



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Mercher, 27 Mehefin 2012
Wednesday, 27 June 2012

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynnddi. Yn y golofn
dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken. The right-hand column contains a transcription of the simultaneous interpretation.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur Labour
Yr Arglwydd/Lord Elis-Thomas	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Vaughan Gething	Llafur Labour
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
David Rees	Llafur Labour
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives

**Eraill yn bresennol
Others in attendance**

Dr Christianne Glossop	Y Prif Swyddog Milfeddygol Chief Veterinary Officer
John Griffiths AC/AM	Gweinidog yr Amgylchedd a Datblygu Cynaliadwy Minister for Environment and Sustainable Development
Matthew Quinn	Cyfarwyddwr, yr Amgylchedd a Datblygu Cynaliadwy Director of Environment and Sustainable Development, Welsh Government

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

Alun Davidson	Clerc Clerk
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Martin Jennings	Ymchwilydd Researcher
Lisa Salkeld	Cynghorydd Cyfreithiol Legal Adviser
Nia Seaton	Ymchwilydd Researcher

*Dechreuodd y cyfarfod am 10.02 a.m.
The meeting began at 10.02 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions**

[1] **Yr Arglwydd Elis-Thomas:** Bore da, Weinidog, a chroeso'n ôl o Rio. Diolch i ti am dy bresenoldeb yn y fan honno.

Lord Elis-Thomas: Good morning, Minister, and welcome back from Rio. Thank you for your attendance there.

Craffu ar Waith Gweinidog yr Amgylchedd a Datblygu Cynaliadwy
Scrutiny of the Minister for Environment and Sustainable Development

[2] **Yr Arglwydd Elis-Thomas:** Rydym yn dechrau y bore yma gyda sesiwn graffu ariannol. Gofynnaf i David Rees agor yr holi.

Lord Elis-Thomas: We begin today with a financial scrutiny session. I ask David Rees to begin the questioning.

[3] **David Rees:** In your paper you say that accountability for a number of areas in the programme for government, including sustainable jobs, Welsh homes, tackling poverty, rural communities and environmental sustainability, lies within your portfolio. Some of those are clearly shared responsibilities. Looking at your budget expenditure lines in annex 2, there is quite a lot there, so how do we match that up to the programme for government? Could you explain how you identify those commitments for your portfolio under the programme for government to inform your budget planning, particularly in relationship to those budget expenditure lines?

[4] **The Minister for Environment and Sustainable Development (John Griffiths):** Obviously we work on a cross-cutting basis with other Ministers, with sustainable development as our central organising principle. There is a cross-cutting nature to the budget setting, and I guess that it is quite difficult to disentangle it in that way. As far as my own commitments under the programme for government are concerned, they are the principal drivers in setting the budget. The majority of my commitments are legislative in nature, so I would not foresee any significant impacts from those commitments as far as future changes are concerned. However, those commitments, as for all Ministers, very much drive the budget setting process.

[5] **David Rees:** What action are you taking, therefore, to ensure that you link the budget allocations in your portfolio to the expenditure lines to meet the programme for government outlined by the Welsh Government?

[6] **John Griffiths:** As I say, I work on a cross-cutting basis with all of the other Ministers. I will be going through my budget lines with all heads of department within my portfolio, probably next month, to ensure that it is fully aligned with the programme for government and my commitments within my portfolio, while also looking at the cross-cutting picture. As I say, it is difficult to disentangle all that, if you look at the particular departmental budgets and how they all link together on the cross-cutting basis on which we work.

[7] **David Rees:** I appreciate that. On your budget expenditure lines, does your department therefore have a breakdown of where each one is allocated to a particular area in the programme for government, so that you can identify which one supports which area of the programme for government and those that perhaps support several? Has your department done that?

[8] **John Griffiths:** Not on that basis in that way—no.

[9] **Yr Arglwydd Elis-Thomas:** Weinidog, mae hyn yn gallu peri anhawster i ni fel pwyllgor wrth inni geisio dilyn y cysylltiad rhwng rhaglen waith y Llywodraeth, datblygiad polisi'r Gweinidogion a'r adran, a'r canlyniad. Beth yw'r allbwn? Beth sydd wedi digwydd i'r cyllid? Os ydym i fod yn effeithiol yn mesur symudiad cyllid yn cyrraedd amcanion, yna

Lord Elis-Thomas: Minister, this can cause us difficulty as a committee when we try to follow the link between the Government's work programme, the development of ministerial and departmental policies, and the outcome. What is the output? What has happened to the finance? If we are to be effective in measuring the movement of funding achieving the aims, then we need to

mae angen inni allu gweld yn gliriach drwy'r gwariant yr hyn sydd wedi digwydd. Nid ydym yn beirniadu'r angen i drosglwyddo arian—mae un neu ddau gwestiwn lle y byddwn yn dod at drosglwyddo cyllid yn y man—ond mae'n ychwanegu at y niwl, fel petai, os nad ydym yn gweld yn glir yr hyn sydd wedi digwydd mewn cysylltiad â bwriadau Gweinidogion.

be able to see more clearly through the expenditure what has been happening. We are not criticising the need to transfer funds—there are one or two questions about the transfer of funding that we shall come to later on—but it does thicken the fog, as it were, if we are unable to see clearly what has been happening with regard to the intentions of Ministers.

[10] **John Griffiths:** I appreciate that, and the more clarity that we can have, Cadeirydd, the better. I will ask Matthew to say a few words about how we can perhaps achieve that greater clarity.

[11] **Mr Quinn:** I think that we can track the budget to the programme for government, though it will not be perfect, because the budget alignment, in the way that it is set out, is rather different. We are tracking all of the outcomes against the programme for government in the published reporting, so I am sure that we could do an indicative note showing how the budget tracks against those outcomes for the committee—we will write to you.

[12] **Lord Elis-Thomas:** As you realise, we are here to help you.

[13] **Antoinette Sandbach:** I want to move on to the bovine TB programme and, in particular, how you track the outcomes of the estimated expenditure of £2.6 million on the investigative work relating to the TB eradication programme. Also, because you are undertaking a programme that has not been done on this scale elsewhere, how will you track the outcomes of the expenditure with results on the ground, as it were?

[14] **John Griffiths:** Okay; thank you, Antoinette. Included in the £2.6 million and the outcomes from that was work by a Food and Environment Research Agency adviser to consider wildlife aspects of the programme, which was basically the design of the vaccination programme in the intensive action area—phase 1, as it were—and looking at factors around potential roll-out elsewhere as we take the programme forward. That included the preparation of standard operating procedures and the development of a training programme—obviously, we must have trained personnel to carry out the vaccination programme in the field. Welsh Government staff are doing the trapping and the vaccination. As you will be aware, the vaccination programme has started. So, that is one outcome from that work.

[15] We also commissioned an analysis from the University of Edinburgh to inform the testing regime for cattle, and that was useful for our comprehensive eradication plan as submitted to the European Commission, which is obviously a requirement of the Commission. It was also important with regard to the funding the Commission provides. The Animal Health and Veterinary Laboratories Agency did some additional testing, breakdown management and administration as part of the regional eradication board measures—also an outcome from that £2.6 million. Again, AHVLA did some analysis and consultancy work in addition to the general work it does for us, including an epidemiological report. Further to that, Cardiff University did some work on the social science aspects of the TB eradication programme. Some biosecurity work was carried out by the Wales Regional Veterinary Centre at Gelli Aur. There was some provision of market sales data and a deer initiative, which was really a watching brief on bovine TB issues among wild deer in Wales. Therefore, those were all outcomes from the £2.6 million.

[16] **Antoinette Sandbach:** Are the results of all that research and testing going to be put in the public domain or are they already in the public domain so that they are readily available to, for example, the British Veterinary Association and other organisations or scientists who

may want to look at the efficacy of the programme?

[17] **John Griffiths:** Christianne, are they already in the public domain?

[18] **Dr Glossop:** With regard to how we are tracking the outcomes of all the activities, as you know, we are dealing with a comprehensive programme, so it is complicated and there are lots of pieces of work going on together. All of that is feeding into monitoring where we are going with the disease picture. Therefore, the annual epidemiological report is the place where we will be demonstrating whatever progress is being made against those objectives. It is unlikely that we would ever be able to attribute a change in the disease picture to one of the pieces of work because this is a comprehensive package of measures. However, we are publishing an annual epidemiological report. It looks not only at TB incidence, but disease prevalence, the number of TB reactors, the scale and duration of breakdowns and survival time between breakdowns. Therefore, it is the overall disease picture that will enable us to track progress with the activities.

[19] **Russell George:** Good morning, Minister and colleagues. In your paper to the committee, you say that £1 million of the TB eradication underspend was transferred to work related to the wild birds directive. Can you provide some more detail on what outcomes the allocation of £1 million to that has achieved?

[20] **John Griffiths:** Thank you, Russell. Basically, that money funded a range of habitats and wildlife improvement projects and they were bid for competitively. It is a funding stream that supports the natural environment framework and 'Sustaining a Living Wales' in terms of biodiversity and our efforts to ensure we take that policy forward effectively in Wales.

[21] **Russell George:** Can you expand a bit more on the wildlife improvement projects you mentioned?

[22] **John Griffiths:** They are to conserve and develop the habitats and natural environment in Wales that support our diversity of wild bird life. Therefore, if any organisation had a project whereby it could evidence a habitat as being particularly important for wild birds in Wales, and then set out work that would enhance, conserve or develop that habitat, it might be awarded funding. It was done on a competitive basis with the provision of that evidence.

[23] **Russell George:** Do you have the information on how many projects were undertaken?

[24] **John Griffiths:** Matthew, do you know how many there were?

[25] **Mr Quinn:** It is probably best to give you a link to the projects that were awarded funding. We can let you have that. It will be an ongoing programme.

[26] **Russell George:** I see. Thank you.

[27] **Lord Elis-Thomas:** I want to ask about the policy decision that led to the transfer of £1 million from the TB eradication underspend to the wild birds directive. How was this achieved? At what level was this decided? Do you think that this is a reasonable way to reallocate public funds?

10.15 a.m.

[28] **John Griffiths:** I took the decision as Minister. We looked at the money that we had to reallocate and then assessed our current priorities and where there were gaps with regard to

those priorities at that time. For example, biodiversity is one of our biggest priorities in terms of the natural environment in Wales. It is a priority shared by many of our key stakeholders and partner organisations, and it is a central part of ‘Sustaining a Living Wales’. It was done on the basis of current priorities and gaps that the amount of money available could fill at that time.

