cabinet Secretary [said](#) that:

“It's important to note, in practical terms, there are very few policies that would have that no effect or negligible effect on the environment, and so it is considered likely to be very rare that the duty will not apply to Welsh Government policy making”.

Publication of the assessments envisaged in paragraph 104 will be important to provide transparency on the approach taken to considering the threshold and to ensure consistency across government.

The draft Statement does not provide any examples of policy making where there would be no effect on the environment or an effect that is negligible. We suggest that it would be helpful to provide a small number of examples of policy making that would not meet this threshold, noting that in the Stage 2 debate the then Cabinet Secretary gave the example of legislation on the physical punishment of children.

Question 6 – does the draft Statement clearly explain how to comply with the duty on NRW to have special regard to the environmental principles and integrate environmental protection when making policy, and how this relates to NRW’s general purpose?

Yes, we consider the draft Statement clearly explains how NRW is expected to ensure compliance with the duty the Environmental Governance Act places on it. **It is important that NRW is sufficiently resourced to discharge its responsibilities, which include providing Welsh Ministers with advice on how the principles should be integrated into government policy making.**

As paragraph 133 makes clear, the duty applies to all NRW policy making because this has, or could have, an effect on the environment, given NRW’s role and remit.

Paragraph 175 explains that the duty is intended to enable a targeted and proportionate approach. Acting proportionately will enable NRW to focus its attention on its policy making which will deliver the most significant environmental impact.

However, while proportionality can help frame difficult and complex decisions of prioritisation and legitimacy, care should be taken to avoid any potential reliance on proportionality as a justification not to take action to address environmental harm purely on the grounds of cost.

We suggest that it may be helpful to provide some additional guidance in the Statement to encourage NRW to focus its attention on policy making that would have the greatest potential environmental impact instead of, for example, internal human resources policies.

Question 10 – any comments on the draft Statement not covered by the above questions?

Welsh Ministers, NRW and public authorities should take a ‘best endeavours’ approach to applying the duties to their policy making in the period leading up to the duties coming into force, including by referencing them in consultation documents, policy statements and written ministerial statements. **Once the duties are in force, implementation should happen swiftly and be marked with announcements and statements to set a positive and ambitious tone.**

It will be important to avoid the risk of application of the principles becoming a ‘tick box’ exercise instead of a meaningful tool to improve the policy making process. A proactive approach from Welsh Ministers, NRW and public authorities, especially over the next 18 months, will help with this. To aid effective implementation, the government should:

- Embed the principles in civil service training and awareness raising programmes before the legal duty commences.
- Maintain a permanent, dedicated environmental principles team to provide advice and support to all government departments on applying the principles and to identify and share best practice.
- Include the principles in the collective agreement process for policy making and other relevant cross government mechanisms.
- Update guidance for applying Strategic Environmental Assessment so that it refers to the Statement, ensuring public authorities and those discharging the duties are aware of their responsibilities.
- Publish focused examples and case studies of how environmental principles can be used in policy making.
- Appoint a Senior Responsible Owner, or equivalent, with responsibility for environmental principles, in every department. The effective implementation of the principles will depend on them being visibly championed by senior civil servants, including in cross government project boards or similar governance structures. NRW should also consider this.

- Provide ministerial private offices with dedicated training as they are well placed to play an important awareness raising role and support the embedding of the principles in policy making.
- Establish a cross government working group to share experience of implementation, with ‘champions’ appointed from all Welsh Government policy directorates. While the context is different, the network of Welsh language officers in public authorities serves a similar purpose and has improved the implementation of Welsh language duties.
- Report annually to the Senedd, with contributions from all departments and public authorities, on how environmental principles have informed policy making and improved environmental outcomes. This would enable the Senedd to assess the impact of the duties, including whether there is adequate cross government investment in and respect for them.
- Require robust monitoring and evaluation by government departments of how the Statement is being applied and practically informing policy.
- Establish a clear process for engaging external stakeholders on environmental principles.

The draft Statement does not explain what policy makers should do after considering the principles. It should clearly set out the possible actions they can take. These could include changing a policy, delaying it until more evidence is available, deciding not to proceed, or stopping an existing policy where the environmental risks are too high.

The Statement could provide an illustrative list of authorities bound by the duties in the Environmental Governance Act. Clarity is important to enable the public to understand what is expected of those authorities caught by the duties.

We welcome paragraph 173, which encourages responsible authorities which may fall outside the definition of a public authority in Section 5(4) of the Environmental Governance Act, such as Network Rail and the Crown Estate, to adopt the approach set out in the draft Statement. We suggest that once the Statement is finalised the Minister writes to these authorities to convey this expectation directly to them.

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