



Cynulliad Cenedlaethol Cymru
Pwyllgor yr Amgylchedd, Cynllunio a Chefn Gwlad

The National Assembly for Wales
The Environment, Planning and Countryside Committee

Dydd Iau, 28 Medi 2006
Thursday, 28 September 2006

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau Cynulliad yn bresennol: Glyn Davies (Cadeirydd), Lorraine Barrett, Mick Bates, Jocelyn Davies, Tamsin Dunwoody, Carwyn Jones (y Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad), Elin Jones, Brynle Williams.

Swyddogion yn bresennol: Christianne Glossop, Prif Swyddog Milfeddygol; Gwyn Griffiths, Cynghorydd Cyfreithiol y Pwyllgor; Gareth Jones, Cyfarwyddwr Adran yr Amgylchedd, Cynllunio a Chefn Gwlad; Matthew Quinn, Is-adran yr Amgylchedd, Gwarchod ac Ansawdd; Diana Reynolds, Pennaeth yr Is-adran Cadwraeth Natur a Bioamrywiaeth; Rosemary Thomas, yr Is-adran Gynllunio.

Eraill yn bresennol: Hazel Drewett, Pennaeth Grŵp Cymorth Gweithredol, Cyngor Cefn Gwlad Cymru; Chris Mills, Cyfarwyddwr, Asiantaeth yr Amgylchedd Cymru; David Parker, Cyfarwyddwr Gwyddoniaeth, Cyngor Cefn Gwlad Cymru; Mike Pender, Pennaeth y Gangen Amaeth, Asiantaeth Safonau Bwyd.

Gwasanaeth Pwyllgor: Kathryn Jenkins, Clerc; Dan Collier, Dirprwy Glerc.

Assembly Members in attendance: Glyn Davies (Chair), Lorraine Barrett, Mick Bates, Jocelyn Davies, Tamsin Dunwoody, Carwyn Jones (Minister for Environment, Planning and Countryside), Elin Jones, Brynle Williams.

Officials in attendance: Christianne Glossop, Chief Veterinary Officer; Gwyn Griffiths, Legal Adviser to the Committee; Gareth Jones, Director of Environment, Planning and Countryside Department; Matthew Quinn, Environment, Protection and Quality Division; Diana Reynolds, Head of Nature Conservation and Biodiversity Division; Rosemary Thomas, Planning Division.

Others in attendance: Hazel Drewett, Head of Operational Support Group, Countryside Council for Wales; Chris Mills, Director, Environment Agency Wales; David Parker, Director of Science, Countryside Council for Wales; Mike Pender, Head of Agriculture Branch, Food Standards Agency.

Committee Service: Kathryn Jenkins, Clerk; Dan Collier, Deputy Clerk.

*Dechreuodd y cyfarfod am 9.30 a.m.
The meeting began at 9.30 a.m.*

Cyflwyniad, Ymddiheuriadau, Dirprwyon a Datgan Buddiannau Introduction, Apologies, Substitutions and Declarations of Interest

[1] **Glyn Davies:** Bore da. Mae'n amser i ddechrau'r cyfarfod. **Glyn Davies:** Good morning. It is time to start the meeting.

[2] I will just inform members of the public that this is a fully bilingual meeting and that if you want headsets, please have a word with the ushers.

[3] Croeso i Aelodau. Mae'n rhaid imi eich atgoffa i ddiffodd eich ffonau symudol yn gyfan gwbl. Os bydd unrhyw fath o argyfwng, dilynwch gyfarwyddiadau'r tywyswyr. Welcome to Members. I have to remind you to completely switch off your mobile telephones. If there is any kind of emergency, please follow the ushers' instructions.

[4] A oes unrhyw ymddiheuriadau? Gwelaf Are there any apologies? I see that there

nad oes. Credaf fod pawb yma.

are not. I think that everyone is here.

[5] A oes unrhyw fuddiannau i'w datgan heddiw? Are there any interests to declare today?

[6] **Brynle Williams:** Yr wyf yn ffermwr. **Brynle Williams:** I am a farmer.

[7] **Mick Bates:** I am a member of a farming business. Also, as declared in the register of interests, there is a Vodafone telecommunications mast on my farm.

[8] **Glyn Davies:** Diolch. **Glyn Davies:** Thank you.

9.31 a.m.

Cofnodion y Cyfarfod Blaenorol Minutes of the Previous Meeting

[9] **Glyn Davies:** A oes unrhyw beth i'w godi? Gwelaf eich bod yn hapus. **Glyn Davies:** Are there any matters arising? I see that you are content.

*Cadarnhawyd cofnodion y cyfarfod blaenorol.
The minutes of the previous meeting were ratified.*

9.31 a.m.

Adroddiad y Gweinidog Minister's Report

[10] **The Minister for Environment, Planning and Countryside (Carwyn Jones):** I have three oral items to add to the report. They are to do with the rural development plan and voluntary modulation, the situation regarding Dairygold, and the sustainable development indicators.

[11] First, on the rural development plan, you asked for an update to the committee on where we stand in relation to the use of voluntary modulation under the rural development plan for 2007 to 2013. Much work remains to be done before the final decisions can be taken about the rates of voluntary modulation that will apply for each of the years covered by the successor plan. I can say that voluntary modulation will be applied—as it will be applied elsewhere in the UK—to maintain for Wales the planned expansion of the agri-environment agenda under axis 2 of the successor plan. I am not able to indicate what the rates of voluntary modulation will be today because there are other factors, which I will come to, that need to be finalised before the rates can be fixed.

[12] The detail of the activities that will be supported in the plan is being finalised at present, in the light of the consultation process that ended in July. Clearly, the final package will need to be fully consistent with the relevant EU legislation and the overall financial envelope regarding the EU funding source. There is now some progress on the area of EU funding. The commission has recently notified the EU in terms of the funding that will be made available to support rural development allocations across the UK. The UK's rural development allocation for the 2007 to 2013 is roughly £1.3 billion, that is, €1.9 billion—€1,909,574,420.

