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Rt Hon Carwyn Jones AM
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Environment (Wales) Bill

You wrote to me on 7 August 2015 seeking formal Secretary of State consent for the functions of Ministers of the Crown to be modified by sections 6, 11(3)(b), 21 and 22(2) of the Bill as introduced. I am content to provide consent for sections 11(3)(b), 21 and 22(2). I am, however, withholding consent for section 6 at this time.

As well as a duty to seek to maintain and enhance biodiversity in the exercise of their functions, section 6 includes a new duty on those public bodies (including Ministers of the Crown) to report every three years on what has been done to comply with the biodiversity duty.

Since the Bill's introduction, my officials have discussed these provisions with a number of departments. Concerns have been raised about the duties imposed by section 6 and the additional burdens this may place, not just on Ministers of the Crown, but also on bodies carrying out wholly or mainly non-devolved functions in Wales.

We have sought to gain further clarity on these duties from your officials and suggested minor amendments to address shared concerns. However, it remains our view that the duties imposed in this section will be more onerous than the duty on which they are based, in section 40 of the Natural Environment and Rural Communities Act 2006.

I know our respective officials, and those across Whitehall, have worked hard to resolve issues with the Bill and I am encouraged by the joint working that has taken place. Through further negotiation I am confident that our officials can reach a resolution to the remaining issues in the Bill which will allow you to meet your policy objectives.


Rt Hon Stephen Crabb MP
Secretary of State for Wales