



The Right Honourable Lord Justice Bean  
Public Chairman  
The Law Commission  
1st Floor, Tower  
52 Queen Anne's Gate  
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22 November 2016

Dear Lord Justice Bean

Thank you to your Public Law Team for the helpful and comprehensive report on Wildlife Law reform and your draft Wildlife Bill, published last November. I am grateful for the considerable work and expertise your team invested in this report, alongside the work you have done engaging with my officials and Welsh stakeholders to ensure the report reflects Welsh concerns. I regard your report and draft Bill as a significant piece of work which will help shape the way forward for environmental law in Wales.

As your work on wildlife law progressed, we continued to develop our own Environment (Wales) Act 2016, which received Royal Assent in March 2016. It puts in place a new legislative framework for the sustainable management of our natural resources in Wales, including a strengthened biodiversity and ecosystem resilience duty for public bodies. It also introduces 'the sustainable management of natural resources' as a new approach which ensures the way in which the use of, and the impacts on, our natural resources do not result in their long term decline. This Act provides a firm foundation on which to build for the future, recognising the importance of Wales' natural resources, including its wildlife.

Since your report was commissioned the UK has, of course, voted to leave the European Union. The implications of this are profound for my portfolio. Where European legislation falls within devolved competence, as it does with wildlife law, it will be for Welsh Government and the National Assembly for Wales to decide, in due course, which parts of European law we may wish to preserve or repeal. Although the decision for the UK to leave the EU brings significant challenges, it also provides an opportunity to shape a new way forward for 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.

In light of the uncertainty surrounding the future of environmental policy post Brexit, I do not believe it is time to bring forward a Wildlife Bill that implements your recommendations. The transition to the UK's withdrawal from the EU provides the opportunity to improve environmental regulation, support the implementation of the Environment (Wales) Act 2016 and build on environmental standards. More widely, it also creates the opportunity to support the transition to a circular economy, improve efficiencies, support diversification and to enable greater integration to improve the resilience of our sectors delivering greater benefit for Wales. Therefore, I intend to use your report and draft Bill as part of the underpinning evidence to inform our way forward on new legislative opportunities to protect wildlife in Wales, following the referendum decision.

I have asked my officials to remain in contact with your Public Law team on these matters.

*Yours sincerely  
Lesley Griffiths*

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros yr Amgylchedd a Materion Gwledig  
Cabinet Secretary for Environment and Rural Affairs