

# Agenda – Climate Change, Environment and Rural Affairs Committee

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Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 18 October 2017

Meeting time: 09.30

For further information contact:

Marc Wyn Jones

Committee Clerk

0300 200 6363

[SeneddCCERA@assembly.wales](mailto:SeneddCCERA@assembly.wales)

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## Private pre-meeting (09.30 – 10.00)

Inquiry into rethinking food in Wales – feedback from rapporteur visits and discussion of written responses

### 1 Introductions, apologies, substitutions and declarations of interest

### 2 Inquiry into rethinking food in Wales – oral evidence session on food procurement

(10.00 – 11.00)

(Pages 19 – 32)

Liz Lucas – Procurement Manager, Caerphilly County Borough Council

Marcia Lewis – Catering Manager, Caerphilly County Borough Council.

Keir Warner – Head of Sourcing, non-medical, NHS Wales Shared Services Partnership, NHS

Attached Documents:

Research Brief

Paper – Welsh Local Government Association

Paper – NHS

### 3 Paper(s) to note

(11.00 – 11.10)



Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

**3.1 Letter from the Chair of the Finance Committee to the Chair regarding the Welsh Government Draft Budget 2018–19**

(Pages 33 – 35)

Attached Documents:

Letter from Chair of Finance Committee

**3.2 Letter from the Llywydd to the Chair regarding the implementation of the Wales Act 2017**

(Page 36)

Attached Documents:

Letter from the Llywydd

**3.3 Letter from the Llywydd to the Secretary of State for Wales regarding the Principal Appointed Day**

(Page 37)

Attached Documents:

Letter from the Llywydd

**3.4 Letter from the Cabinet Secretary for Environment and Rural Affairs to the Chair following the general scrutiny session with the Committee on 20 July 2017**

(Pages 38 – 41)

Attached Documents:

Letter from the Cabinet Secretary for Environment and Rural Affairs

**3.5 Letter from Wales Environment Link to the Cabinet Secretary for Environment and Rural Affairs regarding the Committee's report, 'Turning the Tide? Report of the inquiry into Welsh Government's approach to Marine Protected Area management'**

(Pages 42 – 46)

Attached Documents:

Letter from Wales Environment Link

**3.6 Letter from the Secretary of State for Environment, Food and Rural Affairs to the Chair in response to the Committee's report on 'The future of land management in Wales'**

(Pages 47 – 49)

Attached Documents:

Letter from the Secretary of State for Environment, Food and Rural Affairs

**3.7 Letter from the Llywydd to the Chair regarding Senedd@Delyn**

(Pages 50 – 51)

Attached Documents:

Letter from the Llywydd

**3.8 Letter from the Welsh Fisherman's Association to the Chair regarding the Committee's report, 'Turning the Tide? Report of the inquiry into Welsh Government's approach to Marine Protected Area management'**

(Pages 52 – 55)

Attached Documents:

Letter from the Welsh Fisherman's Association

**3.9 Letter from the Chair of the Equality, Local Government and Communities Committee to the Cabinet Secretary for Communities and Children regarding fire safety in high-rise blocks in Wales**

(Pages 56 – 59)

Attached Documents:

Letter from Chair of Equality, Local Government and Communities Committee

**3.10 Letter from the Chair to the Welsh Fisherman's Association in response to its letter regarding the Committee's report, 'Turning the Tide? Report of the inquiry into Welsh Government's approach to Marine Protected Area management'**

(Pages 60 – 62)

Attached Documents:

Letter from the Chair

**4 Motion under Standing Order 17.42(vi) to resolve to exclude the public from the meeting for the remaining items.**

**5 Inquiry into rethinking food in Wales – private discussion following oral evidence session**

(11.10 – 11.40)

**6 Discussion on Committee work on energy policies**

(11.40 – 12.00)

(Pages 63 – 74)

Attached Documents:

Private paper on energy policies

Document is Restricted

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## **Inquiry into ‘Rethinking Food in Wales’ – Paper to Committee meeting on 18 October 2017**

Richard Dooner WLGA Efficiencies & Procurement.

### **Local Government Influence**

Councils provide support to the food industry, they regulate environmental health and they procure food for their own catering establishments. The provision of food in Schools influences the eating habits of the nation. It can also be the only decent meal some children get.

Like all public services, Local Authorities share a collective burden of responsibility in providing food that is safe and nutritious. Healthy attitudes to food in our communities are known to be a long term means to reduce the pressure on our health services. Food is integral to our lives, our economy and our communities. It matters.

### **Current Procurement Strategy**

As a collective strategy, Welsh Local Authorities have committed to undertaking their common and repetitive procurement collaboratively through the National Procurement Service (NPS). This common and repetitive procurement is managed on a category basis. Among the NPS categories are those for food and drink; which are estimated to be in the region of £25 million in value[1].

This value may be understated, being aggregated volume associated with collaborative contracting of food and drink produce through the NPS only. Additional spend might include that associated with service concessions, spin-out businesses, or other expenditure which include an element of food provision. Some local authorities have also chosen to make their own procurement arrangements. Caerphilly County Borough Council (CCBC) for example made a cabinet decision in December 2012 not to participate in National frameworks for food procurement.

The relative scale of procurement will however remain similar in relation to the size of the Welsh food industry; which reports a food and drink turnover of [£16.8 billion](#).

It is necessary to acknowledge operational difficulties associated with the provision of new NPS arrangements and the suitability of the arrangements. Some local authorities that signed up to the NPS are having to procure food via ageing legacy frameworks or local interim contracts. These are to maintain essential local suppliers and services and are not part of the strategic approach. Local Authorities have been working with the NPS to transition arrangements at the earliest opportunity.

There are however now concerns among officers that the issues experienced with the food category reflect some difficult truths; that food does not suit aggregation and needs to be an exception to the ‘buying once for Wales’ philosophy. As a result, transition has been halted while these matters are addressed.

Among the current priorities are to make arrangements that are suitable for application and that fair opportunity be given to local providers; including incumbent providers that are doing a good job and providing good value.

### **Procurement and Contracting Rules**

There is nothing in the rules to prevent the buying of food that is fresh, affordable and nutritious; nor to prevent buyers from engaging with local suppliers to develop sustainable and collaborative approaches to food.

Where locality matters, it is necessary to identify how and why it matters and build this in to both specification of requirements and determination of value. Likewise, in the determination of cost and value - procurement evaluation strategies can consider value in relation to each application. For example, in measuring Quality v Price against Cost only, and specification of value added characteristics for a more realistic measure of relative value.

The Wellbeing of Future Generations Act enables wider determination of value by public authorities in Wales. The Act does not take precedence over Public Procurement Rules; but it does help us to specify procurement differently. Policy makers might consider how to support this activity. Caerphilly County Borough Council is for example in a strong position to develop its own local supply chains using the PCR 2015 and the Wellbeing of Future Generations Act.

The Welsh Local Government Association, through its European Office and with the Local Government Association in England, has campaigned to make Public Procurement Rules more realistic and less administratively burdensome; with some success. The 2015 revision to Procurement and Contracting Rules enabled new processes such as Dynamic Purchasing Systems; which allow suppliers to enter competitive markets at any time (not just at contract renewal).

[We can do things now, in procurement, which we couldn't do before.](#) Policies can be made which exploit these new opportunities and achieve a better outcome for the public.

#### **Brexit.**

The 2015 update to the Procurement and Contracting Rules did much to improve them. It is important to remember here that current EU Procurement laws are embedded into UK law. These will not be changed (if they are at all) until Article 50 has been fully implemented and we have left the EU. We are not therefore expecting public contracting rules to change substantially in the immediate post-Brexit period.

There are however opportunities afforded in the legislative review. Among these, it would be useful to obtain clarity on the application of rules for state aid, particularly in the context of service concessions; which have great potential for the delivery of services where some or all of the funding is obtained from third parties.