[13] Intra-UK negotiations are currently under way in order to agree the detail of allocations for Wales, Scotland, Northern Ireland, and England. So, that will be the next

stage—allocating the money to the four territories of the UK, where negotiation will take place. In addition, there are discussions with the Treasury about match funding for the receipts generated from modulation, which is ongoing in terms of negotiation.

[14] The commission is aware that the UK has concerns about the legislative proposals, particularly that relating to a uniform voluntary rate applying across the UK. At present, Members will know that we are able to apply rates of modulation at sub-member-state level. In Wales, we are able to apply our own rate of modulation in order to suit our own circumstances. There has been a proposal on the table from the commission that the rate of modulation should be uniform across a member state. We have made our views known that we do not agree with that, and that is being debated at the moment. It is important to remember that the commission's proposal is one thing, but the agriculture council cannot reach a formal conclusion unless the procedures that relate to the European Parliament have been completed. The European Parliament had to give an opinion on the legislative proposals, and it may be the case that decisions on legislation will not be reached until March. So, that is the timescale that we are working on. I thought that it would be helpful to share with the committee where we are and the stance that we are taking, particularly with regard to our opposition to a set rate moderation across the whole of the UK.

[15] **Glyn Davies:** I will come in on that, Minister. Lorraine and I were speaking with the deputy head of Mariann Fischer Boel's cabinet, and he was definitive in his statement, as you have just been in yours, but his statement was almost directly contradictory to what you just said. He said that monetary modulation will, in their view, not apply at all. He did not express much of a view about the issue of differential modulation within the regions in the UK. He was holding a very firm line. That struck me during the discussion; Lorraine might confirm that.

[16] I expressed a pretty sceptical view about whether this could be maintained, because of the position you outlined that a Council of Ministers decision had effectively been made, which was going to allow a level of voluntary modulation to continue. It seems strange to me that they could be so firm at this stage. What concerned me, in particular, was that this ongoing discussion, and the fact that there was some kind of a dispute—an ego-based dispute to some extent—between the parliament and the commission about having been properly consulted, meant that there would be significant delays. There would be delays, first of all, in knowing the amount of money so that you could submit the rural development plan and, equally, in when the plan might be approved, as you referred to.

[17] **Carwyn Jones:** The thing to remember about the way in which the commission operates, particularly, is that proposals are not concrete until they are finally decided upon. Things do move, sometimes very rapidly, at the commission. Our position is quite simply that we believe that there should be voluntary modulation and that we in Wales should be able to set that rate ourselves. It is quite clear that there have been differing messages sent from the commission over the last few months. At the moment, it is aware of the situation, but, peculiarly in the UK, because we set our own rates of moderation at sub-member state level, we understand that it is looking carefully once again at the whole issue of the need for a set rate of modulation across a member state. The issue of not having voluntary modulation is something that I have heard from sources in the European Parliament rather than in the commission. It has been said to me that there are voices in the parliament saying that they do not think that there should be voluntary modulation at all, that there should be a set rate across the whole of Europe. Those are voices in the parliament, but that does not mean that that will be the outcome at the end of the day.

[18] **Glyn Davies:** I will come in on that, before bringing others in. I accept that these may come from the parliament, but this was the very clear and unmistakable view of the deputy head of the cabinet—I think that his name was Borchardt. Together with the other member of

the cabinet who had responsibility for this particular role—he came in mob-handed with about three other members of the cabinet—it was a very clear view. I agree with the position that you are taking, and I expressed that view to him, saying that it was essential as far the UK was concerned, particularly because of the Westminster policy that we have read about. It seemed totally untenable that this would hold. However, it was a very clear view of Fischer Boel's cabinet. I had the impression that it was a view that had been discussed beforehand, and that he was expressing the view of the Commissioner, which was a major concern to me.

[19] **Carwyn Jones:** That has been the public view of the commission in the past, but the final decision has to be taken by the council; quite often, the council will come up with something that is quite different from the original proposals by the commission. The commission will say things publicly, but it will also have its bottom line, as it were, which it will not reveal publicly. I say this from experience of observing the 2003 Luxemburg negotiations, when the final outcome of the negotiations was different to the original proposals. So, the commission will have a view and the council will have a view, and, as with so many things in politics, a deal will no doubt be done around the table in the agriculture council. However, the UK's and our position is firm in terms of voluntary modulation and that we should be able to apply a rate that is different in Wales from the rest of the UK.

9.40 a.m.

[20] **Mick Bates:** Thank you for that update on issues relating to the RDP. You can take it that every party here supports the view on voluntary modulation, but I would like to refer to the internal processes through which you will sit down and discuss with other organisations how you set a rate. What processes do you already have in place? When you have the final say-so from Europe on our ability to set our own rate, will you undertake to sit down with the farming unions and other groups to set our voluntary modulation rate in Wales?

[21] **Carwyn Jones:** There will be consultation, but before we get there, we need to understand what our share of the European money will be and we will need to make a projection in terms of what modulation will need to be in the future before we come up with a figure. However, we will share those figures with the interested parties.

[22] **Mick Bates:** You say that you will share that information with other organisations, but in view of the timescale, the commission's decision may not be forthcoming until March. There appears to be considerable anxiety in the industry, given the issues surrounding Tir Mynydd payments and your proposal to slash those payments, that, if modulation is not set in discussion with the industry, allowing for a partnership approach, everything will be up in the air until long after the elections. People planning their businesses will not know what to do, which will cause even more anxiety in the industry. In my view, your role should involve bringing some continuity and stability to this. I am surprised that you cannot tell me that you already have in mind the proposals, to discuss with all the organisations, on how you will set the voluntary rate, given that the commission will eventually allow us to do what we have done before.