[29] **Lord Elis-Thomas:** In pursuing what happened to this saving from the change in TB policy, how is the focus on badger vaccination going to affect allocations for TB slaughter and TB eradication in current and future years, or will you continually look for underspend on TB to spend on other matters within your portfolio?

[30] **John Griffiths:** We would envisage fully utilising the bovine TB budget for the comprehensive eradication programme that we have, a big part of which is the vaccination programme, which is resource-intensive. We also look to extend the vaccination programme in due course beyond the current intensive action areas. So, we would expect to fully utilise that spend. However, these matters are always subject to many uncertainties, particularly when aspects of them are demand-led in terms of the compensation payable and disease incidence. So, we always have to assess these matters from year to year, but we have a comprehensive eradication programme on which we expect to utilise the available budget.

[31] **Antoinette Sandbach:** I have been contacted by constituents who are facing an increase in costs for valuations of their cattle that have TB. That is a direct cost to them as a result of this disease. If you had an underspend in your TB budget, why are you imposing higher costs on farmers that are subject to this disease?

[32] **John Griffiths:** We have increased the funding that we provide for valuation quite considerably over recent years, and we have worked with valuers to arrive at more accurate valuations, which has been significant in reducing compensation costs. The compensation itself, of course, has a considerable impact on Welsh Government funding. So, in terms of the Government’s share of the cost burden of dealing with bovine TB in Wales, it is a very substantial commitment from Government and one that I think stands up to any level of scrutiny as to whether the Government is properly taking its share of the burden. I would refute any suggestion that the Welsh Government is transferring costs to individual farmers or individual livestock holders. We are making a very substantial commitment in terms of our funding, and we will continue to do so.

[33] **William Powell:** Good morning, Minister. Last Friday, I was present at the Farmers Union of Wales’s annual general meeting, which was addressed by your colleague, the Deputy Minister for Agriculture, Food, Fisheries and European Programmes. In an extensive question and answer session, there was a group of questions around bovine TB. One question in particular was raised by Mr Savins, who is a leading FUW member in Pembrokeshire, on the value for money associated with the vaccination programme for badgers, particularly in terms of the lack of tracking to follow up on the potential for chipping or identifying animals in the future once they are vaccinated. Would you, or your colleague, be able to clarify what procedures are carried out at that time to ensure the maximum value and effectiveness of the programme that you have introduced?

[34] **John Griffiths:** Thank you, William. I will bring in Christianne to deal with some of the more technical and scientific aspects of chipping because I know that we have considered those matters, but there are issues. When we vaccinate badgers, a dye is placed on the badger’s fur, if that is the right word—skin or coat—so that there is a system in place to ensure that we are not vaccinating the same badgers twice in that particular round of vaccination. Obviously, it is necessary to repeat-vaccinate within the programme, but there is that check in place with any one phase of vaccination. However, there are issues with microchipping in terms of the practicality of carrying it out, and I am sure that Christianne

will be able to provide some detail on that.

[35] **Dr Glossop:** Yes, thank you, Minister. I had the same conversation with the FUW last week myself, and they are not the only ones saying, ‘Why aren’t you microchipping badgers?’ We wanted to get this programme off the ground this year and get on with the job. You are right that if you are going to go to the effort and expense of trapping a wild animal, you want to ensure that you make the most of the effort. In order to accurately position a microchip into a live badger, you would probably have to anaesthetise it. The badger is not going to sit still while you get that thick needle into exactly the right place. However, we are in conversation with the Food and Environment Research Agency, which has provided the training for us, as to whether we can develop a technique for that. I totally agree with you that it would be a very good thing if we could microchip them. Right now, we do not know how to do it without administering an anaesthetic. We cannot administer an anaesthetic in the field without having to put in place a lot of measures to protect that badger while it is coming round. That is something that we want to do, but we cannot do it yet.

[36] In terms of what follows if you microchip them, it would only be of benefit if you could then perhaps sample them or learn something from those badgers over the years. Taking a blood sample from a badger also requires a general anaesthetic right now and there is the question, which we are taking up with the Home Office, as to whether or not we would require a Home Office licence to take samples from badgers. Unfortunately, we have become embroiled in some technical questions that are quite tricky. We are also asking FERA whether it can figure out any other way we can get a sample of anything from a badger while it is in the trap; could we pluck hair or could we collect urine somehow by adapting the trap? So, we are working on all of that, but in order to get the programme off the ground, we did not want to wait until we had resolved those problems.

[37] **William Powell:** Thank you for that very comprehensive answer drilling down into the various issues. The concern that the farmer had—and it was expressed in the spirit of helpfulness—was that doubt was expressed about the longevity of the dye. Obviously, I am not aware of the detail of that, and I do not know what other test had been done in that respect, but if the opportunity to follow up was lost, it would be very undermining of the whole process.

[38] **Lord Elis-Thomas:** I must say that I do admire my colleague’s attention to detail with regard to the longevity of the dye and its value.

[39] **Vaughan Gething:** I just want to return to the budgetary management implications of the change in policy. I understand that there are a number of uncertainties in the actual cost for either delivering a culling programme over five years, or potentially the vaccination programme. We have seen an extract of the evidence from the TB science review group, which suggests that it is about £150,000 extra per year to move to a vaccination programme rather than a culling programme. I am interested in how you expect to monitor and manage that budget and whether you have enough flexibility to deal with that small increase in cost per year. Also, will we receive information from you about how that budget is being not monitored but managed if there is either an increase or a decrease in cost? We have already heard that there has been an underspend in the eradication programme, which you have allocated. So, I am interested in what sort of information we will get about the actual impact of the vaccination programme on the budget.

[40] **John Griffiths:** The underspend was primarily a result of the expected cull of badgers not proceeding, whereas now we have our vaccination programme, which is under way. So, I think that we are in a different position in terms of the current budget as compared with that which produced the underspend. We would not anticipate a further underspend of that nature. However, we will carefully monitor spend as we go forward. The comparative

figures for a cull, as opposed to vaccination, are subject to many uncertainties. It is difficult to make accurate comparisons because the cost does not become apparent until you carry out a programme in the field. So, we need flexibility as we take the vaccination programme forward and, indeed, a comprehensive strategy. We will be carefully monitoring spend. There is some flexibility in the budget, as we have seen with the underspend and its reallocation, to deal with contingencies as they arise. Ultimately, if necessary, we have the wider portfolio budget to call on.

[41] **Vaughan Gething:** So, will you be able to provide us with actual figures for the vaccination programme and what has been spent on it at the next scrutiny session? Will that give a more accurate indication of the total cost of the programme?

[42] **John Griffiths:** Hopefully, at that stage, we would be in a position to provide further information, which would provide that greater degree of accuracy, but subject to all of the uncertainties of the continuing programme.

[43] **Mick Antoniw:** I would like to ask you about the £6 million underspend and the processes that led to the allocation of that. You partly addressed it in response to a question from the Chair, but could you be a bit more specific on what the precise criteria were with regard to the allocation of those moneys? To what extent were the sustainable development criteria at the core of that? What prioritisation process was used to determine where that money was allocated?

[44] **John Griffiths:** It was very much a matter, as I said earlier, of looking at current priorities at that time and where there were gaps, as it were, that needed to be filled. Sustainable development, as ever, was at the core of that decision making. It was about looking at those biodiversity issues that are so crucial to ‘Sustaining a Living Wales’, which is a major part of my work at the moment and into the future. Flood risk and flood alleviation are also crucial in terms of climate change and the projections, as we have sadly seen all too recently, in Ceredigion. Sustainable development very much drove those allocations, while the other aspect was the TB slaughter programme itself in terms of using that £6 million, which is very much in accordance with the animal health priority. On deciding on the priorities that needed to be addressed at that time, sustainable development very much drove the decision making.

[45] **Mick Antoniw:** It seems to me that it was very much immediate-needs based; there was not the luxury of sitting around and wondering what you would allocate that money to. Looking to the future and the 2013-14 budget, the last time we scrutinised the budget we made a recommendation that an impact assessment should be carried out. Do you intend to carry out, or are you in the process of carrying out that impact assessment for the 2013-14 budget?

[46] **John Griffiths:** We are looking at how we can best ensure that sustainable development, as the central organising principle, informs the budget-making process. To some extent, it is also associated with our work on the sustainable development Bill and exactly how you ensure that an organisation, in its major strategies and its budget setting, puts sustainable development principles at the heart of the processes involved. We are doing work at the moment on how we can get to the position whereby the budget-setting process is truly driven by sustainable development. There are various views on how that is best arrived at. So, we will carry out a discrete exercise, as part of the budget-planning process, in terms of how we achieve that objective.

10.30 a.m.

[47] I would be pleased to report back further to the committee in due course as to the

outcome of that exercise and what we consider the best way of ensuring that sustainable development drives the budget-setting process.

[48] **Llyr Huws Gruffydd:** Gwnaethoch ddisgrifio'n gynharach yr angen i reoli risg llifogydd ac yn y blaen fel rhywbeth 'crucial'. Mae'ch papur yn dangos mewn termau moel iawn a dweud y gwir y toriadau sylweddol sy'n wynebu'r gyllideb. Mae'r gyllideb gyfalaf yn disgyn o £30 miliwn yn 2011 i lai na £10 miliwn yn y blynyddoedd i ddod. Beth fydd impact toriadau mor sylweddol â hynny ar gyflawni'ch amcanion fel Llywodraeth yn y maes hwn?

Llyr Huws Gruffydd: You described earlier the need to manage flood risk and so on as crucial. Your paper shows the bare facts of the substantial cuts that the budgets are faced with. The capital budget will fall from £30 million in 2011 to less than £10 million in the coming years. What will be the impact of such significant cuts on you as a Government in trying to achieve your objectives in this area?

[49] **John Griffiths:** Diolch yn fawr, **John Griffiths:** Thank you, Llyr. Llyr.

[50] To put this in context, we published our national strategy for flood risk and coastal erosion management at the end of last year. We tried to make it clear in that strategy that it is important, of course, to continue to strengthen our defences against flood, but that flooding is not totally preventable. We have had to move to much greater awareness among our communities of flood risk and what communities and individuals can do for themselves, as it were.