The WLGA, with its LGA partners are continuing to press for more local flexibility and easier procurement rules after Brexit which would provide more community benefits and more growth opportunities for SMEs. It would also allow councils to promote local suppliers and local labour and ensure workers earn a decent wage.

There is immediate concern about the effect of Brexit on local economies. Brexit, or speculation about Brexit, affects investment decisions, pricing and availability of supply. This is an ongoing challenge for public service food buyers, as it is for all those who manage supply within the food industry.

#### **What we might do, right now:**

**Safety:** There is an inherent risk that as local arrangements become denuded of resource and new arrangements are made over larger footprints; that visibility in supply chains reduces, affecting safety. As an additional measure following the 2005 e-coli tragedy, a communication network was established linking food buyers in Local Government with Environmental Health Officers and front-line catering staff. This reported minor incidences of quality infringement such as damaged packaging or sub-standard produce across the wider network. Each incident might not be safety



critical; but in combination allowed early recognition of trends and intervention on a preventative basis. A similar method of early warning and intervention *by those with the power to change behaviour* can be implemented within new arrangements. CCBC consider that they can manage their supply chain risk effectively utilising (and in conjunction with) a third party food hygiene auditor which is procured and paid for directly. This is in direct contrast to how the NPS manage their supply chains due to the suppliers paying for and owning the audits themselves.

CCBC although a single entity, shares all food safety information with the NPS collaboratively to share knowledge and market intelligence about suppliers in line with the recommendations of the Pennington inquiry.

**Food in Schools:** Food in Schools is procured in line with The Healthy Eating in Schools (Nutritional Standards & Requirements) (Wales) Regulations 2013. The WLGA also provide supplementary information for information gathering for nutritional analysis so this could be included in the information. The Food in Schools programme encourages a high standard of provision and appreciation of food in Schools. The initiative can be further supported; as a catalyst for change.

**Collaborative Procurement & Market Making:** Public authorities can lead customers, by working with suppliers to evaluate, refine and develop ideas into fully working solutions. By setting challenging problems, organising technology contests and providing opportunities for demonstrators, their investment boosts innovation and helps new companies become established. This market-making role also encourages small enterprises with new ideas and reduces the risks of a new technology start-up.

CCBC for example involve Senior Responsible Officers in procurements to ensure the supply chains are developed and have a full understanding of how to tender. This makes it easier for the council to progress with innovative food procurement as a single entity; without having to entertain the needs and requirements of other organisations. These may act as a barrier to progression; particularly if the other organisations have different service requirements, such as bulk delivery into stores.

This is a possible role for combined authority structures, and local enterprise partnerships could become involved. Dedicated regional innovation budgets which could be deployed to support innovative procurement. Welsh public service organisations could identify common needs where they could benefit from innovative solutions and where shared solutions would allow more resources to be deployed and risks reduced. Suggestions:

- Joint development and implementation of innovation challenges to fulfil those needs
- Local Enterprise Partnerships could be more closely engaged in partnership procurement initiatives.

**Further information: Publication - “Healthier Food Procurement”**

<https://www.local.gov.uk/healthier-food-procurement>

## **Rethinking food in Wales**

### **Keir Warner - Head of Sourcing, NWSSP Procurement Services**

What role can public sector procurement policy makers play in ensuring Wales has;

- Healthy, locally produced food that is accessible and affordable & Sustainably produced food with high environmental and animal welfare standards

Public sector Procurement can contribute to the availability of more healthy, locally produced food at an affordable price by developing its sourcing strategies around this goal. This would aid in growing the supply base which could in turn shrink the marginal costs of producing these products for growers & manufacturers.

Based on current market trends however the cost of this would come at a premium, especially in the short term as they are often higher than less healthy/non locally sourced produce/products. This may therefore put a significant strain on Public Sector catering budgets that are already subject to cost improvement programmes.

With specific reference to high environmental and animal welfare standards NHS Wales require that a range of these criteria are satisfied as part of their current contract requirements i.e. Red Tractor, Farm Assurance Schemes and increased animal welfare standards.

- An innovative food industry sustaining high quality jobs;

Public sector Procurement can help to ensure that Wales has an innovative food industry that sustains high quality jobs by working in partnership with the food sector in order to ensure that products that are developed meet the needs of customers and experiences are shared.

In my view one of the significant challenges in this area is the fragmented nature of the food industry. This can make knowledge transfer more difficult and so significant support must be given to the market in areas such as R&D and training to foster improvement.

- What are the challenges and opportunities for procurement specialists arising from Brexit?

The challenges and opportunities for Procurement Specialists arising from Brexit are still highly ambiguous as no information relating to discussions regarding future procurement regulations has been publicised.

Outside of the impact of a possible change to procurement regulations however is the significant weakening of Sterling vs. Both the Euro and the USD since the referendum on the 23<sup>rd</sup> June 2016 which has resulted in higher import costs and the increased attractiveness of exports to UK producers; both have served to inflate domestic food prices.

There has also been significant press coverage relating to the potential impact of fewer EU/migrant workers within the UK food industry going forward, with predictions that this will serve to push up the cost of producing food in the UK.

There may be opportunities arising from Brexit relating to changing regulations, future trading relationships/arrangements and changes to subsidies for farmers i.e. alternatives to the CAP/CFP.

Chair, Children, Young People and Education Committee  
Chair, Climate Change, Environment and Rural Affairs Committee  
Chair, Culture, Welsh Language and Communications Committee  
Chair, Economy, Infrastructure and Skills Committee  
Chair, Equality, Local Government and Communities Committee  
Chair, External Affairs and Additional Legislation Committee  
Chair, Health, Social Care and Sport Committee

20 July 2017

Dear Committee Chairs

## Welsh Government Draft Budget 2018–19

At our meeting on 19 July, the Finance Committee agreed its approach to the budget scrutiny. I am writing to all Chairs of subject committees to share our thinking, and to encourage your committees to consider how you can contribute to delivering the most coherent and effective scrutiny of the Government's spending plans.

As you will be aware this is the first year we will be scrutinising the draft budget under the revised Standing Orders and accompanying protocol. I discussed this with the Committee Chairs at the Chairs forum on 12 July.

## Budget focus

We have agreed to continue the approach followed in previous years, whereby budget scrutiny is centred on the four principles of financial scrutiny: affordability, prioritisation, value for money and process. The principles are:

- **Affordability** – to look at the big picture of total revenue and expenditure, and whether these are appropriately balanced;
- **Prioritisation** – whether the division of allocations between different sectors/programmes is justifiable and coherent;
- **Value for money** – Essentially, are public bodies spending their allocations well – economy, efficiency and effectiveness (i.e.) outcomes; and



- **Budget processes** – are they effective and accessible and whether there is integration between corporate and service planning and performance and financial management.

Following a stakeholder event in North Wales, we have identified a number of areas which we would like to see the focus of the scrutiny, these are:

- *Financing of local health boards and health and social care services*
- *Approach to preventative spending and how is this represented in resource allocation (Preventative spending = spending which focuses on preventing problems and eases future demand on services by intervening early)*
- *Sustainability of public services, innovation and service transformation*
- *Welsh Government policies to reduce poverty and mitigate welfare reform*
- *The Welsh Government's planning and preparedness for Brexit*
- *How the Welsh Government should use new taxation and borrowing powers*
- *How evidence is driving Welsh Government priority setting and budget allocations*
- *How the Future Generations Act is influencing policy making*

We would encourage you to use some of these areas as the focus for your budget scrutiny.

### **Draft budget consultation**

As has been the previous practice, we will be undertaking a consultation on behalf of all Committees over the summer recess and the responses will be shared with you in the Autumn in order to assist your scrutiny of the draft budget.

