

Welsh Government
Environmental Policy Legislation Team

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15th September 2026

Dear Sir / Madam,

Response to the Rural Proofing and Environmental Sustainability White Paper

The National Infrastructure Commission for Wales (NICW) welcomes the opportunity to respond to the Welsh Government consultation on the Rural Proofing and Environmental Sustainability White Paper.

NICW's response is focused on those questions where the Commission can offer evidence from its remit and work programme, and in particular our advisory role on long-term infrastructure issues over a 5–80-year horizon, drawing on our major reports on renewable energy, flooding and climate adaptation and the 2026 Wales Infrastructure Assessment.

Rural Proofing

Question 1

Do you think Wales needs a new rural proofing duty? Please explain your response.

Yes. NICW supports a new rural proofing duty in principle because many infrastructure outcomes are strongly place-dependent. Making rural considerations a consideration across policy areas and public bodies will mean that investment or regulation affecting access to essential infrastructure services in rural Wales is always considered.

The duty should explicitly support the Well-being of Future Generations ways of working by strengthening long-term thinking, prevention, integration, collaboration and involvement. Rural proofing would help translate that long-term, cross-sector approach into routine policy design. It would also help address a recurring problem identified in NICW's research: that our infrastructure is too often planned through fragmented responsibilities, short-term funding cycles and sector silos rather than as a joined-up system. A rural proofing, place-based approach should help to bring all of those facets together.

However, the value of a duty will lie in practical outcomes rather than simply procedural compliance. It should require policy-makers to ask whether rural communities can access reliable digital connectivity, affordable and resilient energy, safe transport, water and wastewater services, flood and climate resilience, and circular economy infrastructure. There is a danger that such a duty could become a 'box-ticking' exercise for public bodies and there is token engagement with rural communities on issues impacting upon them. Careful implementation, with practical accompanying guidance and best practice, will be key to its overall success.

Question 2

Do you agree with the proposed form of the rural proofing duty (a duty to have regard to rural needs)? Please explain your answer.

NICW agrees that a duty to have regard to rural needs is a proportionate starting point, provided it is framed to influence decisions rather than merely document that rurality has been considered. A regard duty should require active and evidenced consideration of rural impacts at an early stage: the point when policies, investment programmes and delivery models are still capable of being changed.

As well as identifying need, a rural proofing duty should require public authorities to identify interdependencies early, including the links between transport, digital access, energy systems, health and public service access, land use and community resilience. This would be a more efficient use of the duty and avoid duplication of effort.

The duty should not require every policy to produce a long technical rural assessment. It should be proportionate to the scale of likely impact. However, where a decision affects infrastructure access or resilience, the duty should require decision-makers to explain what evidence has been used, what rural trade-offs have been identified, whether a standard delivery model would disadvantage rural communities, and what mitigation or alternative approach has been considered.

Question 3

Do you agree with the proposed list of public authorities to whom the duty should apply? Please explain your answer.

We agree that the duty should apply to public authorities whose functions materially affect rural communities and infrastructure outcomes. From an infrastructure perspective, the key test should be whether a body plans, funds, regulates, operates or materially influences essential infrastructure or infrastructure-enabled services in rural Wales.

We would suggest that the final list is tested against an impact principle. If a body's decisions can materially shape whether rural communities have resilient access to essential services, it should either fall within the duty or be required to demonstrate through another statutory or policy mechanism how rural impacts are being considered.

Question 4

Do you think public authorities subject to a rural proofing should be required to periodically report on what actions they have taken, or propose to take, to comply with the duty? Please explain your answer.

Yes, subject to proportionality. NICW supports periodic reporting where it helps demonstrate whether rural proofing has changed decisions, improved outcomes and strengthened accountability. Reporting should focus on the practical difference made by the duty, rather than creating a separate administrative exercise that absorbs capacity without improving infrastructure delivery. Existing report mechanisms for similar duties should be used and expanded wherever possible in the first instance.

Reporting should therefore ask what rural evidence was considered, which rural infrastructure or service risks were identified, how trade-offs were handled, and whether mitigations have been implemented. It should be integrated with existing corporate, well-being, climate adaptation, infrastructure, planning or public service reporting cycles wherever possible. This would avoid duplication while creating a useful evidence trail for reviews of this policy, and its implementation, in the future.

Question 5

Do you agree that the Welsh Ministers should be required to provide statutory guidance to support the new rural proofing duty? If so, what is your view on what should be included in that guidance. Please explain your answer.

We agree. Statutory guidance will be essential if the duty is to be applied consistently and if public authorities are to understand what meaningful rural proofing looks like in practice. Without guidance, the duty risks being applied inconsistently, especially across sectors with different planning cycles, data sources, regulatory arrangements and delivery cultures.