[51] The Environment Agency has done a lot of work with communities on awareness of flood risk and our alert system, which is so important in giving people early warning of possible flooding so that they can take necessary action. Nonetheless, flood defences are still an important part of the equation. We can be much better in the way that we use the natural environment, which will be part of our ecosystems approach and 'Sustaining a Living Wales', to understand how land management, for example, can result in water getting into our rivers more or less quickly, which is a big issue with flash flooding, such as we saw in the recent situation in Ceredigion. It will be necessary to continue to build defences as well. We will try to utilise all available resource.

[52] We have been successful in the past at leveraging in money from the European regional development fund, and we will continue with that effort. We have been successful in getting resource from central funding within the Welsh Government, and we will continue to do that. I recently made a strong case for funding from the central reserves for the next financial year and the one beyond, and I hope very much that that would be successful.

[53] We have made it clear to our partners—the Environment Agency and local authorities—that we should work together, clearly prioritising where work is most needed in terms of protecting life, limb and property. We take this very seriously because, for me, flooding is about protecting life and limb as well as property. We have seen the risks recently. We know the projections from climate change and severe weather events. We take it with the utmost seriousness, and we want to work with partners—the Environment Agency and local authorities—to be clear about where the work is most needed in those terms and have an alignment along with, hopefully, a single-funding approach between the three of us and understand how more moneys may be levered in from other potential partners, such as Welsh Water. When you look at the A55, for example, you see the railway line, and you understand the potential threat to infrastructure. Those who own that infrastructure and are tasked with being responsible for it obviously have a stake and, hopefully, a part to play.

[54] There is a lot of work to be done into the future. We have committed an awful lot of

resource to flood defences, which is set out in the table that we provided in the paper to the committee. Some of the fluctuations are about profile of spend in terms of European funding, and it can be a bit misleading when you look at the figure for one year compared with another.

[55] **Llyr Huws Gruffydd:** Diolch am yr ateb cynhwysfawr hwnnw. Mae'r cwestiwn hwn yn arwain yn gyfleus at bwynt yr oeddwn am godi'n hwyrach ynglŷn â datganiad diweddar y Dirprwy Weinidog amaethyddiaeth ynghylch gosod tybiaeth yn erbyn defnyddio cyllidebau Ewropeaidd tuag at elfennau penodol, a oedd yn cynnwys materion yn ymwneud â llifogydd. Tybiaf y bydd hynny, wrth ichi geisio adnabod ffynonellau amgen o adnoddau ar gyfer datblygu prosiectau yn y maes hwn, yn cael effaith negyddol.

Llyr Huws Gruffydd: Thank you for that comprehensive answer. This question leads quite conveniently to a point that I wanted to raise later regarding the Deputy Minister for agriculture's recent statement on making a presumption against using European funding for specific elements, which included matters relating to floods. I presume that, as you try to identify alternative sources of resources for projects in this area, that will have a negative impact.

[56] **John Griffiths:** I remain very much committed to ensuring that European funding plays a significant and substantial part in guarding against flood risk and strengthening our flood defences. It is clear from the Deputy Minister's statement that, where a strong case can be made for economic growth and job-generation advantage from flood schemes, then there is a strong case for European funding for those schemes. Looking at the protection of jobs and businesses that flood defences can provide, together with the jobs and the economic activity involved in the work itself, I think that that amounts to a powerful case.

[57] **David Rees:** The allocation for flooding is critical, as has been highlighted by the events of the past few weeks, but we see a reduction in the figures. Has any evaluation been made of the impact of climate change? We hear an awful lot about the changing climate and its impact, for example, the flash floods that we are seeing as a consequence, so has that been included in your projected figures for protection against floods? Some of the floods that we have seen have not been on the coast; there has been inland flooding as well.

[58] **John Griffiths:** Absolutely. We have factored in the projections around climate change. The most striking one, I suppose, is the likelihood of more extreme weather events. With the recent flooding in Ceredigion, we saw a substantial amount of rainfall in a 24-hour or so period, with a weather front that hovered over the area for that period and created an absolute deluge. So, that concentrates minds as to the effects of climate change, and we also have the projections for rising sea levels. The projections are very much factored into our assessment of flood risk and the need to respond to that. Our national strategy is very much on that basis and footing.

[59] **Julie James:** On a practical point, one issue has been the capacity of the storm drains in various areas, and in some areas—there are some in my constituency—the sewerage system and the storm drains are still interconnected, because they are Victorian and so on. Do you have any projections for investment in the separation and proper construction of those storm drains, given that it is a major part of the problem in areas where there has been building on historic floodplains and so on?

[60] **John Griffiths:** I recently visited the Llanelli area, together with the Environment Agency and Dŵr Cymru/Welsh Water, and we discussed these very issues. As you say, there is that interconnection between storm drains and the sewerage system, which creates a lot of problems, including overflows and sewage-contaminated flooding. There is, thankfully, a major investment programme in place by Dŵr Cymru, which it has recently announced

publicly, which will address these very issues. It is a very major investment and there is a balance to be struck between necessary investment to deal with those problems and the effects on customers' bills. So, we have to grapple with affordability issues as part of striking the right balance. However, I am keen, in looking at that balance, on the necessary investment being made. I have made that clear to Welsh Water at the meetings that I hold with it and to the regulator. So, that investment will take place.

[61] There are ways in which we can be much more intelligent and creative around the natural environment, and that will be taken forward as part of 'Sustaining a Living Wales'. Lots of new developments involve reed beds and lakes, grass roofs and all sorts of means of absorbing water rather than having it run off and create flooding issues. However, there are issues with existing developments as well as new developments. In taking 'Sustaining a Living Wales' forward, we need to get to grips with those issues.

[62] **Lord Elis-Thomas:** Thank you very much. We now have Antoinette for her celebrated second round—or third round, even—and then Vaughan Gething.

[63] **Antoinette Sandbach:** Minister, the business case for the single environment body, as it was then referred to, highlighted the costs of implementation from 2013 onwards. In annex 2 of the paper provided to us, there is a budget expenditure line of £1.1 million allocated for natural environment framework restructuring. Does that include the cost of all the time of Welsh Government staff? Is that the anticipated total for the financial year 2011-12, which was not included in the single environment body costs?

[64] **John Griffiths:** It is my understanding that that represents staff costs and that those are included, Antoinette. However, I will ask Matthew to comment in case I have misunderstood.

[65] **Mr Quinn:** That figure is principally our staff costs in relation to preparing the programme in that period.

[66] **Antoinette Sandbach:** Thank you. I believe that there may have been a written question put to you about the staff costs, which you had previously said you were unable to provide. Is that something that is now being monitored in relation to the national environment framework restructuring?

[67] **John Griffiths:** Is that a written question that has already been submitted, Antoinette?

[68] **Antoinette Sandbach:** Yes.

[69] **John Griffiths:** There are always issues relating to the resource involved in answering particular questions. If it becomes a cost that could not reasonably be borne that affects our ability to answer. However, with regard to ongoing monitoring, I am sure that we can provide that information as it becomes available.

[70] **Antoinette Sandbach:** Thank you.

[71] **Lord Elis-Thomas:** While you are about it, Minister, could you produce some further information for us relating to the supplementary budget, which we have been having a look at and which was published yesterday? We found a capital transfer of £1 million from the implementation of

[72] 'flood and coastal risk, water and sewage policy and legislation'

[73] to an action entitled

[74] ‘Sponsor and manage delivery bodies’.

[75] Does this mean that capital funding has now gone into supporting the infrastructure of what we must now call the natural resources body for Wales? Is this simply a technical transfer or has it been reallocated—or have we not read the budget properly? [*Laughter.*]

[76] **John Griffiths:** I must admit that I am rather puzzled by that to be perfectly honest. Perhaps Matthew is able to help.

[77] **Mr Quinn:** It does not ring a bell.

[78] **Lord Elis-Thomas:** Then it is my turn to say that we will write to you. [*Laughter.*] We will now have some questions on building regulations from Vaughan Gething and then we can move on to general scrutiny.

[79] **Vaughan Gething:** Minister, we are interested in the transfer of responsibility for building regulations that took place at the end of last year, which I think most Members welcome. The previous Finance Committee produced an estimate of the cost. I am interested in whether you and your department have been able to provide an estimate of additional cost pressures on the budget for the Welsh Government in relation to the transfer of building regulations. It does not appear in any of the budget lines you have provided, at least not that we can identify.

[80] **John Griffiths:** Matthew, do you know where that can be found?

[81] **Mr Quinn:** We can do that. There is a programme budget line there that we can draw attention to, which is partly to do with funding the creation of the advisory committee and the programme costs of the team. So, we can give you a figure for that additional cost.

10.45 a.m.

[82] **Vaughan Gething:** That would be helpful. Also, with regard to the wider work, and additional cost pressures in terms of improving the standard and quality of building, the obvious one is the Domestic Fire Safety (Wales) Measure 2011—or what you might call the Ann Jones sprinkler Measure, depending on your perspective. How are those being factored in to future budgets? Will it be clear and obvious that those are the budget lines that you will provide us with? I am thinking of building regulations and any other measures that are being taken to try to improve build quality and efficiency.

[83] **John Griffiths:** Work is ongoing in terms of the regulations, as you know, Vaughan, and the technical requirements of the fire suppression system. We will produce regulations in the second half of next year, hopefully, and there will be public consultation on that, of course. There is quite a lot of work under way and still to take place on this. However, we have made some budget provision to meet the requirements of implementing the fire safety Measure, and perhaps we can provide that information if it is useful. As Matthew said, we can also provide figures on the building regulations generally.

[84] **Vaughan Gething:** Chair, may I stray into a policy area now into relation to building regulations—

[85] **Lord Elis-Thomas:** No, I do not think so. We will stray into policy in a minute. If you can link it directly to the financial scrutiny, I might consider letting you speak. [*Laughter.*]

[86] **Vaughan Gething:** I am interested in the pressures on the Welsh Government budget and we have heard from people in the construction sector that there are a variety of views about whether it will lead to a decrease in new home building. I am interested in your relationship, Minister, with those other bodies, and whether you accept the argument that they are making that it would have a negative impact, and where you are in your discussions with those members of the construction industry that are more hostile to improving build quality through regulations.