### **Timetable**

As you will be aware by now the dates for the draft budget have been agreed and are:

- Outline Draft Budget Laid – 3 October
- Detailed Draft Budget Laid – 24 October
- Deadline for Finance Committee to Report – 28 November
- *Debate on the Draft Budget – 5 December*
- Annual Budget Motion tabled – 19 December



As you will be aware the provisions in relation to the reporting by policy committees has changed, and you are now able to report in your own right (if you so wish), and your reports can be used as a supporting document to the draft budget debate. As a Committee we are considering how we can maintain a strategic, oversight role of financial scrutiny, but in the meantime if you have any questions about any aspect of the draft budget process, please feel free to contact me or the Clerk to the Finance Committee, Bethan Davies, 0300 200 6372, [Bethan.Davies@assembly.Wales](mailto:Bethan.Davies@assembly.Wales)

Yours sincerely

A handwritten signature in black ink, appearing to read 'Simon Thomas'.

**Simon Thomas**

**Chair**



Committee Chairs  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

18 August 2017

Dear Committee Chair

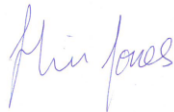
### **Implementation of the Wales Act 2017**

Thank you for the consideration by your Committee of the Secretary of State for Wales' consultation on the above.

Please find attached my response to the Secretary of State for Wales. In light of comments received from the Finance Committee and discussions with Welsh Government officials, I have suggested changing the day on which the reserved powers model will come into effect from 6 April 2018 to 1 April 2018, to coincide with the date on which the new devolved taxes will come on stream. The Secretary of State for Wales will specify the Principal Appointed Day in Regulations.

I will keep you informed of any further correspondence from the Secretary of State for Wales on this matter.

Yours sincerely



Elin Jones AM  
Llywydd

Enc



The Rt Hon Alun Cairns MP  
Secretary of State for Wales  
1 Caspian Point  
Caspian Way  
Cardiff Bay  
CF10 4DQ

Your ref: 250SUB 17  
Our ref: PO210/EJ/HG

18 August 2017

Dear Alun

Thank you for your letter dated 10 July proposing 6 April 2018 as the Principal Appointed Day on which the reserved powers model for Wales will come into effect.

I have considered the proposals you put forward, and consulted the Assembly's committees. On this basis, I agree with you that the new arrangements should come into effect in April 2018 on the same date as the new devolved taxes take effect - the Land Transaction Tax and Landfill Disposals Tax. I am advised that this will happen on 1 April 2018. I would therefore suggest that the PAD should be 1 April 2018. This would mean that the reserved powers model would come into effect on Easter Sunday.

You also indicated in your letter that your officials were considering whether the two year parliamentary session would give rise to any implications for the Legislative Consent Motions which might be required. I look forward to receiving this further information in due course.

Yours sincerely

Elin Jones AM  
Llywydd

cc Chairs of Assembly Committees

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



# Agenda Item 3.4

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA-P-LG-2821-17  
Mike Hedges AM  
Chair  
Climate Change, Rural Affairs and Environment Committee

seneddCCERA@assembly.wales

7 September 2017

Dear Mike

Thank you for your letter of 31 July following my attendance at Committee on 20 July.

## Marine Management

Members requested further information about funding available to Natural Resources Wales (NRW) in relation to marine management. In the current financial context, it is important to note NRW is fulfilling its statutory duties within its funding allocation. Financial pressure on the entire public sector across the UK is an inescapable challenge. With regards to marine monitoring, my Department is working with NRW and the Joint Nature Conservation Committee to develop a risk-based, prioritised, consistent and affordable marine biodiversity monitoring programme for Wales.

Full minutes of the Wales Marine Stakeholder Advisory Group and Wales Marine Fisheries Advisory Group have not been published online, however, they are always available on request. An outline of discussions recorded at meetings is captured. The intention is to publish these on the Welsh Government's Marine and Fisheries website page in future with immediate effect. Following each Wales Marine Advisory and Action Group (WMAAG) meeting, a summary of discussion points presented is produced through a Key Messages document for publication on the Welsh Government website:

<http://gov.wales/topics/environmentcountryside/marineandfisheries/stakeholder-engagement/wales-marine-strategic-advisory-group/?lang=en>

Copies of original minutes and workshop reports are available on request. Notes of the Marine Planning Stakeholder Reference Group can be published on request. These would provide a summary of discussions held. Notes were recorded at the Whelk Task and Finish Group meetings. These have not been published online, but again are available on request. All requests should be directed to: **marineandfisheries@wales.gsi.gov.uk**

## Exiting the European Union

In terms of the implications of leaving the European Union (EU), our White Paper, *Securing Wales' Future*, sets out our position on the need for new inter-governmental machinery to support the agreements freely entered into by the three Devolved Administrations and the UK Government. Our further paper, *Brexit and Devolution*, stresses the need for new arrangements for engagement, joint decision making and joint delivery.

I have consistently emphasised to the UK Government our commitment to ensuring the protections and standards, which benefit Welsh citizens and the well-being of society as a whole, are not eroded.

In terms of the current standards, it is important to note many of the standards reflected in EU law derive from international obligations, which will continue to apply post EU withdrawal. Wales is already recognised globally as having integrated best practice in these areas through the Well-being of Future Generations (Wales) Act and the Environment (Wales) Act. We have put in place a clear foundation to help deliver on the UN Convention on Biological Diversity, the Paris Agreement and the UN Global Goals. Importantly, current standards are also a key part of the reputation for high quality we have and will be important for our future ability to compete within international markets.

Ministerial Quadrilateral meetings with the Devolved Administrations and Defra have been established to discuss EU transition and the opportunities and challenges it raises. In my engagement with the UK Government, I have highlighted the need for any UK position to reflect the needs of Wales and not merely reflect the context and policies in England. I have reiterated the role devolution has played in enabling us to develop policies, regulations and programmes tailor-made for Wales' unique context and needs. A further meeting with my counterparts in Defra and other Devolved Administration is scheduled for 25 September, the first since the appointment of the new Defra Secretary of State. I also had a bilateral meeting with the Defra Secretary of State at the Royal Welsh Show on 24 July.

To support the Ministerial-level discussions, monthly meetings of the Senior Officials Group are held involving representatives from Defra and the Devolved Administrations, supported by seven policy themed working groups. Whilst these groups have enabled my officials to actively reflect the needs of Wales, unfortunately, substantial progress is still to be made. Detailed information on the progress being made by the UK Government has not been provided.

In addition, there has been substantially less engagement from other Whitehall departments. However, my officials are liaising with the Department for Business, Energy and Industrial Strategy (BEIS) via its newly established Devolved Administrations EU Exit Forum. The forum agreed to establish arrangements for establishing topic level working groups, one of which will cover Climate Change and Energy which is currently being established.

Post EU exit, breaches of environmental legislation by individuals or organisations will be addressed as currently by the appointed regulator taking the necessary action as provided in the legislation.

At present, the implementation of EU law at a Member State level is overseen by the EU Commission and the European Court of Justice. The UK Government has not indicated there will be a replacement of this supervisory role but as currently, the public will still be able to hold governments and public authorities to account through the courts.

Whilst courts are a non-devolved matter, our *Brexit and Devolution* paper also sets out our views on the need for a new relationship between the administrations on areas of inter-connected competence, to develop a more sophisticated approach within these areas, in the interests of better governance and delivery for citizens. Our paper proposes new governance arrangement including the need for an independent adjudication mechanism to address any disputes arising about the implementation of agreed standards.

In terms of the scale of the workload we have scoped the 1,100 pieces of EU derived legislation related to environment and rural affairs. Work is on-going to scope the extent of the amendments required to ensure the legislative framework will be effective on day one of exiting the EU. This includes the development and design of a programme of subordinate legislation to deliver these amendments. This is a significant piece of work, which cannot be underestimated. Officials are working on the work necessary for day one readiness and are in communication with counterparts in other Devolved Administrations and UK Government to scope out the legislative programme.

