



Y Pwyllgor Amgylchedd a Chynaliadwyedd The Environment and Sustainability Committee

**Dydd Iau, 26 Medi 2013
Thursday, 26 September 2013**

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Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for Items 4, 5, 6 and 7 and from the Meeting on 2 October

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol Committee members in attendance

Mick Antoniw

Yr Arglwydd/Lord Elis-
Thomas

Russell George

Llafur

Labour

Plaid Cymru (Cadeirydd y Pwyllgor)
The Party of Wales (Committee Chair)

Ceidwadwyr Cymreig
Welsh Conservatives

Llyr Gruffydd	Plaid Cymru The Party of Wales
Sandy Mewies	Llafur (yn dirprwyo ar ran Julie James) Labour (substituting for Julie James)
Julie Morgan	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Chloe Corbyn	Y Gwasanaeth Ymchwil Research Service
Alun Davidson	Clerc Clerk
Elfyn Henderson	Y Gwasanaeth Ymchwil Research Service
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Nia Seaton	Y Gwasanaeth Ymchwil Research Service
Naomi Stocks	Ail Glerc Second Clerk
Graham Winter	Y Gwasanaeth Ymchwil Research Service

Dechreuodd y cyfarfod am 09:37.
The meeting began at 09:37.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Yr Arglwydd Elis-Thomas:** Bore da a chroeso i gyfarfod cyntaf tymor yr hydref o'r Pwyllgor Amgylchedd a Chynaliadwyedd. Mae gennym ni ymddiheuriadau. Dylwn ddweud i ddechrau bod Vaughan Gething wedi ein gadael ni, felly mae lle gwag ar y pwyllgor gan ei fod yntau bellach yn Weinidog yn y Llywodraeth. Mae Julie James yn ymddiheuro ac rydym yn croesawu Sandy Mewies i'r pwyllgor fel dirprwy. Diolch yn fawr, Sandy.

Lord Elis-Thomas: Good morning and welcome to the first meeting of the autumn term of the Environment and Sustainability Committee. We have received apologies. I should say at the outset that Vaughan Gething has left us, so we now have a vacancy on the committee as he is now a Government Minister. Julie James has apologised and we welcome Sandy Mewies to the committee as her substitute. Thank you very much, Sandy.

09.38

Papurau i'w Nodi Papers to Note

[2] **Yr Arglwydd Elis-Thomas:** Mae gennym rai eitemau i'w nodi yn y cyfarfod agored hwn cyn inni fynd i gyfarfod caeedig i drafod ein hymchwiliadau nesaf. Mae gennym gofnodion y cyfarfodydd ar 11, 17 a 24 Gorffennaf. Mae'r pwyllgor yn nodi'r rheini. Mae hefyd llythyr gan y Gweinidog ar faterion a gododd allan o'n cyfarfod ar 24 Gorffennaf yn darparu atebion ysgrifenedig i gwestiynau. Mae gennym hefyd ymateb gan un Gweinidog, Alun Davies, y Gweinidog Cyfoeth Naturiol a Bwyd. Mae gennym hefyd ail bapur, sef ymateb y Gweinidog Tai ac Adfywio, Carl Sargeant, i gynlluniau datblygu lleol a ffigurau. A oes unrhyw sylwadau ar y rheini?

Lord Elis-Thomas: We have some papers to note in this open meeting before we move into a private meeting to discuss our forthcoming inquiries. We have the minutes of the meetings on the 11, 17 and 24 July. The committee notes those. We also have a letter from the Minister on matters arising from our meeting on 24 July, offering written responses to questions. We also have a response from one Minister, Alun Davies, the Minister for Natural Resources and Food. We have a second paper, which is the response of the Minister for Housing and Regeneration, Carl Sargeant, to local development plans and figures. Are there any comments on those?

[3] **Llyr Gruffydd:** Hoffwn wneud un sylw bach byr. Rwy'n amlwg yn ddiolchgar i'r Gweinidog am ei ymateb ynglŷn â'r cynlluniau datblygu lleol. Yr unig bwynt yn y llythyr y bu i'r pwyllgor ysgrifennu ato nad wyf yn teimlo iddo gael ei hateb yw'r cwestiwn ynglŷn â sgiliau a chapasiti o fewn awdurdodau cynllunio lleol. Yn amlwg, mae'n cydnabod bod posibilrwydd a photensial i symud i weithio ar lefel mwy rhanbarthol ac y byddai hynny yn dod â sgiliau ynghyd, ond, wrth gwrs, rydym dipyn o'r ffordd i ffwrdd o gyrraedd y pwynt hwnnw. A fyddai'n addas i'r pwyllgor ofyn iddo ba syniadau, awgrymiadau neu fwriadau sydd gan y Llywodraeth i ddelio â'r mater hwnnw yn y ddwy neu dair blynedd nesaf, oherwydd dyna'r cyfnod pan fydd nifer fawr o gynlluniau datblygu lleol yn cael eu gweithio arnynt a'u mabwysiadu?