[87] **John Griffiths:** We work very closely with the construction industry through established mechanisms and outwith those mechanisms. We are mindful of cumulative impact and the current economic difficulties, which we are all too familiar with. We are also mindful of some of the very impressive progress that the construction industry has been able to make in terms of meeting new standards, and a very good example is the code on sustainable homes, where the highest standards to meet—level 3—were initially the subject of a great deal of concern from the construction industry and housebuilders as to additional costs and then the viability of housebuilding and issues relating to affordable homes. However, just a short time on from the requirement to meet those higher standards they have actually been able to meet them with new ways of working, innovation and developments that mean there is no additional costs in meeting those standards. It is a very impressive performance by the construction industry that shows that, when minds are put to the task, it is possible to meet higher standards in very cost-effective ways through new ways of working, so that augurs well for the taking forward of greater energy efficiency and, indeed, fire suppressant systems.

[88] **Lord Elis-Thomas:** We have not asked about the Marine and Coastal Access Act 2009, but given the controversial nature of its implementation in my part of the world, I think that I had better let somebody who is totally objective in these things, Julie James, ask this question. [*Laughter.*]

[89] **Julie James:** That is an introduction, is it not? Turning to the Marine and Coastal Access Act 2009, there are a number of issues. First, there is the issue of whether the Welsh Government received any budget to implement the new duties under the marine Act, and whether you are any further forward on what they might cost, either to date or into the future. I suppose that that is tied in with the timeline for the consultation that we currently have and the response publication, and—as the Chair of committee referred to it, I will as well—some of the misleading comments, frankly, that have been made by opponents or proponents of the various conservation zones as to their implications for the areas that are proposed for them.

[90] **John Griffiths:** These are obviously significant issues as we move forward with policy. In the main, the Marine and Coastal Access Act 2009 did not involve the devolution of power to the Welsh Government, so there was not a transfer of funding. It was largely about the creation of new powers. As we take forward ‘Sustaining a Living Wales’, we will have to consider the budgetary implications and make adequate provision.

[91] Another complicating factor is that the new duties under the Act extend far beyond my portfolio, to include fisheries, for example. So, there is a cross-departmental aspect to this. However, the main costs to date have been staff costs, which we have managed, as we do, in the normal way. Certainly, for the future, with marine planning and marine conservation zones, we have to have adequate resource in place and deal with all the substantive issues, which I know the Cadeirydd is very concerned with and mindful of.

[92] **Julie James:** I would just follow that up, Minister, in terms of the various issues that have arisen. There is no doubt at all that some misinformation is being given out—I would say by both sides, but certainly by one side that I am aware of. Whatever the outcome of the consultation and the imposition or otherwise of the zones, that is likely to cause difficulties in

acceptance or otherwise of the decision. Do you have a strategy for dealing with some of that? Some of it is ridiculous; I have seen a sign saying that you will not be allowed to walk on the beach if there is a marine conservation zone, for example, which is clearly rubbish.

[93] **John Griffiths:** Unfortunately, there is a considerable amount of misinformation and misunderstanding around, so we are holding events across Wales—some have taken place and others are to take place. There was an event the other week that was, I think, attended by over 100 people, so there is a high level of interest, which is very understandable in terms of striking a balance between protecting and enhancing the marine environment and understanding the socioeconomic impacts. We will continue with those meetings and with the communication effort.

[94] One thing that we are very keen to emphasise is that this is the first stage of a three-stage consultation process. At the moment, we are very much about building the evidence base for understanding the socioeconomic impacts in particular. I would reassure everybody concerned that we are very much in listening mode.

[95] **Lord Elis-Thomas:** We will now move seamlessly into our general scrutiny.

[96] Awn ymlaen i'r craffu cyffredinol ar gyfrifoldebau'r Gweinidog, gan ddechrau gydag Antoinette Sandbach. We will proceed to the general scrutiny of the Minister's responsibilities, and start with Antoinette Sandbach.

[97] **Antoinette Sandbach:** Minister, we recently debated the report on the business case for the natural resources body, and one of the criticisms in the report was that the business case was published before the consultation had been launched on 'Sustaining a Living Wales'. Can you tell us your timetable for publishing the consultation responses, whether you intend to publish a final policy document or action plan in relation to that consultation and when that might be?

[98] **John Griffiths:** With the consultation on 'Sustaining a Living Wales', which closed at the end of May, we had almost 300 responses. It would be very useful, once we have analysed the responses, to publish a summary consultation report. I hope to do that by around the end of August. I think that that would be very useful.

[99] **Antoinette Sandbach:** Do you understand that it makes our job—[*Inaudible.*]—which will set up a natural resources body, and we do not yet have a response to see, or even copies of the consultation responses. We do not have a decision in that consultation as to what the aims of that body will be.

[100] **John Griffiths:** We have to understand the two Order process and what each Order deals with. There is also the fact that the second Order could amend the first. I have recently written to the Chair to, I hope, make some important offers in terms of our willingness to engage around the Orders and the whole scrutiny process of the committee. I hope that I, as Minister, and our officials can do all that we can to provide the information that you need for effective scrutiny to take place. I hope that we will have effective engagement on this.

[101] **Yr Arglwydd Elis-Thomas:** Diolch i'r Gweinidog am yr ohebiaeth ac rwy'n ei sicrhau y byddwn yn ystyried yr ohebiaeth honno fel tystiolaeth ar gyfer y sesiwn graffu bellach ar y Gorchymyn a fydd yn dilyn y sesiwn holi hon. **Lord Elis-Thomas:** I thank the Minister for the correspondence and I assure him that we will consider that correspondence as evidence for the further scrutiny session on the Order, which will follow this session of questions.

[102] **Mr Quinn:** To add in reply, the 'Sustaining a Living Wales' consultation is for the

future environment Bill, so while it is of interest to the future body, it will not affect the legislation on the future body; it will affect the environment Bill.

[103] **Antoinette Sandbach:** However, the future body will have wide-ranging powers that will operate across the area of the sustainable environment. There are real and genuine concerns about the first Order and that the process now being offered for the second Order has not been offered for the first. I am even getting constituency correspondence about a Government Order, which one would not normally get.

[104] **Lord Elis-Thomas:** We are in danger of straying into our next session. I hope that you will all take time to read this rather full letter. I hope that we can move on.

[105] **John Griffiths:** Yes, I hope that that resolve some of the issues.

[106] **Julie James:** To turn to water and the bathing waters directive, Minister, having looked at the new revised bathing water directive, it seems that it is likely that quite an alarming percentage of the old industrial beaches around the coastline of Wales may not meet its standard. What are you doing to try to ensure that all Welsh waters meet that standard? I am looking for some reassurance about what is being done to make sure that we all get up to the standards necessary, as I do not need to point out the consequences of failing the new standard for particular areas of Wales.

[107] **John Griffiths:** We all know that these new standards, which will come into force in 2015, are very important. We want to ensure that we have the best quality bathing waters that we can have for our people living in Wales and for visitors. It is important for tourism. I am pleased that we designated 12 new bathing waters in 2012, taking the total up to 100, which is very much the right direction of travel. From 2013, the blue flag awards will be based on the revised directive, which is important, because you need staging posts in terms of getting to where we need to be by 2015, rather than being faced with a rapid improvement being necessary in short order before that date. The Environment Agency has what it describes as a no deterioration policy on bathing water quality, and we have had high standards in Wales for some time, so we would not want any slippage. However, we also want improvement. What will be important on this is our water strategy, because bathing water quality will be an important part of that, and we will work that up and consult on it. That will be an important part of making further progress.

[108] It is also important to make sure that we work closely with our major stakeholders on this, because Keep Wales Tidy, for example, is significant in terms of ensuring the cleanliness and quality of beaches. That is an important part of the European Commission's expectations as well.

11.00 a.m.

[109] **Julie James:** I have concerns that some of the beaches in old industrial areas, such as the one that I represent, face particular problems in reaching these standards. I know that there is an academic project between the various universities and Welsh Water on measures that can be taken. I am looking for a reassurance that the Government was brought into that process, because we do not have very many years to reach the standard.

[110] **John Griffiths:** It will be a significant part of the water strategy to understand those types of issues, because the industrial past of Wales presents very significant issues of that nature, so it is not something that is marginal—it is substantial to the whole picture.

[111] **David Rees:** I support Julie's views on that, because her beach is next door to our beach. There is also an issue with the flow of rivers, particularly where there has been

massive felling of forestry areas; the run-offs are flowing faster into the rivers and nitrates are building up as a consequence. What actions will you take to ensure that those types of impacts do not damage bathing waters in my area—which is effectively Swansea bay? There is also the issue of discharge from coalfield areas.

[112] **John Griffiths:** This shows the importance of the development of ‘Sustaining a Living Wales’ and the ecosystems approach that understands what the natural environment provides and can provide in rounded terms, because that is a very important part of it. I know that the Forestry Commission is very mindful of its wider role in terms of the natural environment. It has some very important functions in timber production and links with the commercial sector, the leisure use of forestry and linking with health and Communities First. However, it is also very mindful of its responsibility to ensure that forestry contributes to our efforts with regard to ‘Sustaining a Living Wales’ and the ecosystems approach that you describe. The forestry element within the single environment body will very much continue that approach.

[113] We need to understand these factors better than is currently the case, and we need to make sure that we use the natural environment to best effect to deal with these issues. We are very much committed to that.

[114] **Llyr Huws Gruffydd:** Roeddwn eisiau holi yn benodol ynglŷn â'r cyfeiriadau at gynlluniau datblygu lleol. Nodais eich bod yn dweud ar ddiwedd atodiad cyntaf eich papur i'r pwyllgor bod adolygiad wedi cychwyn i ddysgu gwersi o'r cynlluniau a fabwysiadwyd hyd yma. A wnewch chi ymhelaethu ychydig ar gylch gorchwyl yr adolygiad hwnnw, yn enwedig o ran y gwrthdaro a fu rhwng y Llywodraeth a rhai awdurdodau lleol ynglŷn â niferoedd y tai arfaethedig? Mae enghreifftiau o gynghorau yn y gogledd lle mae disgwyl codi nifer o dai sy'n gyfwerth â sir ychwanegol dros y 10 mlynedd nesaf?

Llyr Huws Gruffydd: I wanted to ask specifically about the references to local development plans. I noted that you said in the first annex to your paper to the committee that a review was under way to learn the lessons from the plans adopted to date. Will you expand a little on that review's remit, especially in light of the conflict between the Government and some local authorities regarding the number of proposed homes? There are examples of councils in north Wales where the number of houses expected to be built would equate to an additional county over the next 10 years?