### **Community energy**

Turning to your comments about non-domestic rates, I welcome the contribution community energy schemes make to our energy ambitions and to local economies. We are committed to supporting community energy projects because of these decarbonisation and local economic benefits. We are supporting community and local renewable energy projects through our Local Energy service which provides financial and technical support to help social enterprises and SMEs across Wales to develop their own renewable energy schemes.

Hydropower schemes have been disproportionately affected by the non-domestic rates revaluation, partly because of some of the assumptions made in the methodology. We have supported a number of hydropower schemes through the Local Energy service. They have seen their profits fall as a result of the non-domestic rates revaluation, money which would otherwise be re-invested in the local community. The impact of the non-domestic rates revaluation was one of the areas identified for action by the Hydropower Task and Finish group which submitted its report to me earlier this year.

I am keen to ensure consistency across Welsh Government in relation to decarbonisation. I am committed to finding a solution to the impact of the non-domestic rates revaluation on hydropower projects and I am working with the Cabinet Minister for Finance and Local Government on this issue.

### **Air quality**

As regards our measures to improve air quality, in the course of the last year, I have run a 12-week public consultation on how to make the system of local air quality and noise management in Wales more efficient and effective and bring it into step with the ways of working in our Wellbeing of Future Generations legislation.

Informed by the consultation responses, I issued new statutory policy guidance to Local Authorities in Wales on Clean Air Day, on 15 June, outlining my expectations of them. On 6 July, in the wake of the recent Local Government elections, I wrote to the Leader of every Local Authority administration, drawing to their attention the new guidance and the importance of working across transport, planning and public protection departments to implement effective action plans and achieve public health outcomes.

The Welsh Government will be issuing guidance on air quality to health professionals in NHS Wales in the Autumn. This will highlight the role they can play in preventing the adverse health effects of air pollution. We will also be taking forward further public education and awareness-raising on the subject.

Feedback received during our public consultation and in meetings between my officials and air quality officers from Local Authorities across Wales is now feeding into a comprehensive re-draft of our national planning policy, Planning Policy Wales.

Furthermore, in our contribution to the new UK air quality plan on nitrogen dioxide, we have committed to developing the detail of a Clean Air Zone framework for Wales. A further public consultation will be held specifically on this. My Department's Brexit roundtable sub-group on air and climate will enable a wide range of stakeholders to help shape this work over the course of the next few months.

### **Energy efficiency**

The 2014 changes to Part L (Conservation of fuel and power) of the Building Regulations included an 8% increase in the energy efficiency of new homes compared to the previous 2010 requirements. It takes approximately 2-3 years before changes to the Building Regulations achieve full impact. This is primarily due to buildings having been designed and approved under previous regulations being built out.

Research has also identified a performance gap with new homes. A performance gap arises from the difference between the efficiency standard which the building is designed to achieve and the as built energy efficiency standard. This can be due to changes to the specification of materials or workmanship issues.

I recently announced a review of Part L (Conservation of fuel and power) of the Building Regulations which will commence in September with a meeting of the Building Regulations Advisory Committee for Wales.

Regards

A handwritten signature in black ink, appearing to read 'Lesley', with a stylized flourish underneath.

**Lesley Griffiths AC/AM**

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

# Agenda Item 3.5

Cyswilt Amgylchedd Cymru



Wales Environment Link

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Baltic House / Tŷ Baltic, Mount Stuart Square / Sgwâr Mount Stuart, Cardiff / Caerdydd, CF10 5FH  
☎ : 02920 497 509      [www.waleslink.org](http://www.waleslink.org)      ✉: [enquiry@waleslink.org](mailto:enquiry@waleslink.org)

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Lesley Griffiths AM  
Cabinet Secretary for Environment and Rural Affairs  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

19 September 2017

Dear Ms Griffiths,

**RE: CCERA Committee report: 'Turning the Tide? Report of the inquiry into Welsh Government's approach to Marine Protected Area management**

Following the publication of the report from the Climate Change, Environment and Rural Affairs (CCERA) Committee: 'Turning the Tide?', Wales Environment Link (WEL) would like to take this opportunity to provide you with our reflections regarding some of the Committee's recommendations, for your consideration ahead of publishing your response to the Assembly.

In particular, we would like to draw your attention to the following suggested interventions which would help to address some of the Committee's recommendations:

- A new MPA strategy for Wales with a vision that promotes the benefits of marine ecosystem recovery and protection for sustainable management of natural resources and the wellbeing of future generations and includes a commitment to no loss of protection under future arrangements following the UK leaving the European Union.
- For the opportunity of the Visit Wales initiative 'Year of the Sea' to be seized and maximised to support Welsh Government's work on Marine Protected Area management and designation.
- A review of funding for Marine Protected Area management to include:
  - Welsh Government marine staffing, including consideration of the impact of new offshore powers following implementation of the Wales Act
  - funding for an area-based approach, with each management area having a dedicated officer
  - funding for Natural Resources Wales to produce thorough site condition reports for all marine protected areas (and for consideration of this becoming a statutory requirement)
  - further funding for the MPA Condition Improvement Project (CIP) led by Natural Resources Wales
- Publication of MPA Steering Group minutes and for stakeholders to be invited as observers to this group

Below, we have assessed each of these recommendations in turn.

**Recommendation 1: For Wales to realise the benefits of its MPAs, sites must be managed effectively. The Welsh Government must provide leadership on this matter by developing, as a matter of urgency, an MPA strategy and ensuring that all management authorities, including the Welsh Government, are actively engaged in MPA management and fulfilling their duties and responsibilities.**

Whilst the management of MPAs in Wales is a shared responsibility, the Welsh Government has overall responsibility for Wales's compliance with EU and international obligations (including OSPAR) towards MPAs in the Welsh inshore area (as reflected within the Annex your letter on the 8<sup>th</sup> May 2017<sup>1</sup>). WEL therefore welcome your recent letter to all the Competent Authorities reminding them of their statutory duties with regards to MPA management and your written statement of the 2<sup>nd</sup> May<sup>2</sup> outlining your commitment to completing the Welsh contribution towards an ecologically coherent, well-managed network of Marine Protected Areas in the UK.

However, as outlined by the Committee, further action is needed from Welsh Government to demonstrate leadership on this matter. We agree with their conclusion that an MPA strategy would be a welcome first step towards this.

MPA management is key to the achievement of the UK Shared Vision<sup>3</sup> for 'clean, safe, healthy, productive and biologically diverse oceans and seas'. WEL suggest that this message should be championed through the creation of a MPA strategy and promoted to relevant authorities, stakeholders, and the Welsh public.

This message should also provide clarity on how protection and recovery of MPAs is key to the achievement of Sustainable Management of Natural Resources, the Wellbeing Goals and the many benefits that a well-managed network can bring to the people of Wales. More needs to be done to enhance the recognition of both the intrinsic value of our seas but also the socio-economic benefits that flow from marine protected areas.

The 'Year of the Sea' Visit Wales initiative could be one mechanism by which to celebrate how diverse our seas are and to show further commitment to the message that protection of this unique environment is essential for the wellbeing of current and future generations in Wales.

Through the creation of an MPA strategy, WEL would recommend that the Welsh Government also assess the likely impact of exiting the European Union on Welsh MPAs. We agree with the recommendation of the Committee that Welsh Government should commit to no loss of protection under future arrangements.

To ensure this, Welsh Government should support the faithful conversion of (and entirety of) the Bathing Waters Directive, the Urban Waste Water Treatment Directive, the Water Framework Directive, the Marine Strategy Framework Directive and the Habitats and Wild Birds Directives, whilst also ensuring EU jurisprudence and EU law principles are maintained in EU law. This includes the precautionary principle, the 'polluter pays' principle and the principle of prevention at source. Welsh Government should also seek agreement with the UK Government about how marine environmental protections will be managed coherently in cross-border marine areas. In addition, it is critical that the 'right to challenge' remains and that future arrangements in are in line with the Aarhus Convention and not prohibitively expensive for applicants.