[23] **Carwyn Jones:** If we have the ability to set the voluntary rate ourselves, we will set that rate at the requisite level to pay for all our commitments under the rural development plan, going on to 2013. We do not currently know what that rate will be, and I cannot give you an indication of the timescale, because that will depend on the timescale in Europe.

[24] **Mick Bates:** I have often expressed my concern about the rate at which modulation funds are spent and our ability to match fund them in the next RDP. I am equally concerned about current negotiations on the Tir Mynydd situation. Since we are talking about the RDP, have you had any further update on that, given this committee's view that our number one priority should be to retain the Tir Mynydd payments in order to keep stability in hill farming

in Wales?

[25] **Carwyn Jones:** That is a matter for the budget negotiations before Christmas.

[26] **Glyn Davies:** That will clearly feature in our discussions on the budget when it comes before the committee.

[27] **Elin Jones:** Dywedodd y Gweinidog ei fod yn pwysu er mwyn sicrhau bod gwahanol wledydd Prydain yn cael yr hawl i osod eu graddfa fodiwleiddio eu hunain; cefnogaf y farn honno. Fodd bynnag, hoffwn wybod beth yw barn Adran yr Amgylchedd, Bwyd a Materion Gwledig ar hyn ac ar beth y mae'n lobïo'r comisiwn ar hyn o bryd?

Elin Jones: The Minister said that he was bringing pressure to bear in order to ensure that the different British countries have the power to set their own modulation rates; I support that view. However, I would like to know what the Department for Environment, Food and Rural Affairs' opinion is on this and on what he is currently lobbying the commission?

[28] **Carwyn Jones:** Yr wyf innau a DEFRA o'r un farn. Mae DEFRA'n gwybod fod angen y grym arni i'w galluogi i osod ei graddfa ei hunan. Felly, mae ei safbwynt yr un fath â fy safbwynt i.

Carwyn Jones: DEFRA and I share the same opinion. DEFRA knows that it needs the power to enable it to set its own rate. Therefore, its view is the same as mine.

[29] **Glyn Davies:** My view is the same, namely that the issue is probably more significant in terms of the policy that DEFRA has, which has been reported. The current anticipation, certainly in the media, is that the modulation level in England may well be anything between 12 and 20 per cent, depending on match funding. That is what we are reading, so clearly they do not have a suspense account in the same way as we do.

[30] **Carwyn Jones:** I also wish that we had a suspense account, Chair. You are right to say that we have anticipated the rate of modulation. The rate of modulation required in England is higher than that required in Wales. That is the result of careful management of the budget.

[31] **Glyn Davies:** Indeed. I am pleased that we have had a discussion about that, because I feel that it is hugely important. The part that concerns us quite a bit—and I am sure that it concerns the Minister—is the impact that it might have on finalising the rural development plan. That is to start from 1 January 2007. At the moment, there are indications that they could still be arguing about the sums of money available for the plan at that time. That is obviously a concern for us. Minister, do you want to cover a couple more items before we—

[32] **Carwyn Jones:** Yes. I think that it is important that I outline the situation with regard to Dairygold. There has been a significant amount of discussion with Dairygold, as a company, in terms of recovering the money that was given to it through the processing and marketing grant. The reason why there has been negotiation is that, quite obviously, if there could be an agreement, that is quicker as far as we are concerned with regard to releasing the factory for potential buyers—and there are potential buyers for the factory. So far, there has been no agreement. I can say that I am now considering all of the options open to us to obtain full recovery of the processing and marketing grant, including legal action. I will update the committee further on this at the next meeting.

[33] **Glyn Davies:** Would anyone like to ask anything on that? I think that we all agree with that position, do we not? I see that we do.

[34] **Elin Jones:** Yr wyf yn cefnogi'r hyn a **Elin Jones:** I support what the Minister

ddywedodd y Gweinidog. Ni chredaf y dylem ddangos unrhyw dosturi i'r cwmni hwn. Dylem hawlio gymaint ag sy'n bosibl o dan y cytundeb a chymryd pob cam cyfreithiol i wneud hynny—nid yn unig o ran Dairygold, ond i ddangos i gwmnïau eraill sy'n gweld cyfle am ragor o grantiau yng Nghymru dros y blynnyddoedd nesaf na fydd Llywodraeth Cymru yn caniatáu i gwmnïau ddod i mewn ac allan fel y gwnaeth Dairygold yn Felinfach.

said. I do not believe that we should show any sympathy to this company. We should recoup as much as is possible under the contract and take every legal step to do so—not only with regard to Dairygold, but to show other companies that see an opportunity for further grants in Wales over the next few years that the Government of Wales will not allow companies to come in and out as Dairygold did in Felinfach.

[35] **Glyn Davies:** Rules are rules. Was there one other item?

[36] **Carwyn Jones:** Yes: sustainable development indicators, Chair. It is a matter that has been raised several times in the past. I inform the committee that the Cabinet has now agreed to a new set of sustainable development indicators, as recommended by the sustainable development indicators working group. I will publish the new set of indicators next week and I will make sure that an advance copy is circulated to committee members.

[37] **Glyn Davies:** We look forward to the advance copy. Are there any questions on page 1? I have a lot of questions about the EPC research and evaluation fund. I sense that it might be best to leave them until we are looking at the budget. Does anyone want to ask anything about that today? I think that the budget discussion would be the best time to look at that.

[38] **Carwyn Jones:** I will outline how the fund will be used for 2007-08 in the draft budget.