[115] **John Griffiths:** There is an awful lot of work taking place at the moment around the planning system, which I know members of the committee will be aware of, including the very important work of the independent advisory group chaired by John Davies, Wales's former head planner. I expect that report to be with me shortly this summer. It will deal with the structure and delivery of the planning system, and it will be a very important piece of work for the future. As we all know, planning is important in many ways to many different stakeholders. We try to strike a balance between local communities, local planning authorities, Wales-wide needs and Welsh Government strategies and objectives. As ever, it is not an easy matter, by any means, to arrive at the correct balance.

[116] The local development plans are rightly seen as the basic building block of the planning system. It is right that we have that local approach because that is what communities across Wales rightly expect. However, there is then a responsibility on local authorities to have up-to-date local development plans in place and, sadly, not many have adequately fulfilled that responsibility. So, we try to work with them to encourage and facilitate and to provide resource. Part of that relates to housing allocation figures. We use the relevant statistics to reach those figures, but it is open to local authorities to provide their own evidence and to produce their own figures, and some have done so. Local planning authorities have to fulfil their responsibilities, but we will work with them. These plans are the basic

building blocks of the planning system and this is a big responsibility that local communities and populations expect to be fulfilled, as does the Welsh Government.

[117] **Llyr Huws Gruffydd:** Rwyf yn siŵr bod ambell sgwarnog yno, ond nid af ar eu holau yn awr. O ystyried bod nifer o awdurdodau yn dal i fod yn y broses o greu a chytuno ar eu cynlluniau datblygu lleol, a chan fod y prosesau hyn yn cymryd mwy o amser nag y byddech wedi dymuno, a ydych yn rhagweld y bydd y Bil cynllunio, neu'r Papur Gwyn, pan gaiff ei gyhoeddi, yn newid y drefn o safbwynt cynlluniau datblygu lleol? O gofio bod awdurdodau lleol yn dal i greu cynlluniau datblygu lleol, a ydych yn rhagweld, wrth i'r broses fynd yn ei blaen, y bydd hynny'n effeithio ar y broses o greu cynlluniau?

Llyr Huws Gruffydd: I am sure there are a few red herrings there, but I will not pursue them now. Given that a number of authorities are still in the process of creating and agreeing their local development plans, and that these processes take longer than you would have wished, do you anticipate that the planning Bill, or the White Paper, when published, will change the local development plan regime? Given that the local authorities are still creating LDPs, do you further anticipate that, as the process progresses, it will affect the process of drawing up the plans?

[118] **John Griffiths:** I would not want to pre-empt the report of the independent advisory group for obvious reasons. It will be with us soon and will include a number of recommendations. We will want to carefully consider those and respond because it will be an important piece of work for the future of the planning system and will feed into the planning Bill. At the moment, local planning authorities are required to have delivery agreements that set out the timetable for their local development plans. They should be able to complete the process within four years. That is the guidance that we have provided, but that has not been the case in a number of local planning authorities. We then try to work with them. We do not want to be particularly heavy handed because we greatly value the local aspect of our planning system, as I know do local people, because I am told as much on many occasions. However, we facilitate, provide resource and encourage, and we will continue to do so. As to what the independent advisory group report will state, we will have to wait and see.

[119] **Llyr Huws Gruffydd:** Onid ydych yn teimlo ei bod yn rhesymol i rai awdurdodau cynllunio holi, os yw'r drefn yn mynd i newid a'r *goalposts* yn mynd i symud ymhen ychydig o flynyddoedd, pam yr ydym yn cloi'r cynlluniau hyn i mewn i gynlluniau datblygu lleol?

Llyr Huws Gruffydd: Do you not feel that it is reasonable for some planning authorities to question why, if the system is going to change and the goalposts shifted in a few years' time, we are locking these plans into LDPs?

[120] **John Griffiths:** No, I do not think that that is reasonable. Local development plans will, I am sure, continue to be an important part of our planning system and the responsibility that local planning authorities have to get those plans in place in a timely fashion remains and will continue.

[121] **David Rees:** To follow on from Llyr's point, of those planning authorities that have plans outstanding, some of them will still have LDPs that link into technical advice notes that include figures that do not match the technical advice notes from the Government. My concern relates to what action the Government will take to push those authorities to put an LDP in place that is in synchronisation with the TANs issued by the Government so that there is no conflict. A recent court case clearly highlighted the conflict between the plan of one authority and the Welsh Government's TAN figures. That is the problem that is being created at the moment.

[122] **John Griffiths:** There are issues and we are working with local planning authorities

to try to overcome those and we will continue to do so. It is about our officials working with them. We provide resource, advice and expertise, and we exhort and encourage. That will continue to be the case. I would expect the independent advisory group, as Llyr raised, to address these issues because they are important to structure and delivery. Although we have just had elections and have new administrations and new people involved in many authorities, we expect timely progress from local planning authorities. I will be meeting with the authorities shortly to send those messages and to make sure that we get the progress that you describe, as necessary.

[123] **David Rees:** The officers were there before the elections, and it is those people who need to be geed up to get these plans in place, because I am concerned, as Llyr has pointed out, that they are dragging their feet waiting for the White Paper to come out before they make decisions. I am concerned that that is happening and we need to move on quickly.

[124] **John Griffiths:** It is important, when I meet them, to make clear what the requirements are and what the reality of the situation is and of the urgent need to get on with it right now.

[125] **Yr Arglwydd Elis-Thomas:** **Lord Elis-Thomas:** Minister, you know that Weinidog, rydych yn gwybod ein bod yn gwneud argymhellion pwysig iawn yn yr adroddiad ynglŷn â chynllunio a gaiff ei gyhoeddi cyn bo hir, ac rydym yn dod ar draws yr un problemau, mae gen i ofn, o ran caniatâd a rheolaeth cynllunio gan awdurdodau lleol mewn sawl maes. Felly, buaswn i'n eich annog i siarad yn blaen gydag awdurdodau cynllunio Cymru, gan gynnwys y parciau cenedlaethol—er y byddech yn disgwyl imi ddweud hynny. we make important recommendations in the soon to be published report on planning, and we come across the same problems, I am afraid, in terms of local authority planning consents and in many areas. Therefore, I would urge you to speak frankly with local planning authorities in Wales, including the national parks—although you would expect me to say that.

[126] **William Powell:** You have anticipated the issue that I wanted to raise, Chair. At risk of being a one-trick pony, I raised yesterday with the First Minister the issues of tension that sometimes exist, particularly within the three national park authority areas, which enjoy development control powers but do not have the remit for regeneration. This has come into focus, particularly recently with the evidence sessions of the task and finish groups on the local growth zones in Powys. What are you doing to address this tension, which appears to be growing in the current economic climate? Secondly, do you have a positive view about a more regional approach to planning, which has been advocated by many of the contributors to our energy report and other stakeholders who have commented?

[127] **John Griffiths:** Again, I am in danger of succumbing to temptation to crystal-ball gaze as to what the independent advisory group's report will say, which I really must not do.

[128] **Lord Elis-Thomas:** Oh, come on [*Laughter.*]

[129] **John Griffiths:** A strong case has been made for a more regional approach to planning. That has been considered by the independent advisory group, and we await its pronouncements on that. I am aware of the concerns around national parks as planning authorities. It is important that I work closely with Huw Lewis on regeneration, and any concerns that he has on planning or national parks as planning authorities are matters that we address together. There are many issues; planning is so important in so many ways, and I think that we all understand that. That is why we all eagerly await the independent advisory group's report.

[130] **Lord Elis-Thomas:** Antoinette, you want to come in on this. I am conscious that Vaughan will want to pursue building regulations, and then we will come to the waste issues.

[131] **Antoinette Sandbach:** Minister, as you know, the issue of permitted development rights is something that I have been asking about for some time, and I know that you recently indicated that you will bring forward plans for permitted development rights. There have been a number of changes in the incentives regime in order to fit, for example, small-scale renewable projects. Unfortunately, permitted development rights have not applied during that period. Are you able to tell us when you are likely to publish the regulations, and are you going to bring them forward before the end of this term or will it shift over into the next Assembly term?

11.15 a.m.

[132] **John Griffiths:** We are working on the regulations apace at this very moment, or at least some officials are doing so. As soon as we possibly can finalise those regulations, we will do so. We are certainly looking to do that in the summer, but it is not possible to say at the moment whether or not it will be possible to do so before recess. However, as soon as we can, we will finalise those regulations.

[133] **Antoinette Sandbach:** I am thinking about small-scale renewables in particular. There are Government objectives in relation to those.

[134] **John Griffiths:** In passing, we have seen some significant positive developments with regard to Community Energy Wales coming into being to work with communities to work up those community energy projects and work with Ynni'r Fro. I think that that is exciting, because the community energy approach has worked well in Scotland, for example.

[135] **Vaughan Gething:** I want to return to building regulations, Minister. The programme for government annual report refers to introducing higher construction standards and working towards a 55% improvement in build standards over 2006 levels. I am interested in how those improvements will be measured, specifically, and what point you think that we have reached. In a previous answer, you referred to the code and how that had helped to raise standards. Are you going to tell me that we are already at a 40% improvement? What is the current level of improvement? Also, will the consultation on building regulations that you are setting up take place? How will that require improvement to meet the Government's target of a 55% improvement?

[136] **John Griffiths:** We will provide a number of options in the consultation regarding the improvement that might be made in energy efficiency. The programme for government's commitment for 2013 is a 55% improvement. We have gone some way toward that already. Changes to some of the planning regime have already resulted in improvements. Rather than a 55% improvement on 2006, we would now require a 40% improvement to get to the 55% figure, which is useful for us to know.

[137] There are issues about how airtight a home can properly be with regard to health. In light of that, a lot of the improvement would come through photovoltaic renewable energy. One option might be not to move as fast as currently envisaged in terms of a 55% improvement by 2013. Whether you do that or not depends on the quantity of photovoltaics that you have on the roof. Those are some of the issues involved. We will obviously be keen to understand issues around affordable homes and viability of development, but to do so in the context that I mentioned earlier regarding the ability of the construction industry to innovate and find new ways of working to overcome some of the possible adverse cost implications. We will be going out to consultation and I hope that we will have a good response so that we can fully understand the issues, particularly those faced by the

construction industry.