Llyr Gruffydd: I would like to make one short comment. I am obviously grateful to the Minister for his response on local development plans. The only point in the letter that we wrote to him as a committee that I feel has not been answered is the question regarding skills and capacity within local planning authorities. Obviously, he acknowledges that there is the possibility and the potential to move to work on a more regional level and that would bring skills together, but, of course, we are quite a way away from reaching that point. Would it be appropriate for the committee to ask him what ideas, suggestions or intentions the Government has to deal with that matter in the next two or three years, because that is the period during which quite a number of local development plans will be developed and adopted?

[4] Yr unig bwynt arall roeddwn am ei wneud yw hyn: gan fod y Gweinidog yn cyfeirio at gyfrifoldebau Jane Hutt yn y Llywodraeth yn ymwneud â rhai ystadegau, a ydym ni wedi—neu a fyddai'n syniad i ni—anfon copi o'n llythyr gwreiddiol ati hi hefyd er gwybodaeth?

The only other point that I wish to make is that, as the Minister refers to the responsibilities of Jane Hutt in the Government in relation to some statistics, have we sent—or would it be an idea for us to send—a copy of our original letter to her for information?

[5] **Yr Arglwydd Elis-Thomas:** Rwy'n cytuno'n llwyr â'r ddau bwynt hynny, yn enwedig gan ein bod yn edrych ymlaen tuag at y Bil diwygio cynllunio arfaethedig, a'r Bil diwygio drafft ar gyfer cynllunio, a'r papur

Lord Elis-Thomas: I agree with both of those points, especially because we are looking ahead to the proposed planning Bill, and the draft planning reform Bill, and the consultation paper and so on. I think that it is

ymgyngori ac yn y blaen. Rwy'n meddwl ei bod yn bwysig i ni gadarnhau'r pwynt os nad yw'r capasiti gan awdurdodau cynllunio lleol, fel ag y maen nhw ar hyn o bryd, nhw sydd â'r cyfrifoldeb o herio a thrafod ffigurau dangosol y Swyddfa Ystadegau Gwladol a Llywodraeth Cymru. Felly, rwy'n meddwl bod hwnnw'n awgrym da.

important for us to reinforce the point that if the local planning authorities, as they are at present, lack the capacity, they are responsible for challenging and discussing the Office for National Statistics and Welsh Government's indicative figures. So, I think that it is a good suggestion.

[6] Do you want to add something, Antoinette?

[7] **Antoinette Sandbach:** I agree with the points that Llyr made, but, Chair, you wrote to the Minister relating to the emergency Bill procedure, and the inability of the committee to do the scrutiny with that procedure being used. Have you had any response from him in relation to that letter?

[8] **Lord Elis-Thomas:** We have.

[9] **Mr Davidson:** I will make sure that that is circulated to the committee.

[10] **Lord Elis-Thomas:** It might also be convenient for me to mention that I had a discussion with the Minister yesterday about the potential forthcoming Bill involving horses fly-grazing. He has indicated strongly that he would like to come to the committee to give evidence, and to ensure that we have adequate time for scrutiny. I believe that they are called discussions behind the Speaker's chair in Westminster, but we do not have chairs here. [*Laughter.*] However, that has obviously worked, and he now recognises that there is a need for more time to discuss this.

[11] **Antoinette Sandbach:** May I make a point on that? The Stage 1 committee proceedings are one of the key areas of engagement with outside stakeholders. When that Stage is not undertaken, whether or not there is cross-party agreement—and I believe that there is in relation to the fly-grazing Bill—we as elected representatives ought to give our stakeholders an opportunity to comment, to look at legislation and to raise issues. We may not see all the issues, or there may be unintended consequences that we are not aware of. We ought to be very cautious about abandoning Stage 1 committee proceedings, which are an important part of this committee being able to engage with the wider public and the concerns that they have.