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<sup>1</sup> Letter from the Cabinet Secretary for Environment and Rural Affairs to Local Authority Leaders and Directors of the Environment, 8<sup>th</sup> May 2017

<sup>2</sup> Written Statement – Completing the Welsh contribution towards an ecologically coherent, well-managed network of Marine Protected Areas in the UK, Lesly Griffith, Cabinet Secretary for Environment and Rural Affairs, 2<sup>nd</sup> May 2017

<sup>3</sup> Our seas – a shared resource. High Level Marine Objectives, HM Government, 2009

**Recommendation 2: MPAs cannot be managed effectively without the appropriate level of resources, including funding and staffing. The Welsh Government must:**

- ensure it has sufficient staffing to deliver its marine conservation responsibilities.**

The Welsh Government must ensure that marine management is given sufficient priority within the Food, Agriculture and Marine Directorate, by providing the resources required to enable marine conservation responsibilities to be carried out thoroughly and in a timely manner. The fundamental role of MPAs is the protection and management of marine habitats and species and, only once sufficient management and improvement projects are implemented, will we begin to achieve resilience of our marine ecosystem and truly realise the social and economic benefits that derive from our seas.

As of April 2018, implementation of the Wales Act will devolve marine licensing functions and nature conservation functions for the offshore area (the sea beyond 12 nautical miles to the median line) to Welsh Ministers. This will mean that the Welsh Government will have new management responsibilities for marine licensing functions in the offshore area, and for the protection of habitats and species, including the creation and management of new MPAs. The identification, designation and management (including monitoring and enforcement) of new MPAs will undoubtedly be a large new area of work for the Marine and Fisheries Division of Welsh Government, and we are therefore keen to see the additional resource required for this workload recognised and reflected in the Welsh Government's 2018-19 budget.

- bring forward proposals for funding an area-based approach, with each management area having a dedicated officer**

An area-based approach with dedicated officers is key to effective management of marine protected areas. This is evidenced within Natural Resources Wales' supplementary evidence<sup>4</sup> to the committee. Within this, Natural Resources Wales list 3 case studies and 9 supplementary examples of marine protected area management taking place in Wales. Out of these 12 examples, 6 of the projects are taking place in the Pen Llŷn a'r Sarnau SAC and are dependent on the presence of the full-time SAC officer. Another 3 of these 12 examples are of the work of Skomer Marine Conservation Zone staff. Two further examples are dependent on the SAC officers in Pembrokeshire Marine SAC and the Severn Estuary EMS. Therefore, out of these 12 examples, 11 of the management examples are dependent on local staff.

WEL therefore thoroughly supports the Committee's findings that the Welsh Government should bring forward proposals for funding an area-based approach to MPA management, with each management area having a dedicated officer so that more marine protected areas are covered by projects such as those highlighted by NRW. This approach to MPA management would provide a range of benefits, including; supporting the control of activities that are not regulated (e.g. those which do not require a marine licence); provide much needed support for the development habitats and species recovery projects; provide local liaison with stakeholders; and help to meet MPA monitoring needs.

It is our understanding that it is the funding model that was rejected by the Welsh Government's MPA Steering Group and not the principle of having these officers for each area. We therefore urge the Welsh Government to re-allocate budgets to finance this much needed approach. From listening to witnesses, it appears to be a shared view that it is only once the Welsh Government demonstrates a greater financial commitment to managing MPAs can they expect relevant authorities to give their legal duties a similar level of priority and, ultimately, identify ways to also resource this need.

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<sup>4</sup> Briefing note: Management of Marine Protected Areas in Wales, Natural Resources Wales, June 2017



**– ensure that Natural Resources Wales has sufficient resources to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network**

With regards to NRW's resourcing, we heard in their evidence that NRW's budget is "*shrinking*" and that, despite this year being a respite that they must still downsize their organisation. This is a big concern for MPA management given they have highlighted in subsequent written evidence that NRW's marine monitoring programme is currently running at a "*minimum service*" and that "*resources are challenging*".

Site condition reporting is also highlighted by NRW as being an area that is challenging to resource. Whilst not a statutory requirement, site condition reports are the tool that most partners, management authorities, and the Welsh Government, request from NRW to support effective MPA management decisions. The lack of ability to resource this work is therefore very alarming and hampering the very authorities Welsh Government have tasked to undertake these duties. WEL would welcome a prioritisation of site condition reporting within the MPA strategy, to include funding prioritisation and consideration of whether they should become a statutory requirement. This is also highly relevant to recommendation 10 of the Committee: "*the Welsh Government should ensure that reporting of Welsh MPA site condition and status currently required under European legislation is undertaken regularly after the UK exits the European Union, with reports published and provided to management authorities in a timely manner.*"

In addition, since NRW commenced work on its MPA Condition Improvement Project (CIP) in 2016, for the majority of these actions identified, funding has yet to be found to complete delivery. To provide some examples as listed in their supplementary written evidence<sup>5</sup>; less than half the actions are underway for invasive species, pollution and waste and water management, and many are yet to be progressed with regards to actions needed to manage coastal access and recreation. WEL therefore suggest that funding for the MPA Condition Improvement Project (CIP) is also prioritised.

We therefore strongly agree with the conclusion reached by the Committee that the Welsh Government needs to provide sufficient resources to NRW in order to undertake its responsibilities for MPA management and improvements to the condition of the Wales Natura 2000 Network.

**Recommendation 3: The Welsh Government must increase public awareness of MPAs and improve its engagement with stakeholders and the public. It must also operate in a more transparent and efficient way, publishing information about the activities of the specialist groups it leads and ensuring stakeholders are fully engaged in the development of the MPA strategy.**

We welcome your commitment to publish information, including the reports, minutes and the agendas of the Welsh Government's MPA Steering Group on the Welsh Government's website. Some witnesses in the Committee's evidence sessions suggested that there are times that discussions and the resolutions of the group are not being accurately reported within the minutes, so we request that this is looked into further. As yet, we have not been alerted as to where these minutes are located and we feel that this needs to be relayed to marine stakeholders.

Given that the MPA Steering Group is the mechanism by which a large amount of decision making is taking place, we feel that such meetings should be subject to full scrutiny. We ask that interested stakeholders be able to sit on this group as observers going forwards.

In addition, we would request greater transparency and accessibility to the documents associated with additional stakeholder groups (in particular the (WMAAG/WMSAG and WMFAG), where stakeholders cannot access electronic copies of minutes nor presentations retrospectively, and these are often only circulated via email at a much later date.

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<sup>5</sup> Briefing note: Management of Marine Protected Areas in Wales, Natural Resources Wales, June 2017



The 'Year of the Sea' provides the Welsh Government with a fantastic opportunity to raise the profile of Marine Protected Areas in 2018. We hope that the Cabinet Secretary will use this opportunity to promote MPAs, including why they need our protection, and the vast benefits that effective management can bring to people and visitors to Wales.

We look forward to hearing your response to the Committee's report and hope you find these considerations useful.

Yours Sincerely,

Gill Bell

Chair, WEL Marine Working Group

**Wales Environment Link (WEL)** is a network of environmental, countryside and heritage Non-Governmental Organisations in Wales, most of whom have an all-Wales remit. WEL is officially designated the intermediary body between the government and the environmental NGO sector in Wales. Our vision is a healthy, sustainably managed environment and countryside with safeguarded heritage in which the people of Wales and future generations can prosper.



Registered Charity Number / Rhif Elusen Gofrestredig: 1022675  
Chair / Cadeirydd: Roger Thomas Director / Cyfarwyddwraig: Karen Whitfield



## Department for Environment Food & Rural Affairs

The Rt Hon Michael Gove MP  
From the Secretary of State for Environment, Food  
and Rural Affairs

Nobel House  
17 Smith Square  
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Mike Hedges AM  
National Assembly for Wales  
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Our ref: PO2017/00468/KW

*Z151* September 2017

*Des Mike,*

Thank you for your letter of 20 June enclosing your Committee's report on the future of land management in Wales. Please accept my apologies for the unacceptable delay in responding.