[39] **Glyn Davies:** It is such a huge sum of money that, bearing in mind some of the controversial areas in terms of where money will not be spent next year, I cannot help but feel that Members might want to have a rough idea of what this £5 million will be spent on. Budget time is obviously the time to talk about that. Is there anything else on page 1? I see that there is not. We will move on to page 2. With regard to the avian influenza position, what sort of success are you having in persuading those involved with serious hobby-flocks to become registered? One of the issues we had was that they might not be keen on becoming registered, particularly if there was a perceived threat to valuable hobby-flocks. That might encourage them to hide away.

[40] **Carwyn Jones:** I will ask Christianne to answer that question in a second, if I may, Chair. However, I should clarify that, in the report, Members will notice that the Severn estuary is regarded as being a risk area. The advice that we now have is that that is not the case. I will ask Christianne to respond to your question.

[41] **Dr Glossop:** It is a difficult question, because we do not know where the hobby-flocks that have not registered are. So, I cannot give you figures on how many have not registered. However, we have done our best at every opportunity, including at the Royal Welsh Show, to raise the profile of avian flu and to encourage people to register. Some hobby-flocks are registering, but that is a difficult balance. I gave a talk about avian flu at a smallholders' event earlier this year, because that seemed to be an appropriate place to raise the profile. So, we are doing that sort of thing and are placing articles in *Gwlad* and so on. However, that is a difficult subject.

9.50 a.m.

[42] **Glyn Davies:** Has there been much training in identifying the difference between a

whooper swan and a mute swan?

[43] **Dr Glossop:** I do not believe that there has been much activity in that area since the Cellardyke swan.

[44] **Glyn Davies:** Is there anything else on page 2?

[45] **Mick Bates:** Again, on that item, I congratulate you on the profile and awareness raising that you have done on the issue. However, what mechanisms do you have to maintain good contact with small flock owners, because there are many issues? You rightly say that you cannot identify those who have not registered. However, I have always wished to promote their viewpoint, particularly on vaccination issues. What mechanisms do you have to ensure that their views are communicated directly, rather than your view being clouded by the massive, industrial-scale poultry keepers?

[46] **Dr Glossop:** We have stakeholder lists. These are not individuals—they are organisations that represent the calling ducks group or other, different species of bird groups. We have stakeholder meetings with those people, and we then rely on them to disseminate the information to their membership. They then feed their views back in at that time. We have not had a stakeholder meeting over the summer months, but we intend to keep up the momentum by talking to those groups of people. If they have a view, I assure you that they are good at sharing that view with us.

[47] **Glyn Davies:** Is there anything else on page 2?

[48] **Mick Bates:** I have two brief issues. One is on bluetongue—there is much publicity at present about the threat of bluetongue under climate change. Do you have any plans to maintain the level of awareness about this, and what testing programmes do you have in place? I know that other tests have been done for the virus, which have proved negative, but what programmes do you have in place to ensure that we are protected against bluetongue?

[49] **Dr Glossop:** We are in close contact with our colleagues in Europe, so we are aware, on a daily basis, of what is happening there. I have had an update today that there have been seven new outbreaks since yesterday. We are keeping on top of that situation. Working in conjunction with our colleagues in England and Scotland, we are continually reviewing the at-risk window for the disease being brought into Great Britain. Therefore, a large number of tracings have been carried out, following the movements of animals from the risk areas and the risk countries into Great Britain. So, that is one aspect. There were something like four consignments of animals during the high-risk period, which I believe coincided with the Royal Welsh Show, perversely—it had nothing to do with it, but it was during the end of July.

[50] The risk relates to the movement of animals at a time when the midges, which are most likely to spread the infection, are most active. That is a complicated calculation, related to temperature, humidity and the like. Therefore, we traced four consignments into Wales; they were all tested, at 60-day intervals, and observed for clinical signs. Therefore, the tracings operation is tight, and is carefully managed.

[51] The other thing that is happening is that, because the awareness of bluetongue has been raised, we are having report cases of bluetongue, which is someone looking at clinical signs, not being able to rule out bluetongue, and so calling the State Veterinary Service, which is exactly as it should be. The last report case, which has been active this week, was in Somerset. Again, that had a negative result. Therefore, people are reporting suspicious clinical signs. I do not believe that we can do more; we are monitoring this carefully. There is no animal movement into Great Britain from those countries that are having problems. This is a viral disease—it is not like foot and mouth disease; this will come in with an animal, and be

spread by a vector, which will be a midge. Therefore, it will not spread from one animal directly—from one cow to another—which we need to bear in mind. However, we are watching it as carefully as we can.

[52] **Lorraine Barrett:** This may seem like a silly question, but I do not know the answer—can the meat be eaten? Is it affected? I could not find that in the report, but I may have just missed it. Apart from the fact that we do not want the animals to have this virus—it sounds like a horrible thing for them to have—does it affect the meat consumption of the animal?

[53] **Dr Glossop:** An animal that tests positive for bluetongue will not go into the human food chain. However, it is not the kind of disease, as I say, that will spread throughout a whole herd, so, once the entire herd has the all-clear, then those animals, clearly, can go into the food chain.

[54] **Glyn Davies:** Is there anything else on page 3?

[55] **Carwyn Jones:** It is worth making the point that bluetongue does not affect humans. It is not transmitted by milk or by meat.

[56] **Glyn Davies:** It is rather like foot and mouth disease, is it not? It does not go into the human food chain, but it probably would not do any harm if it did, except in terms of people's perception.

[57] **Brynle Williams:** Briefly, Chair, it is common sense that the risk will recede as the temperature drops a little.

[58] **Dr Glossop:** That is, of course, until next season, when it could come back. Let us also bear in mind the fact that this disease has been present in Italy for some time. The virus that causes the problems in the Benelux countries is a slightly different strain, but this is not a totally novel infection to Europe, and they have been dealing with it in Italy for some time. However, you are absolutely right: the weather does impact on the situation.

