



12 October 2007

For the attention of the Chair of the Proposed Environmental Protection and Waste Management LCO Committee, Alun Ffred Jones AM

Wales Environment Link (WEL) would like to thank you for the opportunity to present evidence at the Proposed Environmental Protection and Waste Management LCO Committee meeting on the 25th of September. We are writing to you in acceptance of your offer to submit further evidence to the Committee.

Having followed the Committee's first two evidence sessions and having read the Minister's letter to the Committee (dated 1st October), WEL believes it necessary to reiterate our request to the Committee, that it seeks its own legal advice regarding the term 'Environmental Protection' as it appears in the context of Matter 6.2.

We would also stress the need for the Committee to seek its own legal advice in regard to the other matters raised in the Minister's letter; including the statement in the first paragraph on the types of measures that the LCO will be used to introduce, clarity on the impact of the proposed LCO on carbon emissions and proposals on climate change. We would ask that the Committee publish any advice it receives.

WEL has previously sought several informal pieces of legal advice and we have had conflicting views as to what the interpretation of 'environmental protection' should be. One of them advised that the fact that natural habitats etc. are referred to separately in Schedule 7—Field 6 does not, of itself, cut down what seems to be a wide interpretation of environmental protection.

As WEL's representatives stated when giving oral evidence to the Committee, an agreed legal definition of this term is of particular importance from the perspective of the voluntary environmental sector because:

- 1) It is vital for the voluntary sector to understand the devolution settlement, and to know which is the competent authority on a particular matter;
- 2) It would effectively disenfranchise the sector, already stretched in terms of capacity and resources, if it had to commission its own legal advice or take matters through the court in order to understand this.

Up to this point, the legal advice WEL has received has been dependent on the good will of individuals at Cardiff Law School. WEL's member organisations have extremely limited legal capacity, and WEL does not feel that commissioning legal advice would be the best use of charitable resources.

This letter has been copied to all members of the Committee for consideration. We will be more than happy to provide any further input if the Committee so requests.

Yours faithfully,



Geraint Hopkins
Chair of Wales Environment Link