[12] **Lord Elis-Thomas:** We had an earlier discussion on Saturday about all this. I followed that up with a discussion with the Royal Society for the Prevention of Cruelty to Animals which was here last evening, and it certainly feels strongly that it would like to have the opportunity to comment at the equivalent of a Stage 1. It is up to us as a committee. If we are being, dare I say it, denied a Stage 1 by the Business Committee or the Government and its allies in these matters, it is for us to decide as a committee how we want to proceed from there on. Due to the fact that we have had an offer from the Minister, it makes sense to have a parallel meeting involving stakeholders, if you are happy with that.

[13] I have also had some informal discussion about the dogs issue, following this letter that we had back from the Minister. I do not know whether you have anything that you want to say on that, Julie.

[14] **Julie Morgan:** I will just say that the Minister has reassured me that if we cannot get what we wanted with the original legislation, he will go back to the suspended Bill. I am concerned whether this legislation will come out with what we originally wanted, but we will see. I do not think that there is anything more beyond that at this stage.

[15] **Lord Elis-Thomas:** I think that there was an understanding and a welcome among the RSPCA council members last night to the positive effect that this committee and Government were having on Westminster in the context of its Bill. I am sure that there is no need to keep the Minister to his word—from what he has told me, what is in his letter is very much in his mind.

[16] **Julie Morgan:** At some stage, we will have to call him back as the Bill progresses to see how it is going.

[17] **Lord Elis-Thomas:** Yes. I certainly hope to take some interest in the Bill at the other end of the line as well.

09:45

[18] **Antoinette Sandbach:** On that issue, the Minister was quite clear that there were some areas that were within competence and some that were not. I do not see, in any way, that the legislative consent motion that we passed earlier this week is preventing the Minister from acting here, in this place, on the issues. Where there are criminal offences being extended, and there are quite substantial sentences and also destruction of dogs Orders, potentially, under those criminal offences, it makes sense to have Parliament looking at it, but in terms of the dog control notices and issues such as those, I do not see that there is anything in that LCM that would prevent the Minister from acting, if he did not feel that the UK Parliament legislation was adequate in terms of its remit. That came across quite clearly in the RSPCA evidence that we had in the last Assembly term.

[19] **Julie Morgan:** The dog control notices are the key issue for all the stakeholders that I have worked with, as it is for those who have appeared here. He does have the scope to develop those if they are not in the Westminster legislation—they may be under a different name, but as long as they are in the form that we needed, that would be satisfactory. This is something that we have to keep a close eye on.

[20] **Lord Elis-Thomas:** We have the issue of regulations as well and the way in which those will operate. We have Lisa here as our legal adviser; please stop me if I do not say it properly, but legislative consent motions apply only to the particular piece of legislation to which they refer. They do not affect the competence of the Assembly. It is important to say that. They cannot do so. Having heard what the First Minister so very helpfully said yesterday about his view that the competence of the Assembly is irreversible without the consent of the people of Wales, that is the constitutional position that anybody looking at that would take, and it would apply in the Supreme Court or anywhere, would it not?

[21] **Mick Antoniw:** It would, yes.

[22] **Lord Elis-Thomas:** Thank you; it is always good to have lawyers on the committee.

[23] **Mick Antoniw:** Yes, compliant lawyers. [*Laughter.*]

[24] **Lord Elis-Thomas:** As long as we are all in agreement—and I am not a lawyer, thank God. [*Laughter.*] I see that we are in agreement.

[25] Nid wyf yn credu bod gennyf unrhyw beth arall yn yr ohebiaeth nac yn y papurau i'w nodi, felly gofynnaf am gynnig ein bod yn mynd i sesiwn gaeedig er mwyn i ni gael trafod gweddill y busnes. Bydd hwn hefyd ar I do not think that I have anything else to add on the correspondence or the papers to note, so I ask someone to propose that we move into a closed session so that we can discuss the remainder of our business. This will also

gyfer ein cyfarfod wythnos nesaf.

apply to next week's meeting.

09:47

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r
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Motion under Standing Order 17.42 to Resolve to Exclude the Public from the
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[26] **Llyr Gruffydd:** Cynigiau fod

Llyr Gruffydd: I move that

*y pwyllgor yn penderfynu gwahardd y
cyhoedd o weddill y cyfarfod a'r cyfarfod ar
2 Hydref yn unol â Rheol Sefydlog 17.42(vi).*

*the committee resolves to exclude the public
from the remainder of the meeting and the
meeting on 2 October in accordance with
Standing Order 17.42(vi).*

[27] Gwelaf fod y pwyllgor yn gytún.

I see that there is no objection.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 09:47.
The public part of the meeting ended at 09:47.*