[59] **Glyn Davies:** References to bluetongue are usually included after references to climate change, are they not, with regard to diseases that are migrating northwards?

[60] **Mick Bates:** On that page, on the matter of sheep dip, there are two brief issues. We welcome the work of groups such as this, but do you have any figures on the number of incidents of pollution? Equally, do we have figures on sheep scab outbreaks in Wales, because the two are obviously closely connected? I am deeply concerned about the spread of sheep scab, and the lack of legal powers, other than through trading standards on welfare grounds, to control it.

[61] **Dr Glossop:** We do not have figures on sheep scab—and we have gone through this before—because people are not required to report cases of sheep scab, but they are required to treat an animal that is infested with this mite. So, I cannot give you figures for that, I am afraid.

[62] As for the figures for pollution incidents, I do not have them in my head, but we can find them—I am sorry, I am being shown them. Between January 2004 and August 2005, some 30 sheep-dip incidents—this is amazing; thank you—causing major significant damage to water quality were investigated in England and Wales. The majority of these happened in Wales, and they mostly arose from the use of cypermethrin.

[63] **Carwyn Jones:** It is also worth emphasising an example of how destructive

cypermethrin can be. We had an incident in which a very small quantity of cypermethrin dip, which had been used to wash out a lorry, accidentally found its way to a water course, affecting 15 km of river life in one of our rivers in the west. So, that shows how difficult cypermethrin is to control, even when it is being used properly.

[64] **Glyn Davies:** I think that the evidence that we have seen tells us that the impact of tiny amounts of cypermethrin on the environment is absolutely huge.

[65] **Mick Bates:** As a small post script, is it possible to give us some indication at the next meeting of the frequency of scab in Wales?

[66] **Dr Glossop:** That will be difficult, because we do not have the information. We could ask the Veterinary Laboratories Agency how many skin scrapings it has tested and how many of those have tested positive. We can do that kind of thing, but I cannot give you accurate figures on the incidence of sheep scab in Wales.

[67] **Mick Bates:** That is a point of the action plan, is it not, in terms of not considering scab as part of this control issue?

[68] **Dr Glossop:** This is the sheep dip pollution prevention scheme. There is also the industry initiative on the eradication of sheep scab, which is a GB-wide initiative whose profile was raised at the NSA Sheep 2006 event during the summer. The scheme has a programme of first of all raising awareness and educating people in how to recognise and deal with sheep scab. Our part in that is that we are holding three seminars in the early part of next year for farmers in different parts of Wales to talk about sheep scab. We can provide information on this whole initiative, if you like, and on where it is going. However, the key to it is that it is an industry-led initiative, which is really positive, as it demonstrates partnership with the industry.

[69] **Brynle Williams:** Is there any merit in trying to get a handle on the numbers of what is going through abattoirs? I think that we mentioned it before, back in the spring, and nothing has been done about it in terms of checking briefly as they go through the plants to try to find out how big this problem is.

10.00 a.m.

[70] **Dr Glossop:** We have been talking to Hybu Cig Cymru about this, so we will provide an update at the next meeting on that and on the sheep industry initiative.

[71] **Glyn Davies:** We will move on to page 4. I have a brief question on emissions trading schemes. Do you have an idea of the number of allocations that there are in Wales and the amount of trading there is from Wales? The only game in town for controlling emissions across Europe and the world is the emission trading scheme, and I have no idea of the scale of it in Wales and how much of a scheme is operating.

[72] **Carwyn Jones:** It is a UK national allocation. In many ways, it is early days as far as the emissions trading scheme is concerned. I met with members of the Confederation of British Industry last week and they are pursuing it, but it is very early days in terms of judging what impact it has had.

[73] **Glyn Davies:** Since the emissions trading scheme is the only international plan to control emissions on the sort of scale that you need, it is a job to get a handle on how effective it is and how many countries had reasonable allocations and which countries did not. The big worry that you have is that a value of an allocation has now dropped to a level at which the scheme is not far from collapsing.

[74] **Carwyn Jones:** I am not sure that that is correct. We have to remember that, as with any new scheme, it takes some time for the scheme to get going and for it to be evaluated.

[75] **Glyn Davies:** All right. It is early days, as you say. Is there anything on the next page, page 5? It says that the Minister is going to respond to the Committee on Radioactive Waste Management's recommendations. Have you seen them?

[76] **Jocelyn Davies:** It says 'following the summer recess', after all the—

[77] **Glyn Davies:** That is an interesting issue for the committee because we have had two presentations from CoRWM.

[78] **Carwyn Jones:** I have not yet responded. We need to assess the full and final recommendations and there will then be a response.

[79] **Glyn Davies:** I would like to timetable an opportunity for us to discuss that response. We may not have anything to say, but since we have had CoRWM here on two occasions and have become quite involved in the issue, I think that it would be a chance for us to have a discussion on the Government's response. I would like us to programme that in, Kath, for the future.

[80] We will move on to page 6.

[81] **Carwyn Jones:** I have two things to add on items 10 and 11. On item 10, to update the committee with the situation regarding Ceredigion, the committee will know that a direction was issued to Ceredigion County Council and I understand now that the county council has decided to use the unitary development plan for development control purposes, save in those areas where our direction applies.

[82] **Glyn Davies:** How significant were those?

[83] **Carwyn Jones:** The direction is to do with settlement boundaries, but what is important in my view is that it has resolved to adopt the rest of the UDP for development control purposes, which means that there is now a development control framework in Ceredigion, which there has not previously been. That resolution by the council means that the UDP, although not formally adopted, will carry weight in those areas where the direction has not applied.

[84] **Glyn Davies:** Did you want to ask anything, Elin?

[85] **Elin Jones:** No. [*Laughter.*]

[86] **Jocelyn Davies:** Least said, soonest mended.