I was delighted to attend the Royal Welsh Show in July where I met my Welsh Government counterpart, Lesley Griffiths AM, farming unions and farmers. I also met the Secretary of State for Wales and the farming unions in advance of this visit to develop and strengthen these relationships and I look forward to maintaining them going forward.

Leaving the EU means that we will have an unparalleled opportunity to develop alternative domestic arrangements for farming and rural land use that can better contribute to a strong and productive economy, a world leading food and farming industry and a cleaner, healthier environment. Supporting the UK's farmers will form an important part of our exit from the EU.

As we develop our proposals for agriculture reform, we will continue to listen to, and engage with, those who have a shared interest and responsibility for the future of the industries. I have shared your thoughtful report with the relevant officials who will use it to inform their thinking to develop future policy. My comments on the issues you have raised are set out below.

### Single market

As we leave the EU we are not looking to retain membership of the Single Market, but to develop a bold and ambitious free trade agreement as part of a new, deep and special partnership with the EU. We want to have the greatest possible tariff-free and barrier-free trade with our European neighbours, as well as to negotiate our own trade agreements around the world, to make sure that UK companies have the maximum freedom to trade with and operate within European markets.

### Welsh lamb

The UK government recognises the benefits from protecting the very best of our traditional and geographical food products, including Welsh lamb, which has, of course, been awarded 'Protected Geographical Indication' status. We continue to work with producers to make sure appropriate protections are in place, now and after we leave the EU, to make sure these high quality, characteristic and territorially important food products remain protected from imitation.

We have huge ambitions for the farming industry: we are determined to grow more, sell more and export more great Welsh and British food. We will work to make sure that the UK has a productive, resilient and trusted agriculture sector.

It will be a priority to maintain the UK's high standards of food safety and of animal welfare. Any trade deals we enter into will need to be right for consumers, businesses and farmers, and will need to continue to protect our environment.

### **Constitutional arrangements**

The UK government is also absolutely committed to the devolution settlements. The First Secretary of State, Damian Green, wrote to the First Minister for Wales, Carwyn Jones on 12 July and they have met subsequently. His letter and the discussion they had earlier this month recognised that close working between the UK and Welsh governments is clearly going to be needed throughout the EU Exit negotiations.

Our objectives throughout this engagement are to deliver certainty and continuity for farming businesses throughout the UK but also to allow for all of us to scrutinise the need for common frameworks properly. We need to examine what frameworks are needed and, where they interact with the devolution settlement, how to proceed in a way that will work best for Wales and everyone in the UK. It is the aim of the UK government to establish common frameworks only where they are needed, and remains our expectation that the outcome of this process will be a significant increase in the decision making power of each devolved administration.

### **Access to labour**

The food and farming sector needs to attract, retain and develop talented people. The sector offers diverse and exciting career opportunities and we want it to be a career destination of choice.

The UK government has previously announced its intention to commission advice from the Migration Advisory Committee to better understand the reliance on EU migrant workers across the economy and consider the UK's labour market needs, and to consult business and communities on options to shape our future immigration system.

Access to a sufficient and appropriately skilled workforce is essential for the whole food chain. The UK government is committed to ensuring that there is a strong skills system that can drive increases in productivity, improvements in social mobility, and help make a success of EU exit.

Until we have left the EU, the UK will remain a member with all of the rights and obligations that membership entails and employers in the agricultural and food processing sectors are free to continue to recruit EU workers to meet their labour needs.

### **Agricultural support**

Leaving the EU means leaving the Common Agricultural Policy (CAP). We now have an historic opportunity to take back control of our policies on agriculture and the environment. We will be able to design new policies tailored to UK agriculture, countryside and the environment, and provide better value for money to the UK taxpayer.

The UK government has pledged to continue to commit the same cash total in funds for farm support for the duration of this parliament, providing much needed certainty to farmers and landowners.

British food enjoys a reputation for quality that has been built on high animal welfare standards, strong environmental protections and the dedication of farmers and growers to meeting ever more demanding consumer expectations. We want to support farmers to grow more, sell more and export more great British food.

Continued support is critically important, and so is reform.

The UK government has pledged to work with farmers, food producers and environmental experts across Britain to devise a new agri-environment system, to be introduced in the following Parliament.

We want to make sure that we have system of agricultural support that respects the work of farmers and puts environmental protection and enhancement first. That means support for woodland creation and tree planting, encouraging biodiversity and high standards of animal welfare.

Decisions on the replacement of EU funding will be taken in light of wider UK strategic priorities and other domestic spending decisions. As we transition to longer term arrangements, we will make sure we continue to engage meaningfully with the devolved administrations and that their circumstances are taken into account.

Thank you again for your letter.

With every good wish,

Yrs,  
M  
/

**Michael Gove**

Committee Chairs  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

Your ref:  
Our ref: EJ/GH

28 September 2017

Dear Committee Chair

Over the past two years the Senedd@ initiative has seen us taking the work of the Assembly to the people of Wales. To date we have taken the initiative to Wrexham, Swansea and Newport. We chose these locations because voter turnout in these areas was particularly low in the 2011 and 2016 Assembly elections.

Senedd@Wrexham, Senedd@Swansea and Senedd@Newport saw a comprehensive programme of events, visits and workshops which directly engaged thousands of people in the Assembly's work. We also established new working relationships with key local organisations and local media. To maintain the momentum generated by our visits to these towns, and building on the lessons we learned, I am eager to deliver another Senedd@ event during the week commencing 13 November 2017. The constituency of Delyn has been chosen as the location of the next Senedd@ initiative.

One key findings of the evaluations of previous Senedd@ initiatives was the need to enable committees to consider their potential involvement earlier in the planning process. Therefore, I am inviting any suggestions your committee may have about how you may wish to get involved in Senedd@Delyn.

In previous Senedd@ initiatives, committees have held formal meetings in community locations and taken the opportunity to encourage people to participate in their work. Senedd@Delyn will present a fantastic opportunity for your committee to raise its profile and engage with many local organisations and media.

Croesewir gohebiaeth yn Gymraeg neu Saesneg / We welcome correspondence in Welsh or English



**Elin Jones AC, Llywydd**

Cynulliad Cenedlaethol Cymru

**Elin Jones AM, Presiding Officer**

National Assembly for Wales

Should you require any further information, please contact Geraint Huxtable on  
**0300 200 6277 or via email: [Geraint.Huxtable@Assembly.Wales](mailto:Geraint.Huxtable@Assembly.Wales)**

Thank you in advance for your co-operation.