[138] **Vaughan Gething:** Just to understand what you are telling us, Minister, are you saying that, in terms of the conservation and use of energy, there has already been a 15% improvement? Do you need only a 40% improvement?

[139] **John Griffiths:** Yes.

[140] **Vaughan Gething:** Are you saying that you may reconsider a timescale to make that improvement? The year 2013 is not very far away, and making that extra improvement of 40% would be a challenge in such a short timescale, would it not?

[141] **John Griffiths:** We are looking at the timescales. There are European directives that apply, but we intend to be ahead of the game in terms of the improvement that is required, because it is very important that we fulfil our responsibilities in relation to climate change. An important part of that is the energy efficiency of buildings, and we are concerned with public buildings as well as private homes. So, it is a major part of the response to climate change, and we have to be mindful of the advantages to people of living in more energy-efficient homes, not just in terms of reduced fuel bills but in terms of health and wellbeing. So, there are some important policy priorities for the Welsh Government involved with building regulations and Part L around energy efficiency. That is why the consultation process will be very important.

[142] **Vaughan Gething:** May I confirm, if there is a change in either the scale of improvement required or the timescale within which that improvement is required, that you will provide an explanation at the time that regulations come out about why you have changed either the target or the timescale for the target?

[143] **John Griffiths:** Yes.

[144] **Julie James:** Turning to waste, Minister, I am delighted to see that Wales is continuing to make excellent progress on the municipal recycling front. However, I understand that there may be one or two local authorities that will not quite meet the target. What will happen to them? Will they be fined, or have some other kind of penalty, for not doing that, and, perhaps a little more positively, what will be done to assist them to get to those targets? That is the first question.

[145] **John Griffiths:** Our overarching waste strategy, 'Towards Zero Waste', is a very important part of Welsh Government policy and my portfolio. As you rightly say, Julie, there has been a very positive picture on waste. For Wales to be the best performing part of the UK, in terms of domestic, household recycling, is exactly where we want to be. We have some really good examples in places such as Presteigne and Norton, for example, in Powys, which have forged ahead, and got to a recycling rate of around 70%, working closely with the local community around behaviour change. As well as working with the mechanics of systems, it is really important to work with people. So, that is very heartening. That 52% target for 2012-13 is one that many local authorities, as you say, are very confident that they will meet, but there are variations from one authority to another. As you suggest, Julie, we seek to work with those that are having the most difficulty, and it is very much a collaborative effort. Policy has been taken forward in that way. I think that it is a very good example of partnership working between Welsh Government and local authorities, and I believe that the WLGA and ourselves are very much of that view.

[146] In terms of financial penalties, we would very much want to deal with those on a case-by-case basis. We would not say at this stage that any authority that fails to meet the 52% figure will automatically be subject to financial penalty. We would want to look at all of

the circumstances on their own merits in relation to that particular authority, and then come to the appropriate decision. However, that mechanism is there to drive improvement and performance, and rightly so.

[147] **Julie James:** That is interesting to hear. On that point, authorities that are not meeting the targets are facing increasing landfill tax charges in any case. Presumably, there is a mechanism in place to take that into account as well, because you would get a double whammy effect, would you not?

[148] Turning to the other sectors, 'Towards Zero Waste' sets out a number of sector plans. You have told us that a few of those sector plans are close to being finalised. Could you tell us a little more about where those sector plans are, and what the timescales for them might be into the future?

[149] **John Griffiths:** Yes. The municipal sector plan was launched in the spring of last year. We have three sector plans to be launched this summer, and those are: construction and demolition; collections, infrastructure and markets; and food manufacture, service and retail. So, all of those will be launched this summer. An industrial and commercial sector plan is also being prepared for consultation this summer. Two other sector plans—for public sector and agriculture—are in preparation for, hopefully, consultation at the end of this year. Next year, we would also hope to have a waste prevention plan, which is very important, because that is the first point in the mantra. Reducing waste, obviously, is the most progressive and important way of dealing with these issues. Those plans, together with 'Towards Zero Waste', set out a framework that I think is quite comprehensive. Thankfully, we have considerable successes already, but also much progress in train as well.

[150] **Julie James:** That is reassuring, Minister, but I would like to share a little worry that I have, which I think that you already know about. It is about the whole business of how we plan for the facilities that we need when we have a reducing waste burden. I have a worry that we will overprovide waste facilities and then, as people's behaviour changes and so on, we will end up with too many waste facilities, somewhat ironically, and end up having to either import waste or close them down or mothball them, which is obviously a complete waste of everybody's time and effort. Do you have an overarching strategy to deal with some of those issues? As procurements progress, it is not at all uncommon to find that the estimates of waste that you had at the beginning are considerably reduced by the time that you get to actually building the facilities.

[151] **John Griffiths:** Those are real and important issues that I very much recognise, Julie. There are factors within the industry that require a certain length of time to be involved in contracts. With regard to the commercial nature of the exercise, if a particular number of years is the way of achieving business viability, that is an important factor. I am keen to observe the waste hierarchy that I mentioned, which puts energy for waste just above landfill. We want to reduce, reuse and recycle to the ultimate point that we can. To some extent, it is crystal-ball gazing, because technology changes very quickly. Human behaviour can change very quickly, but it can also be very difficult to change. Looking ahead and understanding all of that and factoring in those uncertainties is difficult.

[152] We do know about best practice. I have been to places such as Flanders, which have 70% recycling and deal with the 30% of residual waste by means of energy from waste. That is where we want to be, and that is what we set out in 'Towards Zero Waste'. We plan on that basis of driving recycling up to 70% and dealing with the remaining 30% by means of energy from waste. We are also keen on the proximity principle, which is important, so that there is not this importation of waste from a wide area and, where we have procurement around consortia, the waste is sourced from within that area rather than from further afield.

[153] **Julie James:** Will that be reflected in the sector plans as well, as the other sectors come into line?

[154] **John Griffiths:** Yes, it will be aligned.

[155] **Lord Elis-Thomas:** We are trying to cover your whole portfolio, Minister, as you will have gathered. I have Mick, Antoinette on forestry, Russell on animal welfare and we will then perhaps end this session and consider the draft Order.

[156] **Mick Antoniw:** Minister, I have a few questions about the climate impact partnership coming to an end. The contract has not been renewed and, effectively, the programme has been brought in-house. What is the Welsh Government doing to monitor the arrangements for the transfer of those functions? What progress is being made? To follow on from that, how are you ensuring the quality of that development?

11.30 a.m.

[157] **John Griffiths:** The contract between the UK Government and the Oxford University Environmental Change Institute ended in September 2011. It was adaptation work for the devolved administrations, particularly to do with knowledge transfer. Therefore, we feel that this is work that can be done in-house. Indeed, the UK Government has opted for an in-house arrangement. Of course, we were involved with the Department for Environment, Food and Rural Affairs in previous arrangements, so it has changed in terms of UK Government policy as well. We are on the steering committee for the work ongoing on climate change partnerships and the different areas and regions of the UK. The Environment Agency has the role of delivering the adaptation programme in England. Therefore, with our involvement and our climate change strategy, we want the Environment Agency to maintain the joint working arrangements on an England-and-Wales basis to ensure that it continues to help Welsh businesses and, indeed, the public and third sectors with this important agenda.

[158] We address these matters in our climate change strategy and adaptation delivery plan. As we report on them—to some extent, we already have—we will also address these issues. It is very important that we liaise effectively, not just with the Environment Agency in its widest sense on an England-and-Wales basis, but with the UK Government. There has to be a sharing of expertise and resource, and that is the way that we hope to continue to go forward, notwithstanding some of the changes that have taken place in recent times.

[159] **Mick Antoniw:** What measures have been put in place to monitor and evaluate that?

[160] **John Griffiths:** It will be done through our adaptation plan reporting and climate change strategy reporting.

[161] **Mick Antoniw:** So, in due course it will be possible for us to assess the outcome.

[162] **John Griffiths:** Yes.

[163] **Antoinette Sandbach:** Minister, during our Glastir inquiry, a number of stakeholders, many of whom work in the forestry sector, raised concerns about the operation of the Glastir woodland element. You have responsibility for forestry. What discussions have you had with the Deputy Minister about support for commercial forestry under Glastir and the rural development plan?

[164] **John Griffiths:** I meet the Deputy Minister for Agriculture, Fisheries, Food and European Programmes regularly, and we have discussed Glastir and woodland creation and management as well as the commercial timber aspects. We are very much of a like mind with

regard to the importance of those issues and the need to ensure that Glastir and the single environment body going forward do not lose any of the current advantages the forestry sector provides but build on those and strengthen them.

[165] **Antoinette Sandbach:** I think that the particular concern was that, under the Better Woodlands for Wales scheme, there is support for commercial forestry planting and that element is not present in the Glastir scheme. Are you proposing to introduce that support for commercial forestry planting, given the role that forestry plays in locking up carbon? If wood is used in commercial products such as chipboard for kitchen doors or construction, carbon is locked up for a long period. There are therefore substantial environmental advantages to supporting commercial planting as opposed to non-commercial planting.

[166] **John Griffiths:** Our strategy for woodlands and trees will continue following the creation of the single body. Indeed, I think it is fair to say that Forestry Commission Wales staff will be the biggest single operational staff group in the single environment body. Therefore, I am confident that any of the current advantages, strengths and important aspects of forestry and what it provides for Wales will continue into the future. As I say, I hope that they will be enhanced and strengthened. Therefore, I want to dispel any concerns or fears that current advantages might be lost.

[167] **Antoinette Sandbach:** So you will be looking at a grant scheme to support planting or replanting of commercial woodland.

[168] **John Griffiths:** The single environment body will develop not only its three or five-year plan, but its initial priorities and those will be matters for the new body. However, as I said, we are absolutely clear that we do not want to lose any of the current advantages that forestry brings to Wales.

[169] **Russell George:** I am aware that we are short of time, but the Government has just completed its consultation on dog breeding regulations. Can you talk about the timetable for the publication of the regulations on dog breeding and microchipping and for the co-ordination of the work on both consultations?

[170] **John Griffiths:** Yes. We are currently analysing responses to our consultation on dog breeding and we hope to bring legislation to the Assembly by the end of this year. We are currently consulting on the proposals for compulsory microchipping and we would look to introduce legislation at the beginning of next year. The consultation responses will provide us with important information as to the detail of the regulations, but, as microchipping is common to both pieces of legislation, it is important that we ensure consistency in implementation. So, that is a key part of the work that officials are taking forward at the current time.