[87] **Glyn Davies:** I think that that is probably right.

[88] **Carwyn Jones:** During the summer, there was a suggestion that I may have misled the committee about the situation in Scotland. When I found this out, I wrote to you, Chair, so that the committee would be aware of what I planned to do about it. I informed the committee at the time that I would meet with the Scottish planning Minister, Johann Lamont. I met her on Tuesday. I need to point out that what I said to the committee in July was fundamentally correct, and I will explain why.

[89] It is also important to dispel some of the myths surrounding the Scottish planning

guidance, which we discovered as a result of that meeting. First, there is no general presumption against opencast development in Scotland—I need to make that clear. When I raised this with them, they said that they had not considered it and they did not want a presumption against the opencast industry, as they supported it. Those were the words that were used. Scotland produces something like 4 million tonnes of coal per year; in Wales, it is 1.2 million tonnes and in England, it is about 1.4 million. So, it is clearly a large operation in Scotland. Since 1999, Scotland has had a 500m buffer zone, which is far from being prescriptive, for reasons that I will outline later.

[90] Since July 2005, they have introduced into their planning guidance a qualified presumption against. I will explain what that means, because it is identical to what we have in Wales. ‘Scottish Planning Policy 16: Opencast Coal’ says that there should be a presumption against development unless the proposal meets one of the following tests. The first is whether the proposal is environmentally acceptable or can be made so by planning conditions and/or agreements. The second is whether the proposal provides local or community benefits that clearly outweigh the likely impacts, to justify the grant of planning permission. The Welsh planning guidance says that proposals for opencast or deep-mine development, or colliery spoil development, will be expected to meet the following requirements, otherwise they should not be approved. The two major requirements are that the proposal should be environmentally acceptable or can be made so by planning conditions obligations, and that there must be no lasting environmental damage. That goes further, in fact, than the Scottish test. If that cannot be achieved, it should provide local or community benefits that clearly outweigh the disbenefits of likely impacts, to justify the grant of planning permission. I would argue that they are identical. One says ‘presumption against’, while the other says ‘should not be approved’. We can look again at whether the phraseology needs to be altered, but, in effect, it is exactly the same. The qualified presumption that exists in Scotland does exist in the wording that we have in Wales.

[91] There are some other matters that I think are important to draw to the attention of the committee. It has been said that, with the introduction of new planning guidance in Scotland, the buffer zone is measured to the nearest house. That is not correct. It is up to local authorities to determine what they regard as a community, so it is not automatically measured to the nearest house. Scottish local planning authorities are also required to produce preferred areas of mineral extraction, identifying why extraction should take place. We do not have that in Wales. It is also worth emphasising that, in 2004, there was an application at Polkemmet colliery to opencast a former colliery tip. The 500m buffer zone existed at that time, and planning permission was given to continue with the opencast work when there were houses within 50m of the site boundary. So, it was disregarded there.

[92] The Scots have approved four planning applications for opencast mining since July 2005, and one has now been approved in England. So, the presumption against has had little effect. When I pursued this with the Scottish Minister, she said that they introduced the phrasing ‘presumption against’, but they had made it quite clear publicly that they regarded this as being ‘policy neutral’, which were the words used to me. As I have said, they have approved four planning applications for opencast mining since July 2005, one of which was in East Ayrshire. The very fact that jobs were being brought to the area was enough in the view of the local council to overcome the presumption against, which is what I said in July. Auchloch colliery in South Lanarkshire is also an interesting development, because we are told by South Lanarkshire Council that planning permission was given for opencast work on a former colliery tip where there are 50 houses within 30m of the site boundary.

[93] So, the 500m buffer zone in Scotland is far from being set in stone, and they have approved four planning applications since July. They do not want a presumption against in general, in other words, a presumption against opencast development full stop. The reality in Scotland is that the planning guidance has had an effect in terms of buffer zones, but it is far

from the case that it has stopped opencast development in Scotland, because it is continuing at quite a pace. What makes it interesting is that learning this from Scotland makes it more important for us to look again at what was, in some ways, presented as the gold standard, and now we realise that it is not. We need to look at our planning guidance to see whether there are lessons that we can learn from that. I plan to look again at the issues that have been raised from Scotland, and also at some that have been raised from consultations in Wales, and consider further what our final guidance should be. At the end of the day, I want to get it right and I do not want to be in a situation where we introduce what appears to be planning guidance that will strengthen planning guidance, when, in fact, it does not.

10.10 a.m.

[94] I would argue that, in many ways, our planning guidance is a little stronger than Scotland's, although it is right to say that Scotland has the 500m buffer zone that is advisory, and we have a 350m buffer zone. There is a question of whether the buffer zone should operate from the site boundary or the operational boundary, which we need to consider further. We also need to consider what the definition of a community should be: in Scotland, they have left that to the local authority to decide; in Wales, we have the figure of 10, if I remember rightly. I hope that that clarifies the situation.

[95] **Glyn Davies:** It helps, probably.

[96] **Jocelyn Davies:** I think that the Minister was misinformed last time, and he certainly misinformed the committee about the position in Scotland. I have a printout from the Scottish Parliament's record of proceedings that says that there is a presumption against. That very same Minister said that they were adopting it because they wanted to give Scottish communities the same protection as that afforded to English communities. The Minister has promised that Welsh communities will not be at a disadvantage, so he should look again at this presumption against. The industry argued strongly in its representations that Scotland should not adopt the presumption against. If it does not make a difference, I do not know why the industry was not a bit more relaxed about it. I think that the presumption against is important for the communities and residents that are opposing opencast mining, and I urge the Minister to look at that again. Planning permission is certainly difficult to obtain in England. The industry said that it would be devastated if that were adopted in Scotland and, as the Minister pointed out, it has not been devastated. However, I think that it is worth looking at the tests.