The guidance should include infrastructure-specific prompts shaped by the evidence in [NICW's Infrastructure Assessment and sector insight reports](#). These should cover transport accessibility, public transport and active travel limitations, rural car dependency, digital and mobile not-spots, access to online public services, grid capacity, energy affordability, water and wastewater resilience, flood and climate risks, access to health and other public services, landscape and land-use pressures, and the role of natural infrastructure.

The guidance should encourage rural proofing to be an iterative part of policy design, delivery and review, using both quantitative infrastructure data and lived experience from rural communities.

Question 6

What is your opinion about how a duty might work with existing arrangements between public authorities for joint working?

The duty should strengthen existing joint-working arrangements rather than duplicate them. Many rural infrastructure challenges cannot be solved by a single public authority acting alone. Rural access to employment, education, health services and community life depends on the interaction between transport, digital connectivity, land-use planning, energy networks, water systems and public service design.

Our research has consistently identified sector silos, weak coordination, interdependencies with wider infrastructure and fragmented governance as barriers to better outcomes. NICW consistently has called for improving data sharing and coordination, encouraging collaboration around future demand, enabling early and meaningful engagement, and facilitating longer-term policy certainty and funding confidence.

Where policies or programmes have clear cross-sector implications, NICW would support joint rural impact assessment between relevant bodies. Public Service Boards and Corporate Joint Committees, together with local flooding and resilience structures seem obvious parties to these arrangements. However, these would need to be co-ordinated with clear areas of responsibility and communication to make sure the policy is implemented effectively.

Question 7

What practical matters, such as evidence and research, networks and human capacity building, would need to be addressed to make a rural proofing duty successful?

A rural proofing duty will only be successful if public authorities have the data, analytical capacity and community relationships needed to apply it properly. In this regard shared datasets, accessible infrastructure mapping, scenario planning, cross-sector networks, training for policy and delivery officials, and mechanisms for communities to contribute local knowledge, will be crucial in ensuring the evidence is available to implement the policy effectively.

Question 8

What benefits, costs, risks or unintended consequences do you think could arise from introducing a statutory rural proofing duty?

The main potential benefits are better early identification of infrastructure gaps, fairer policy design, improved resilience of rural communities, stronger public trust and fewer costly re-designs later in delivery. A rural proofing duty could help ensure that rural impacts are considered before policies are finalised, rather than after delivery problems emerge. It could also strengthen the Well-being of Future Generations Act ways of working by promoting prevention, integration, collaboration, involvement and long-term thinking.

For NICW, the strongest justification is that rural proofing could support more integrated infrastructure planning. Our [Infrastructure Delivery](#) research identifies that weak coordination, short-term funding, poor data sharing and siloed infrastructure planning can undermine delivery.

The main risk is that the duty becomes a process that records consideration without changing decisions. There is also a risk of inconsistent application if bodies lack data, capacity or senior ownership. These risks can be mitigated through statutory guidance, proportionate reporting, training, shared datasets, and integration with existing impact assessment and infrastructure planning mechanisms.

Climate Change

Question 12

Do you agree that the section 80(1) report should focus on the impact of climate change only, because Wales now has a separate statutory framework for greenhouse gas emissions reduction through the Environment (Wales) Act 2016? Please explain your view.

NICW agrees. Our climate adaptation report, [A Perfect Storm](#), provides a direct evidence base for this position. It concludes that climate change is already affecting Wales and that the country must prepare its communities and infrastructure for a changing climate. It also identifies that there has been strong focus on emissions reduction but much less emphasis on adapting to the impacts that are already locked in.

Mitigation and adaptation are connected, but they create different governance questions. Mitigation asks how Wales reduces emissions; adaptation asks whether infrastructure, communities and public services will remain safe, resilient and usable as flooding, heat, drought, sea-level rise and extreme rainfall intensify. Our climate adaptation report argues that adaptation should be put on an equal footing with net zero, supported by clear leadership, planning, funding, data and community engagement.

A section 80(1) report focused on climate impacts would make adaptation more visible and accountable. It would help ensure risks to transport, water, telecoms, energy, housing, natural infrastructure and communities are not obscured within broader emissions reporting. It should, however, retain a clear explanation of links between mitigation and adaptation so that decisions such as woodland creation, energy infrastructure, transport decarbonisation and circular economy investment are considered coherently.

Question 13

Do you agree that assessments of progress in addressing the impacts of climate change should be separated from the section 80(1) report on objectives, actions and future priorities? Please explain your view.

Yes. NICW supports separating progress assessment from forward-looking objectives where this improves clarity, accountability and learning. A progress report should tell the

public and decision-makers whether actions have happened, whether they are reducing risk, whether responsibilities are clear and where gaps remain. A forward-looking report should then set out objectives, priorities, delivery routes and future decisions.

Combining progress assessment and future intentions in a single narrative risks making it harder to distinguish delivery from aspiration.