[171] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr, Weinidog, Matthew a Christianne am eich presenoldeb. Rydym yn gwerthfawrogi yn fawr y sesiynau hyn. Gobeithio nad ydym wedi gosod gormod o dasg i chi.

Lord Elis-Thomas: Thank you very much, Minister, Matthew and Christianne for your attendance. We appreciate greatly these sessions. I hope that we have not tasked you too much.

11.37 a.m.

**Gorchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012
The Natural Resources Body for Wales (Establishment) Order 2012**

[172] **Yr Arglwydd Elis-Thomas:** Yn **Lord Elis-Thomas:** The committee will now

awr, mae'r pwyllgor yn parhau gyda'i ystyriaeth o'r Gorchymyn Corff Adnoddau Naturiol Cymru (Sefydlu) 2012 drafft. Yn ein cyfarfod diwethaf, roeddem yn ystyried y drafft am y tro cyntaf a chytunwyd i ofyn i'r Gweinidog egluro nifer o bwyntiau. Gwnaethom y cais hwnnw drwy lythyr a anfonwyd ar yn un diwrnod â'r cyfarfod, sef 21 Mehefin, ac mae gennym bellach ymateb y Gweinidog ar 26 Mehefin. Rwy'n mynd i ofyn i chi, felly, fel pwyllgor, i ystyried y wybodaeth ychwanegol a phenderfynu a ydym yn fodlon symud ymlaen i ystyried y drafft ar yr amserlen o 40 diwrnod ynteu a ydym am argymhell bod angen i'r weithdrefn ddyrchafedig gael ei defnyddio.

[173] Cyn i mi ofyn i'r pwyllgor drafod hyn yn gryno, rwyf am roi adroddiad byr i chi o'r hyn rydw i, fel eich Cadeirydd, wedi ei wneud ar ôl y cyfarfod diwethaf, oherwydd roedd yn amlwg i mi fod anfodlonrwydd o bob ochr ynglŷn â chynnwys y Gorchymyn a'r wybodaeth roeddem wedi ei chael. Felly cefais drafodaeth anffurfiol gyda'r Gweinidog ac rwyf hefyd wedi cael trafodaeth anffurfiol gyda staff rhai o'r cyrff a effeithir, yn arbennig Cyngor Cefn Gwlad Cymru. Mae'n rhaid i mi roi gwybod i'r pwyllgor oni bai bod y Gorchymyn hwn yn gallu mynd ymlaen yn amserol, ni fydd y broses o benodi cadeirydd a phrif weithredwr y corff yn gallu digwydd yn amserol. Roeddwn yn meddwl ei fod yn bwysig i'ch rhybuddio o hynny oherwydd nid wyf yn credu y buasai'n briodol i ni, wrth graffu ar y Gorchymyn cyntaf hwn, beri anhawster o safbwynt datblygu'r corff.

[174] Yr unig beth arall roeddwn am ei wneud, yn dilyn y drafodaeth flaenorol wrth graffu ar y Gweinidog yw rhoi sylw i'r rhestr o gonsesiynau mae'r pwyllgor hwn wedi llwyddo eu cael gan y Gweinidog. Mae'n dweud yn glir ym mhedwerydd paragraff y llythyr—cyhoeddwn y llythyr, os yw hynny'n iawn, gyda'n trafodion—y rhennir y Gorchymynion drafft a'r diwygiadau gyda'r adrannau perthnasol o Lywodraeth y Deyrnas Unedig a chyrrff y Deyrnas Unedig. Bydd rhagor o ymgynghori rhwng Gorffennaf a Medi ar agweddau arbennig ynglŷn â'r ail Orchymyn gan sicrhau digon o amser i gynnwys unrhyw argymhellion a ddaw o'r ymgynghoriad hwnnw.

continue with its consideration of the draft Natural Resources Body for Wales (Establishment) Order 2012. During our previous meeting, we considered the draft for the first time and agreed to ask the Minister to clarify a number of points. We made that request by letter, which was sent on the same date as the meeting, which was 21 June, and we have now received the Minister's response of 26 June. I am going to ask you, therefore, as a committee, to consider the additional information and to decide whether we are content to move forward to consider the draft within the 40-day timetable or whether we want to recommend that the enhanced procedure should be used.

Before I ask the committee to discuss this briefly, I shall give you a brief report about what I, as your Chair, have been doing since the previous meeting, because it was evident to me that there was dissatisfaction from all sides regarding the content of the Order and the information that we had received. Therefore, I had an informal discussion with the Minister and I have also had an informal discussion with the staff of some of the affected bodies, especially the Countryside Council for Wales. I have to let the committee know that unless this Order can proceed in a timely manner, the process of appointing the chair and chief executive of the body will not be able to happen in a timely manner. I thought that it was important to warn you of that, because I do not think that it would be appropriate for us, in scrutinising this first Order, to obstruct the development of the body.

The only other thing that I wanted to do, following the previous discussion in scrutinising the Minister, was to draw attention to the list of concessions that this committee has succeeded in getting from the Minister. It states clearly in the fourth paragraph of the letter—we will publish the letter, if that is all right, with our proceedings—that the draft Order and the revisions will be shared with the relevant UK Government departments and UK bodies. There will be further consultation between July and September on specific aspects of the second Order, thereby ensuring sufficient time to include any recommendations that are made as a result of that consultation.

[175] Rwy'n meddwl hefyd fod yr addewid i gyhoeddi Papur Gwyrdd yn dilyn yr ymgynghoriadau a'r cynnig i gynnal dadl ar lawr y Senedd ar ôl yr haf cyn gosod yr ail Orchymyn yn gonsesiynau pwysig, fel y mae'r consesiwn—yn wir, nid consesiwn ydyw, gan ei fod yn rhywbeth y dylai'r Llywodraeth ei wneud—i gyflwyno'r Gorchymyn ym mis Tachwedd i sicrhau digon o amser inni gynnal proses o 60 diwrnod i ystyried y mater, gan roi cyfle i'r Gweinidog ailosod y Gorchymyn ym mis Chwefror y flwyddyn nesaf.

I also think that the pledge to publish a Green Paper following the consultations and the offer of a debate on the floor of the Senedd after the summer before tabling the second Order are important concessions, as is the concession—well, it is not so much a concession as something that the Government should do—to table the Order in November to ensure enough time for us to conduct a 60-day consideration period, thereby allowing the Minister to reintroduce the Order in February next year.

[176] Yn ogystal â hynny, mae'r cynnig i wneud y Gorchymyn drafft ar gael ym mis Medi er mwyn sicrhau amser i baratoi gwelliannau. Mae'r Gweinidog wedi ychwanegu efallai yn yr amserlen honno na fydd cyfieithiad Cymraeg yn bosibl—nid wyf yn deall beth sy'n bod ar gyfundrefn gyfieithu Llywodraeth Cymru; rydym ni fel Cynulliad Cenedlaethol yn llwyddo i gyfieithu pob math o bethau, gan gynnwys dogfen drom fel hon, mewn cyfnod rhesymol. Taro'r post i'r pared glywed yw hynny.

In addition to that, there is the offer to make the draft Order available in September to ensure time to prepare amendments. The Minister has added that, in that timetable, a translation into Welsh will perhaps not be possible—I do not understand what is wrong with the Welsh Government's translation arrangements; we as a National Assembly manage to translate all kinds of things, including weighty documents such as this, within a reasonable time. I just make that point in passing.

[177] O leiaf y mae'r cynigion hynny wedi mynd yn bell iawn i gwrdd â'n gofidiau—dyna fy marn i.

At least those offers have gone a long way to meet our concerns—that is my opinion.

[178] **Mick Antoniw:** I agree entirely.

[179] **Antoinette Sandbach:** It definitely does go quite far, but I still have a very real concern. That first Order goes further than just appointing the chief executive and, as it were, the staff of the body; it actually gives considerable powers to Welsh Ministers. We do not have the power to amend it. If this was an Order of half the length that just said, 'We would like to appoint the chief executive, the members of the board and the temporary staff that will be operating the shadow body', that would be one thing, but this Order goes a lot further than that. I have had a considerable amount of correspondence from constituents who are really concerned about the powers that the Order grants to Welsh Ministers. I would almost like, as it were, for the Order to be amended so that it had a sunset clause. My preference is still for the 20-day procedure, because we do not have the ability to amend the Order, and unless we go for the enhanced procedure, we still will not retain that ability and we will then have one Order amending another. My view is that it would be far better for the Minister to get it right the first time around. That is one thing. Secondly—

[180] **Lord Elis-Thomas:** May I respond to that point first? The Minister makes it clear in the third paragraph of his letter dated 26 June that,

[181] 'The first order you are now considering is purely intended to establish the body to undertake preparatory work. ... That order will contain all the functional transfers and most of the substantive powers. It will also be able to amend anything in the first order. I have made this clear in the explanatory memorandum.'

[182] I can tell you that he gave me the strongest possible assurance of that in my private discussion with him.

[183] **Antoinette Sandbach:** I accept that, but the problem, Chair, is that that was a private discussion—

[184] **Lord Elis-Thomas:** Excuse me. Look: a private discussion between the Chair of a committee and a Minister that is reported in committee is equivalent to, not a ministerial statement, but a ministerial assurance on the floor of the Chamber.

[185] **Antoinette Sandbach:** If that is legally correct, then that would be—

[186] **Lord Elis-Thomas:** Well, it is procedurally correct.

[187] **Antoinette Sandbach:** I think it is really important that that type of assurance is given on the floor of the Chamber because, if there is ever a dispute about the extent and operation of this Order, bearing in mind that there are substantial concerns about it, the Plenary Record operates to the equivalent standard of Hansard. I think it is important that that is on the Record of Plenary proceedings.

[188] **Lord Elis-Thomas:** I am afraid I do not share your view on the sanctity of Hansard. I regard assurances given by the Minister to me in good faith as Chair of the committee—because he is accountable to this committee—as substantive assurances. He gave us assurances this morning, and they are also in the letter. Clearly, it is open to you and Members of the Assembly to ask him a question for him to repeat those assurances. I carried out those negotiations with him in good faith, because of the concerns expressed by the committee and because I did not want to be responsible for anybody saying that a committee of the Assembly delayed the establishment of what is such an important environmental body, because we took the view that the Order should have been drafted differently.

11.45 a.m.