[97] The bit that I felt the Minister was misinformed on was the presumption against, but now that he has raised the buffer zone issue, it is worth mentioning that, if there was only one house, one single property, I do not think that that should necessarily stop a development. However, I think that the position in Scotland is that the community must agree, if the guidance on a 500m buffer zone is not to be enforced. It is well worth considering how you can involve communities in decisions, because it could be that the community would agree to something, or there might be consensus that the advantages outweighed the disadvantages.

[98] Minister, we need to get it right, but it seems that you are sold on the 350m buffer zone. As you have said, that is what we have here—we do not have it yet, because you have the guidance only in draft form and you have not said that that is what it will be in the end. However, I ask you to consider the position of communities here, because you did say that they would not be at a disadvantage compared with Scottish and English communities.

[99] **Glyn Davies:** May I ask something before you come in, Minister? You are obviously going to respond, but you talked about reconsidering this as a result of your discussions with Scotland. What sort of timescale is there for that, and when will we have a chance to see what conclusions you draw from that reconsideration?

[100] **Carwyn Jones:** There are several areas that I am considering. If there are proposals for major changes, they need to go back out to consultation, because I do not want to make what may appear to be major changes without going back out to consultation. If it is going to take more time, it is better to take more time and get it right, rather than do it quickly. It is worth pointing out that I am far from being sold on 350m; that is for the final guidance to look at. However, it is important to remember that the guidance in Scotland is not what it appears to be—far from it, in fact. We are certainly not aware of the Scots saying that communities have to agree to developments taking place within 500m and, indeed, their planning guidance does not say that. It is possible for development to take place within 500m under certain circumstances, and it is the same in Wales.

[101] I do not agree, in any way, that I misinformed the committee. What I said was fundamentally correct and I will say it again: there is no presumption against opencast development in Scotland; there is a qualified presumption against, which is identical, I would argue, to that in Wales. If it were said to me that, if it is identical, the terminology should be changed from—and let me get this absolutely right—‘should not be approved unless’ to ‘presumption against unless’, I would say that we could look at that. To be frank, I do not think that it adds anything, because the situation would be very much the same, but I am willing to listen to what people have to say about that. That is what the Scots have said to me.

[102] It is worthwhile re-emphasising that, even after July 2005, four planning applications were approved in Scotland, and one in England—[*Interruption.*] Quite, but the suggestion being made by some—and I know that it has not been said here, but it is one that I have heard many times—that, somehow, planning policy is tougher in England and Scotland. That is a matter for debate. However, it has not stopped applications going ahead. One has been approved in England, in Ashby de la Zouch.

[103] **Glyn Davies:** We note the disagreement between Jocelyn’s interpretation and yours. We need to note that, but there is no point in batting it backwards and forwards across the table.

[104] **Mick Bates:** On the point that you raised, Chair, about the Minister’s intention to review this, the timescale is critical for us, because there has been considerable confusion since the meeting at which many of us received communication from people emphasising the fact that there was a weakness in the Welsh planning system. Since you met the Scottish Minister only on Tuesday, I wonder—although we will have today’s Record—whether you could help to alleviate some of the anxiety and confusion about the differences in the planning systems by making a written statement on this. As far as I am aware, today is the first time that you have said that you will review all this in detail. We need some benchmark here to give us some clarity. Jocelyn has quite rightly fought this case and my concerns are for particularly those communities that may have had higher expectations from the analogy with the Scottish planning system than have been borne out by your meeting with the Scottish Minister. It is important that that information is forthcoming, and a statement may be required.

[105] **Glyn Davies:** How will you handle this, Minister? Will it be a statement or—

[106] **Carwyn Jones:** There is no point in making a statement that compares planning systems. It is important to discuss it around this table, and that is absolutely right, but it is worth emphasising again that there is no buffer zone in England. I know that it has been suggested by some around this table in the past that there is, but there is not. There is a presumption against but, as I said back in July, that can be overcome, as has been done in East Ayrshire in Scotland simply because jobs were brought in. I am not convinced that that is the sort of presumption against that we need in Wales. I say that, because I am fully aware that

people have been saying, ‘Well, you know, there is a presumption against in Scotland and Scotland does this and Scotland does that’. It is far from being the case that Scotland has planning guidance that is far stronger than Wales. Scotland has a bigger buffer zone, of course, and I concede that, but as for how it has handled opencast applications, I defy anyone to see a fundamental difference between ‘Scottish Planning Policy 16’ and our draft TAN. That said, we can look at the phraseology used there, but I think that our draft TAN is stronger than SPP 16.

[107] **Glyn Davies:** I took Mick’s question as being more about process than the policies. At this stage, do you have any idea of how you might handle the process, whether by means of a statement or by coming back to committee, or what?

[108] **Carwyn Jones:** The first thing to do is to gather the views submitted by the original consultation respondents, and also the views expressed around this table. A number of issues were raised with me, some that particularly interested me came from Huw Lewis and Gwenda Thomas, who are my colleagues but who are not on this committee, and we need to look at those carefully.

[109] By the end of November, we will be in a position to decide whether there needs to be more consultation—bearing in mind that the draft guidance is in place, so there is no question of there not being any guidance or buffers in place. There will then need to be a period of consultation and a final decision will be taken. If it is the case that we proceed with further consultation, I will need to emphasise at that stage that we want evidence-based responses; circulars do not work. I saw a number of circulars that said, ‘We want a 500m buffer zone, like England and Scotland’, but England does not have one, so it does not help us. Anything that is properly argued will be of help.

10.20 a.m.

[110] **Glyn Davies:** Does that answer your query, Mick?