Yours sincerely

Elin Jones AM  
Llywydd

# Agenda Item 3.8



Welsh Fisherman's Association  
Cymdeithas Pysgotwyr Cymru

The national voice of Welsh fishermen

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Email to: [SeneddCCERA@assembly.wales](mailto:SeneddCCERA@assembly.wales)

29<sup>th</sup> September 2017

Dear Chairman

Re: **Turning the Tide**

Further to the recent publication of the Climate Change Environment & Rural Affairs Committee (CCERA) Report "Turning the Tide" summarising the Committee's inquiry into the Welsh governments approach to Marine Protected Area management, I am pressed to write on behalf of the Welsh Fisherman's Association- Cymdeithas Pysgotwyr Cymru (WFA-CPC) to express our concerns regarding our experience of the Inquiries engagement process and the reports content:

**ENGAGEMENT:**

- The WFA-CPC is the national representative body for Fishermen's Associations in Wales, our organisation is recognised as such by our Scottish, English and Northern Irish counterparts and importantly by Welsh Government. As Chief Executive, I have provided written and oral evidence to the former Environment and Sustainability Committee on numerous occasions. As such our organisational contact details are on record with the Assembly Researchers. However, neither the WFA-CPC nor any of our member associations were approached by the Committee's engagement/outreach to participate in this CCERA Inquiry into the management of MPA's, instead we learnt of Inquiry via 'Twitter' sometime after the formal launch in January 2017. In our view this was not transparent, equitable or inclusive and we believe fails to meet statutory obligations set through the Wellbeing & Future Generations Act 2015 and the Environment (Wales) Act 2016:
- Throughout the 'Turning the Tide' Report there is repeated reference to a Survey regarding the management of Welsh seas. The survey was conducted by the National Assembly Outreach Team but again the WFA-CPC were not invited to participate even though our contact details are held by the Assembly Researchers. In fact, we only learnt about the Survey in the Turning the Tide Report and by then it was too late to contribute. This also was not transparent, equitable or inclusive.
- According to the 'Turning the Tide' Report, 859 public responses were received to the Inquiry which were made to the Survey, however, no breakdown of Survey respondents have been supplied indicating who participated (Annex A & B only refer to written and oral evidence submitted). This is surprising given that the survey results may have influenced the Committee's recommendations and may influence readers of the Report. This is not transparent.
- The objectivity and balance of the Report is also questionable. A number of the contributors have a vested interest in marine protected areas and broadly represent a narrow segment of Welsh society. The views they express would largely be similar, however, smaller less prominent sections of society, such as fishing communities, if anything deserve a greater effort and balance to ensure their views are received and fully considered. For any process to be fair and reasonable it must fundamentally be objective, balanced and inclusive.



- Whilst in the main, contributors of written information generally remained within the consultation guidance of limiting answers to questions to 250 words there was an exception for one individual who was granted permission by Assembly staff to submit a 32 page response to the main Inquiry. From a stakeholder engagement point of view it would appear inconsistent and unequal to change guidance for one person whose views were well represented by their sectors contribution. This individual's contribution is referenced 7 times within the Report whilst none of the written evidence submitted by other individuals was quoted at all. The particular individual concerned is a former EMSO who the report recommends should be funded again by Welsh Government. This was not a balanced and objective conclusion.
- The 'Turning the Tide' Report references quotes by contributors through each of the four chapters, the WFA-CPC are noticeably underrepresented in terms of inclusion and contribution to the Inquiry:

<b><u>SECTOR</u></b>	<b><u>NO. OF QUOTES USED:</u></b>	<b><u>%</u></b>
Environmental Groups	26	51%
Relevant Authorities Groups and EMSO's	14	27%
Individual / One of Four?	7	14%
WFA-CPC	4	8%
	=====	
	<b><u>51</u></b>	<b><u>100%</u></b>

### **General**

During my oral evidence to the Committee, with no prior notification I was asked questions about the Cabinet Secretary for Environment & Rural Affairs decision to proceed with newly proposed management measures to support a sustainable scallop fishery in Cardigan Bay. I was not prepared or expecting questions other than those published in the Inquiry. We subsequently provided additional written evidence as requested which has not appeared in the annexes or been considered within the Report.

### **CHAPTER 02 – STRATGIC DIRECTION & LEADERSHIP:**

**14** – NRW's recent evidence to this Inquiry stated that WG were providing a strong lead through the Marine & Fisheries Division, Marine Transition Programme and the MPA Steering Group etc. why would the Committee use misleading and old (2012) evidence by the former CCW within this section of the Report rather than NRW's – New Evidence to this Inquiry?

**15/16** – Only reflects the opinions of others and does not include the views expressed by the WFA-CPC or the Statutory Nature conservation Advisors – NRW. This would appear to be selective use of contributions:

### **STAFFING & RESOURCES:**

We would agree that the appropriate level of resource is critical given the additional responsibilities in the marine area resulting from cSAC designation and the 'Wales Act' and indeed the wider resource demands arising from the UK decision to exit the EU. We would advocate an immediate and ongoing review of resource/recruitment to ensure that policy objectives pre and post exit do not compromise, preparations for Wales' 'Day 1 Readiness'.



**For CCERA interest: Staff resources re Marine & Fisheries England:-**

DEFRA	400 -600
MMO	400
IFCA's	150-200
<b>Total</b>	<b>950 – 1750</b>
<b>Wales Marine &amp; Fisheries Staff Total</b>	<b>63</b>

**25** - Refers to a disappointment from Environmental representatives that the WNMP will not take sufficient account of the impact of activities in MPA's. The regulatory framework already exists to manage activities within MPA's that is the purpose of the Nature Directives. It is not the purpose of the Marine Plan to duplicate and create confusion, the Marine Plan's purpose is to inform an evidence based plan led approach to assist consenting authorities in terms of future development within the Welsh marine plan area:

**28 & 30** - Preference for 7 management areas in Wales' seas each with a site officer approximate cost of £50,000 per site per year with additional funding for delivering projects:

$£50,000 \times 7 = £350,000 \text{ per year} \times 6 \text{ years (statutory reporting period)} = £2.1 \text{ million}$

Given the recent move from core funding by NRW to project based activity this proposal would appear costly and regressive.

**GREATER PUBLIC UNDERSTANDING OF MPA'S**

**42, 43 & 45** - A number of EMSO have been in post for decades, if public awareness and understanding have not improved in that period, that presumably is one of the reasons why NRW have moved to a project led funding model. This approach follows the strategic work of the LIFE N2K Prioritised Improvement Project and would fund outputs rather than exclusively EMSO Posts

**CHAPTER 03. – THE NETWORK OF MPAs in WALES**

**58. Correction:-**

**Table 1:** Marine SAC's in Wales (not including SPA's) = 5,592km<sup>2</sup>  
Marine cSAC's in Wales (same level of protection) = 12,498km<sup>2</sup>  
Total EMS = 18,081km<sup>2</sup>  
The Welsh marine area overall total = 30,723km<sup>2</sup>  
(as depicted by blue boundary map Page 24) and thereby is in excess of 50% of Welsh seas:

**For information and contrast: -** Welsh land area = 20,782km<sup>2</sup>  
Welsh land SAC's & SPA's = 1,478km<sup>2</sup> total:

**63, 64 & 65** – the selected sector contributions presented in these sections of the Report refer to favourable conservation status (FCS) as required by the EU Nature Directives with opinion being expressed in respect of marine SAC feature condition – the WFA submitted detailed evidence regarding the UK statutory reporting process to the EU in response to questions 3 & 10 of the Inquiry consultation. Within our written evidence we explain the misrepresentation of unfavourable condition at a Welsh marine level. Disappointingly the

WFA's evidence is not presented within the Chapter of the Report and therefore the Report fails to present a balanced and objective position and continues to support a misrepresented negative conclusion:

**68** – Several witnesses expressed opinion (supported by a 2012 UK joint statement), however Welsh Government requested the Joint Nature Conservation Committee (JNCC) to undertake an analysis of progress towards the development of an ecologically coherent network of MPA's in waters around Wales in 2016. JNCC summarised that "the MPA's in Welsh territorial waters make a substantial contribution towards the aim for an ecologically coherent network in the wider Irish Sea, Western Channel and Celtic Sea CP2 regions". Highly protected sites or Reference Areas were not considered within the JNCC Report as a component or gap to achieving the Welsh contribution towards an ecologically coherent network.

Sites for mobile species have been approved by Welsh Ministers and Candidate SAC's for Harbour Porpoise which receive the same level of policy protection as a fully designated SAC. Furthermore, MCZ designations within the Welsh offshore will become the responsibility of Welsh Ministers in April 2018 through the Provision of Powers under the Wales Act.

In our considered opinion "Turning the Tide" is disappointing and unrepresentative of strategic direction and MPA progress within the Welsh marine area (acknowledged within WFA evidence submission). This raises further concern with regard to objectivity, inclusiveness, bias and equality.