For infrastructure providers, local authorities and communities, separate progress assessment would support adaptive governance: monitor, learn, adjust and act. It would also improve the evidence base for future assessments by making it clearer whether Wales is closing, widening or simply re-describing its adaptation readiness gap.

Question 16

Do you agree that section 39 should be changed so that each plan contains policies and proposals for meeting two carbon budgets on a rolling cycle? Please explain your view.

Suggested selection: Agree

NICW agrees as this clearly aligns with the Well-being of Future Generations Act. Climate considerations require long planning, consenting, funding, delivery and asset-management timescales. A rolling two-carbon-budget approach would provide a more credible horizon for decisions on energy networks, transport decarbonisation, grid capacity, building retrofit, heat transition, water resilience and circular economy infrastructure.

NICW would stress that extending the horizon should not simply create longer plans. Carbon budget plans should set out the infrastructure implications of the pathway, including grid reinforcement, planning and permitting capacity, skills, supply chains, funding certainty, rural delivery implications, circular economy requirements and dependencies with UK-reserved responsibilities.

Question 17

Do you have views on the practical implications of producing plans on this basis, including for stakeholders who use the plans? Please explain.

For stakeholders, plans covering two carbon budgets should be easier to use if they are supported by clear milestones, sectoral implications and transparent assumptions. Energy stakeholders would need clarity on grid capacity, renewable deployment, demand growth and local energy systems. Transport stakeholders would need clarity on modal shift, public transport decarbonisation, EV charging, active travel and rural accessibility. Circular economy stakeholders would need clarity on procurement, material flows and reprocessing capacity. Public bodies would need practical data and impact assessment tools to understand what the plans require of them.

There is a risk that a longer plan becomes too broad or disconnected from delivery. We would therefore recommend that plans are accompanied by delivery dashboards or progress reporting and review points that allow Wales to respond to new evidence, technology and economic conditions.

Question 18

Do you agree that section 41(11) should be changed so that a final statement uses the most recent consumer emissions data available? Please explain your view.

NICW agrees in principle. Better use of the most recent consumer emissions data would improve the relevance and credibility of the final statement, provided that any uncertainty, provisional status or methodological limitations are clearly explained. The aim should be decision-useful transparency rather than apparent precision.

We would support using the latest available evidence where it helps policymakers understand the infrastructure choices behind emissions, including embodied carbon in materials, transport demand and the potential for circular economy infrastructure to retain value and reduce resource dependence.

Question 19

Do you agree there should be a new requirement for the annual publication of an estimate of consumer emissions? Please explain your view.

Yes. NICW supports annual publication of an estimate of consumer emissions where it improves the evidence base for planning, procurement and public engagement. Annual data would help Wales understand how consumption, material flows and infrastructure choices are changing over time, and whether policies are shifting the system towards lower-carbon, more circular models.

We would recommend that annual publication is accompanied by explanatory material linking consumer emissions to infrastructure systems. This would help public bodies and communities understand the role of repair, reuse, reprocessing, low-carbon construction, transport behaviour, energy efficiency and procurement in reducing emissions.

Forestry Act 1967 and woodland creation/restoration

Question 30

Would you like to see any additional measures put in place to protect high quality agricultural land?

NICW supports a balanced, evidence-led approach to protecting high-quality agricultural land. Agricultural land is itself a strategic resource, and decisions about woodland creation should consider food production, rural economies, biodiversity, carbon, water, flood risk, landscape and community resilience together.

The Commission's remit is not to advise on agricultural policy in detail, but its work repeatedly shows that infrastructure choices interact with land use, climate adaptation, natural systems and community wellbeing. A simplistic hierarchy that treats one land use as always preferable to another would not be consistent with NICW's long-term, place-based approach. In this specific instance NICW recognises the specific tension which exists between high quality agricultural land and energy development proposals. Measures to protect high quality agricultural land in the planning and development processes should be accompanied by a clear and rational framework for how decisions will be taken. The new Welsh Government has recently announced the creation of an energy strategy; NICW would expect that this strategy should address this issue clearly which gives certainty to communities and developers on how this issue will be assessed in the decision making processes.

Additional measures should therefore ensure that woodland creation decisions are based on place-specific evidence and long-term public value. The framework should protect genuinely high-value agricultural land where loss would undermine strategic resilience, while still enabling woodland creation where it delivers clear climate, biodiversity, flood, landscape or community benefits.

Biodiversity and environmental governance

Question 41

Do you agree that section 6(6A)(b) of the Environment (Wales) Act 2016 should be repealed? Please explain your view.

In principle, NICW supports simplifying legislation where this removes duplication and improves clarity, provided that it does not weaken meaningful public engagement, biodiversity outcomes or accountability for ecosystem resilience.