[189] **Antoinette Sandbach:** It would have been open to the Minister to allow us that 60-day period. There was nothing to prevent his bringing forward these draft regulations earlier. It is not this committee's fault that it wishes the appropriate procedure to apply. I do not in any way go behind the assurances given to you by the Minister, but legally, looking at any potential legal challenge, there is a distinction between what is said on the floor of the Chamber during Plenary and what is said to you as Chair of this committee. I appreciate that it is on the record, but I am very concerned, and I know that there are others who are concerned, and that is why I am raising this. It is not usual for an Assembly Member to receive correspondence from constituents about a draft Order, and I have been receiving correspondence about it. There is very real concern from people outside this committee. It would be possible for the Minister to amend the Order in such a way that it would not deal with the powers side of it, as it currently does, but it would set up the body.

[190] **Lord Elis-Thomas:** The Minister has offered, clearly, to give us the opportunity by producing the second Order as a draft Order so that it can be amended.

[191] **Vaughan Gething:** Unsurprisingly, this is one of those occasions where I do not share Antoinette's view. It is perfectly acceptable to have different views, but I am a little concerned about the use of language about whether this is an appropriate procedure. This is an appropriate procedure, and we are making a choice about whether to go for the 40 days or the 60 days. I am concerned about the proportionality of the action that we take in undertaking our scrutiny functions, and I do not want to see it delaying the establishment of

the body.

[192] One of the important points about the third paragraph of the Minister's letter to us is about the impact of this first Order, and how it can affect the new body. It is very clear that it could not be used to enable the body to deliver functions without the second Order, and actually I am quite comforted by the specific pledges made in the letter, not just about having the 60-day process in mid-November, but also it is important that we have the opportunity to see a draft of that Order before it is laid. We will effectively get two goes at amending the second Order, which actually delivers the powers and enables the body to act. I am quite comforted by what is said in the letter. These are written assurances that we are being provided with, and we will have the opportunity to go through the detail. I am also quite happy with the fact that this has been an honest attempt to deal with the questions that the committee has asked. I do not think that you could say that this is an instance where the Government has been avoiding what has been happening and providing one-line, illusory or evasive answers to the questions that the committee has asked.

[193] We need to think about how we exercise our scrutiny function in a way that is reasonable and deals properly with the concerns that we all have about making sure that we get this right, and that we do not just prevent the Government from doing something that most of us are signed up to—seeing a single body introduced on time to undertake these functions. So, I would like us to carry on. I do not want to have the 60-day procedure now, because I am concerned that the impact of that is disproportionate, and I think that we should hold the Minister to the written assurances that he has given us in this letter—although perhaps we should go back and ask why they are not able to provide us with a Welsh translation in September. That is an issue, and we should at least ask him that. However, we should take the opportunity to have those two goes at trying to amend the second Order, which is clearly the more important one.

[194] **Lord Elis-Thomas:** As you may have noticed, I have already taken full advantage of my position as Chair of this committee by criticising the Welsh Government's bilingual policy.

[195] **Vaughan Gething:** Yes, I did. [*Laughter.*]

[196] **William Powell:** I had the same concerns that were shared around the table this time last week, when we looked at this draft Order. I very much regret the lateness of this letter, coming through after business hours, and sent through—

[197] **Lord Elis-Thomas:** He has been to Rio, in fairness.

[198] **William Powell:** Okay; I will give him some allowance in that respect, but I am sure he was not alone in drafting this letter. Having said that, and registering my concerns about the lateness with which it has come, the assurances and the checks and balances that it provides do reassure me that we should proceed as you have suggested. The undertakings made here have obviously been confirmed in the conversations that you have had, Chair, and if you have reason to have confidence in this, I think the committee should also have that confidence. This is sufficient for now, but this is very much an ongoing process, and the second Order will be critical. We need to possibly take advantage of the opportunities that that provides to make further amendments.

[199] **David Rees:** I agree with William—that is right; I do not disagree with him, but agree with him. There is one point that I want to make: I do not think whether the delay of 60 days or 40 days over the establishment of a body should be our focus. The question is whether we are reassured. I think that William has given that confidence, in that we are reassured here that the processes are to be looked at more. The second draft Order, basically, will be the

issue that we need to focus on carefully. They are giving us opportunities to look at that early on, as Vaughan has already pointed out. It gives us two bites of the cherry, effectively. We can put something forward that we think is more appropriate for further debate and discussion, and we can look at that again. So, I consider the reassurances given in the letter from the Minister to be quite important, because this is in the public domain and this is a public meeting. For that type of thing to come out here—and remember that this meeting is not being held in private—makes it very difficult for the Welsh Government to go back on that issue, I think. I am more confident. I still think that there are some issues with the wording—there is no question about that—but I think that the reassurances that we have been given mean that we can actually clarify the process, and make sure that it is followed and that the end body's functions will be right. That is what is important.

[200] **Lord Elis-Thomas:** I would be perfectly happy to ask our officials, along with our lawyer, Lisa, to draft a response to this letter in a way that firms up the assurances that we have had further, if you want to. Clearly, our decision not to seek obviously applies to the Constitutional and Legislative Affairs Committee, which is awaiting our deliberation on the policy aspects of these things. I understand that that committee has already considered the issue, and so, given that it is also relevant its members, we could copy all the correspondence to them, if you think that that would be appropriate.

[201] **Antoinette Sandbach:** Dafydd, we have not had the outcome of the 'Sustaining a Living Wales' consultation, and we heard the Minister describing, at our scrutiny session, the importance of that consultation to this body and, indeed, in relation to his answers on forestry and the impact that the consultation will have. How can we scrutinise the policy aspects of this draft Order without the outcome of that consultation being known and being public?

[202] **David Rees:** If it were not for the second draft Order, I would agree with you.

[203] **Antoinette Sandbach:** I know, but we are consenting to a first Order that gives sweeping powers to the shadow body, if you like, and one which, although it is supposed to be independent of the Welsh Government, actually, in its provisions, does not make it independent of Welsh Government at all. It is the first time that we have dealt with this type of procedure, so I am concerned about why the Order was not laid in time for us to apply the 60-day limit within our sitting period.

[204] **David Rees:** That is a different question.

[205] **Antoinette Sandbach:** Well, it is an important question. Effectively, we are having a gun put to our heads to say—

[206] **Vaughan Gething:** I do not think so.

[207] **Antoinette Sandbach:** If you want to go through the more detailed scrutiny procedure, you will delay the establishment of this whole body. This draft Order could have been provided to us much earlier in the term and therefore, we could have gone through the 60-day procedure within our sitting time.

[208] **Lord Elis-Thomas:** Sitting time does not affect it.

[209] **Antoinette Sandbach:** It does.

[210] **Lord Elis-Thomas:** Does it?

[211] **Antoinette Sandbach:** Yes, it has to be—

[212] **Lord Elis-Thomas:** Oh, it has to be laid during—

[213] **Antoinette Sandbach:** It does, and that is my objection. We are, effectively, being told that we would be delaying it but I do not think that we, as a committee, would be delaying it. What would have happened is that the Minister would not have laid it in time for us to perform that 60-day scrutiny, had we chosen to do that. That, in itself, is the problem.

[214] **Russell George:** I agree with what Antoinette says and the points that she has made.

[215] **Julie James:** I actually agree with that last bit. I think that there is a problem in that it has been laid so late that, if we wanted to, we could not do the procedure. I think that the constitutional affairs committee, of which I am a member, will take the same view. I do not disagree with that last bit. On the other hand, having seen this this morning—and I share the concerns about how late we got this, and all the rest of it—it is quite clear to me now that the second Order corrects a large number of the policy issues around that. We will get the 60-day process on that, we will get another bite of the cherry, to use David Rees's words, and I am reassured that we will have the right scrutiny. However, it does not take away from the fact that there is an issue with laying a document so late that you could not do it the other way if you wanted to. I am not suggesting that I want to, but the point is a good one: we ought to have the opportunity if we did want to.

[216] **Lord Elis-Thomas:** I would be perfectly content to make that point in response to this letter from the Minister, and to include all your reservations. This is a committee in which all minorities are respected and majorities have their way. [*Laughter.*]

[217] **Antoinette Sandbach:** If we are making observations on procedure, we could say that it would be helpful if the outcomes of consultations in future were decided before an Order is laid, so that we know the policy functions that an Order is supposed to fulfil. At the moment, we do not know the policy functions that this Order is to fulfil.

[218] **Lord Elis-Thomas:** We are now in danger of repeating ourselves. I certainly have to repeat myself in public at an introduction of this report in about 10 minutes' time. If we are content to do so, we will draft a response to the Minister's letter, which will include all the reservations that Antoinette, Russell, Julie, David and others have expressed.

11.56 a.m.

**Ethol Cadeirydd Dros Dro o dan Reol Sefydlog 17.22 ar gyfer y Cyfarfodydd a
Gynhelir ar 5 ac 19 Gorffennaf
Election of Temporary Chair under Standing Order 17.22 for 5 and 19 July
meetings**

[219] **Yr Arglwydd Elis-Thomas:** Oherwydd absenoldeb y Cadeirydd presennol ar ddyddiadau'r 5 a'r 19 Gorffennaf—y cyntaf oherwydd ymweliad y Gweinidog Llywodraeth Lleol a Chymunedau ag etholaeth Dwyfor Meirionnydd, a'r ail oherwydd seremonïau graddio mewn prifysgol arbennig yr wyf yn gwisgo ei lliwiau y bore yma, fel mae'n digwydd—carwn gynnig enw William Powell, os yw'n dderbyniol, fel Cadeirydd dros dro ar gyfer y dyddiadau hynny. A yw pawb yn cytuno?

Lord Elis-Thomas: Owing to the absence of the present committee Chair on the dates of 5 and 19 July—the former because of a visit by the Minister for Local Government and Communities to the constituency of Dwyfor Meirionnydd, and the latter because of graduation ceremonies at a particular university whose colours I happen to be wearing this morning—I wish to propose the name of William Powell, if acceptable, as temporary Chair for those two dates. Is everyone content with that? I see that you

Gwelaf eich bod. Diolch. Dyna ddiwedd ein trafodion am heddiw. are. Thank you. That brings our proceedings today to a close.

*Penodwyd William Powell yn Gadeirydd dros dro.
William Powell was appointed temporary Chair.*

*Daeth y cyfarfod i ben am 11.57 a.m.
The meeting ended at 11.57 a.m.*