#### **DATA & EVIDENCE**

**77** – Environmental organisations contributions, opinions only feature to support a presumed negative opinion regarding the progress of Assessing Welsh Fishing Activities. It is widely accepted that the high risk mobile fishing activities already assessed by the project are not historically or currently taking place on sensitive features. The project has established a transparent evidence base for WG to consider where necessary, management responses in consideration of constrained resources a risk based and evidence led approach has been applied by WG. As in preceding sections a one-sided opinion is repeatedly presented within the Committees Report – not transparent, inclusive or objective.

The WFA-CPC fully supports the sustainable management of natural resources and is a strong advocate for adaptive management within an ecosystem based approach underpinned by evidence led decision making, we believe that this is the best way to inform and engage all marine users equally, fairly and constructively.

In conclusion, the WFA-CPC lacks confidence in the CCERA Report which appears to be largely bias towards the views and opinions of a few individual organisations pursuing a narrow agenda. Given the time and effort necessary to prepare and submit formal evidence to Committee Inquiries we respectfully remain concerned as to the value of any further contribution by the WFA-CPC to future Marine & Fisheries related Committee Inquiries unless or until we are assured to the contrary.

Yours sincerely

Jim Evans

for and on behalf of

Welsh Fisherman's Association – Cymdeithas Pysgotwyr Cymru Cyf

## Agenda Item 3.9

Carl Sargeant AM  
Cabinet Secretary for Communities and Children

4 October 2017

Dear Carl

### Fire Safety in High-rise Blocks in Wales

Thank you to both Lesley and you for giving oral evidence on 27 September. Following the session, we would like to request some further information and clarity on a number of issues. For completeness, I have also included the areas where you or your officials committed to providing further information.

#### Fire Safety Advisory Group

We welcome the work being undertaken by the Fire Safety Advisory Group, and noted that the Group will be providing their initial advice to you this week. We welcome your commitment to make some form of statement to Members, either in writing or in an oral statement, very shortly. However, in light of the importance of these issues we will be grateful for any suggestions as to how we may fulfil our scrutiny role with regard to the work of the group, its advice and recommendations together with your response. Publishing the recommendations and response, for example, would aid effective scrutiny and reassure the public regarding decisions made.

We would also appreciate if you could keep the Committee updated with the work of the Group, and any further work you commission the Group to do.



## Private sector

While we acknowledge the work by all partners to engage with the private sector, we are concerned that there are owners / managing agents of 31 high-rise blocks, which you have been unable to contact. We are also concerned that there is no conclusive number on how many high-rise blocks are in private ownership across Wales. We want to ensure that residents in the private sector are given the same level of information and support as those in social housing.

Could you provide more information on how you will ensure that local authorities and the Welsh Government identify all high-rise residential blocks in private ownership? Are you confident that local authorities are using all available powers to ensure that blocks in private ownership are meeting their obligations and engaging with residents?

It has come to our attention, that there are concerns that it may becoming difficult for people to secure mortgages on properties in high rise blocks, even if the block does not have any cladding. Is this an issue that the Welsh Government is aware of? If so, what are your views on addressing this issue?

During the oral evidence session, we explored the issue of funding remedial work within the social housing sector, and you stated that this was a matter for landlords. We are aware that there are also concerns within the private sector that the cost of removing cladding may fall solely on residents, who may not be able to fund such work. What support, if any, would be available to residents who are asked to fund the full costs themselves?

When we first took evidence in July, we heard about concerns that tenants in the private sector did not have sufficient support to engage with, and challenge their landlords when necessary. We would welcome further information on what the Welsh Government is doing to help support tenants in the private rented sector on this issue.



## Fire-sprinklers

We explored two issues in relation to sprinklers; the implementation of the Domestic Fire Safety (Wales) Measure 2011 and the retro-fitting of sprinklers in high-rise blocks.

On the first issue, officials agreed to provide more detail on the number of new-builds that are not required to install sprinklers because developers had submitted their plans before the amendments that the Measure made to the Building Regulations came into force.

There was also a commitment to provide clarity on the length of time that developers had to start construction, following submission of plans, before they would be subject to the requirement to install sprinklers.

On the broader issue of retro-fitting sprinklers; this is an issue that we as a committee may revisit in more detail later. In considering this it would be helpful to have an idea of your response to your Fire Safety Advisory Group's initial recommendations, and any further work you task them with.

With regard to costs incurred by RSLs in carrying out necessary fire safety work following the Grenfell Tower tragedy, have you had any discussions with UK Government as to whether they will provide new funding for such work in England with Barnett consequential for Wales?

## Accompanying guidance to the Fire Safety Order

During the evidence session, you committed to providing further details on the timeframe for the review and subsequent publication of the revised guidance 'Fire safety in purpose built blocks of flats' which accompanies the Regulatory Reform (Fire Safety) Order 2005. This was in reference to evidence we received from Cardiff Council in July 2017:

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"Now, as far as I'm aware, the Welsh Government commissioned a Welsh version of this, and I understand that is with the Welsh Government to rubberstamp and seal at the moment. I think it was written by a fire



officer, Richard Davies, and it was circulated for consultation with local authorities. So, I understand there's going to be a Welsh version of this...." ELGC Committee, 13 July, RoP [606]


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## Role of Fire and Rescue Services in the planning and Building Regulations regimes

During Committee there was some discussion of the role of Fire and Rescue Services being consulted on fire safety in proposed developments, in the context of both planning permission and Building Regulations consent. South Wales Fire and Rescue Service told us that they had a 'limited remit' on what they can be consulted on, which is the means of escape and access for fire services and water supplies. However, we would like clarity on the exact role as set out in legislation for Fire and Rescue Services to provide advice on the fire safety of high-rise residential blocks prior to construction in both the planning and Building Regulations regimes.

I am sending a copy of this letter to the Climate Change, Environment and Rural Affairs Committee, along with our counterpart committees at Westminster and the Scottish Parliament, the Communities and Local Government Committee and the Local Government and Communities Committee (respectively).

Yours sincerely



John Griffiths AM  
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Jim Evans

Welsh Fisherman's Association

5 October 2017

Dear Jim,

**Turning the tide: Report of the inquiry into the Welsh Government's approach to Marine Protected Area management**

Thank you very much for your letter on the Committee's report on the management of Marine Protected Areas (MPAs) in Wales.

I am very sorry that you feel the report does not properly reflect the written and oral evidence received during the inquiry.

The Committee is always eager to engage with as many individuals and organisations as possible in the course of its inquiries. In this case, the Committee undertook a formal consultation seeking written evidence in response to the inquiry's terms of reference, which received 23 responses. Those responses, as I am sure you will understand, contained differing opinions on the effectiveness of current policies and, consequently, suggested a variety of solutions.

The Committee also commissioned a survey to try to assess the general public's levels of understanding of, and concern for MPAs in Wales. The survey was published on the Committee's website and promoted via Twitter. Several hundred members of the public responded. The public survey undertaken on behalf of the Committee was not intended to be scientific, but was used to collect the opinions



of members of the public who would not ordinarily submit written evidence to a Committee inquiry.

I can assure you that the Committee fully appreciates the contribution stakeholders make to its work, including the time taken to prepare written evidence and to attend meetings to answer questions in person. This Committee considers the Welsh Fishermen's Association to be a key stakeholder.

I sincerely hope you will continue to engage with the Committee's work. Hearing the opinions of fishermen in Wales will be particularly important when, for example, this Committee considers future fisheries policies and legislation which will arise as a result of the UK exiting the European Union.

Finally, I would like to reassure you that the Committee gives full consideration to all contributions in the process of reaching its conclusions and always endeavours to do so in a balanced way. It is this rigour that gives the Committee's work its credibility, which the Committee guards carefully.

Your letter has been sent to Committee members and will be published on the Committee's website.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive, flowing style.

Mike Hedges AM

Chair of the Climate change, Environment and Rural Affairs Committee







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