If Welsh Government proceeds with repeal, we would suggest that the explanatory material and guidance make clear that meaningful public engagement and evidence-based biodiversity planning remain required. Simpler procedures should not reduce the practical quality, accessibility or transparency of engagement. Nature and communities should be considered early in decision-making, not as late-stage constraints once infrastructure or land-use decisions have effectively been made.

Question 42

Should the Welsh Ministers be given the proposed regulation making power to modify specified regulations related to the environment, to be listed in the Bill, that were made under section 2(2) European Communities Act 1972?

NICW supports the principle of Wales having workable legislative tools to maintain and improve environmental regulation, provided appropriate safeguards, consultation and Senedd scrutiny are in place. Environmental regulation affects infrastructure delivery, water quality, habitats, waste, circular economy infrastructure, flood resilience, energy systems and climate adaptation, all of which fall within or connect to NICW's remit.

Our [Infrastructure Delivery](#) research identifies legislative and policy complexity, planning and permitting delays, governance complexity and under-resourced processes as barriers to delivery. The research does not argue for weaker environmental protection. Rather, it highlights the need for systems that are clear, coordinated, adequately resourced and capable of delivering high-quality outcomes.

A regulation-making power could therefore be useful if it enables environmental law to remain coherent, responsive and capable of supporting the climate and nature emergencies. Safeguards should ensure the power is used to protect or improve environmental outcomes, not dilute them. The power should be accompanied by transparent rationale, consultation, impact assessment, Senedd scrutiny and clear statements of how proposed changes support resilience, nature recovery and sustainable management of natural resources.

Question 43

Do you agree that the proposed power will help to protect and improve the environment and help to respond to the climate and nature emergencies and manage our natural resources sustainably? Do you have any suggestions how the power could be improved to achieve these outcomes?

NICW agrees that the proposed power could help protect and improve the environment if it is used transparently and with a clear public-interest test. The power should be used to strengthen environmental outcomes, support natural resource management, enable climate adaptation, support nature recovery and improve the coherence of infrastructure planning.

The need for coherence is strongly supported by NICW's work. Our [Infrastructure Delivery](#) research identifies persistent barriers around fragmented governance, planning complexity, weak data sharing, skills shortages and short-term funding. The Wales Infrastructure Assessment similarly emphasises the need for joined-up long-term infrastructure decisions across energy, water, transport, digital and circular economy systems. Environmental regulation sits within that wider system.

NICW would improve the power by requiring explanatory statements for each use. These should explain how the change supports climate adaptation, nature recovery, circular economy outcomes, infrastructure resilience, Well-being of Future Generations ways of working and environmental non-regression or improvement. Where proposals affect infrastructure delivery, they should also identify likely data, skills, capacity and delivery implications.

Question 48

Do you have any other comments on this proposal?

NICW would emphasise that the proposal should form part of a wider effort to align environmental governance with long-term infrastructure planning. Wales has strong policy ambitions, but our research identifies persistent difficulties in moving from policy intent to delivery, including funding uncertainty, skills and capacity constraints, fragmented governance, planning complexity and weak data sharing. The current draft already makes this wider connection between environmental regulation and infrastructure delivery.

A modern environmental regulatory framework should provide clarity and confidence while maintaining high environmental standards. Infrastructure providers, local authorities, regulators and communities need to understand the framework early enough for climate resilience, biodiversity, circular economy principles and community involvement to be embedded in the design of policies, programmes and projects. Regulation should support better decisions from the outset, rather than only intervening after environmental harm or delivery problems arise.

[NICW's Nature Guardian](#) pilot provides a practical example of this more preventative and integrated approach to environmental governance. Following its recommendation that nature should be incorporated as a key stakeholder in flooding policy and implementation, NICW tested how its own discussions might be influenced by involving a representative of nature. The six-month pilot treated nature not simply as an environmental consideration or policy outcome, but as a stakeholder whose interests should be represented within decision-making. The work found that the presence of a Nature Guardian helped move nature from a background consideration to something more explicitly present when questions, responsibilities and trade-offs were considered.

The pilot also demonstrates the importance of learning, transparency and institutional experimentation. NICW undertook the work as a practical exercise, with the intention of learning publicly and sharing its findings so that other public bodies could consider similar approaches on an informed basis. The associated work on nature representation examined matters including accountability, transparency, embedding the role within decision-making structures, reflexivity and organisational learning.

NICW would therefore encourage the Welsh Government to consider not only whether the proposed powers allow environmental regulations to be maintained or amended, but also whether the wider governance framework gives nature an effective and visible place in decision-making.

Thank you once again for the opportunity to respond to this consultation. If you would like to discuss responses in more detail, we would be pleased to meet with you to assist you in your considerations.

Yours faithfully,



Dr Jenifer Baxter
Cadeirydd Dros Dro / Interim Chair