[111] **Mick Bates:** To some extent; however, I think that the important part for me is clarity at this moment in time. As I say, there are communities that have expectations that the Scottish system would deliver more. I have never referred back to the English system. In terms of what you have just said, I come back to the point that I think that a statement from you would help everyone in this situation, on setting the timescale, the possibilities that you have just outlined about revisiting consultation after the November statement; and also, some way of identifying that our draft proposals are, apart from the distance, the equivalent of what exists in Scotland.

[112] **Carwyn Jones:** They are not absolutely equivalent. Apart from the buffer zone, which is larger in the final guidance in Scotland than is the case in our draft guidance, I would argue that there is no substantive difference between them in terms of what developers have to show. In terms of clarity, I do not know what a statement would add. I would consider it, but just to make it absolutely clear, I think that it is absolutely worth emphasising to people in Wales who think that the Scottish planning guidance is somehow a long way ahead of planning guidance in Wales, that it is not. If there is one fact alone, which I referred to, to back up what I have said, it is that Scotland has approved four planning applications for opencast mining since July 2005, one of which contained houses well within the buffer zone.

[113] **Glyn Davies:** Whether the Minister issues a statement or not, you have made the suggestion, and the Minister has said that he will consider it. However, I take the view that when the Minister says something in this meeting, it is, in effect, a statement. One can interpret it how you like, but in my view, what the Minister has said today is a verbal statement here and, in effect, a written statement in terms of the transcript.

[114] **Jocelyn Davies:** I suppose, Chair, that if you are someone in a community in Wales interested in this, you may not be watching this morning and may not look at the transcript of this particular committee, because you would have had to have known that this was going to be discussed. So, I think that a written statement just clarifying what the Minister said today is not a bad idea for those people who are interested but are not here today.

[115] **Glyn Davies:** That is absolutely true. One additional point that I will make, Jocelyn, is that while a lot of people will not be watching today's proceedings and will not look at the verbatim record, that does not stop members of this committee from drawing people's attention to the verbatim record.

[116] However, we have covered that. There is more to come. We will now turn to page 7. Is there anything on page seven?

[117] **Elin Jones:** Whoa.

[118] **Glyn Davies:** Sorry? What did you just call me?

[119] **Elin Jones:** I said 'Whoa'. [*Laughter.*]

[120] **Glyn Davies:** It is a sort of rural-based committee, is it not?

[121] **Elin Jones:** I would just ask for progress on technical advice note 6, because it is a technical advice note that I have been expecting to appear sometime in the spring. It is an important TAN in order to enable development in rural areas.

[122] **Ms Thomas:** We are proposing to set up a technical advisory group to start work on that. It is linked to the work that has already been commissioned on the agriculture 2020 document, to reflect the changes in CAP reform and increased diversification. So, we will have representatives from the agriculture 2020 group and representatives of the rural industries on the technical advisory group. I think, Minister, that will be putting advice up to you fairly soon on the membership of that. We will be kicking that off in the autumn.

[123] **Elin Jones:** Okay. I am glad to hear that, but I am slightly disappointed because I thought that progress was much further down the line. In anticipation of that, we would not expect a new TAN on this until the end of next year. I think that this should be a priority for your work because, at present, the current TAN means that it is virtually impossible for young people to build homes in communities in rural areas because of the way that this TAN is constructed. It is not supporting development in any way. It is stifling it, in a way that is insurmountable.

[124] I also suggest—and it is only a suggestion—that you might like to include representatives of the young farmers clubs on this working group because it specifically interests them.

[125] **Ms Thomas:** I am grateful for that. We were thinking along those lines. On the issue of affordable housing in rural areas, that is obviously one of the areas of work that we were proposing to look at. So we have not lost sight of that.

[126] **Mick Bates:** Chair, you have raised the issue many times, as have I, of the review of technical advice note 15. I wondered if there was any update on when that may be—

[127] **Glyn Davies:** It is programmed for the committee to discuss.

[128] **Mick Bates:** There is also a review, is there not?

[129] **Carwyn Jones:** There is no review planned of TAN 15 until three years since its introduction have elapsed. That said, I am looking at certain aspects of TAN 15 that may need to be altered, but that would not be a major review.

[130] **Glyn Davies:** The committee has programmed a discussion on this issue for mid November, I think, simply because of the weight of concern that one hears. Would your suggested changes to this be completed by then, Minister, or not?

[131] **Carwyn Jones:** I do not want to give people the impression that this is will be a major review. I am looking at a handful of matters to do with changing words here and there. That would have an effect—I am not talking about purely cosmetic changes here—but we are not talking about a fundamental review.

[132] **Glyn Davies:** I accept that but if we are having a discussion we want it to be as meaningful as possible. The last thing that I want is for us to have a discussion here, and then you make an announcement a week later. I just want to know whether you have any idea—

[133] **Carwyn Jones:** When is the discussion programmed, Chair?

[134] **Glyn Davies:** At the moment I think it is programmed for 15 November.

[135] **Carwyn Jones:** Then I will reveal the suggestions then. I will share.

[136] **Glyn Davies:** That will be useful. I just see that as being a discussion about a TAN and concerns, and it will be useful to have your suggestions on that day.

[137] Is there anything else on pages 6 and 7?

[138] **Elin Jones:** Mae gennyf gwestiwn i'r Gweinidog o dan eitem 14, sef cynllun y taliad sengl. Nid yw'r cwestiwn yn gysylltiedig yn uniongyrchol, efallai, ond yr wyf wedi derbyn atebion i gwestiynau ysgrifenedig i'r Gweinidog dros yr haf ynglŷn â Tir Cynnal ac mae'n amlwg o'r atebion na fydd nifer y bobl sydd wedi gwneud cais ac sy'n debygol o gael eu cymeradwyo ar gyfer Tir Cynnal lawer yn fwy na 4,500 yn ystod y ddwy flynedd gyntaf, er mai 10,000 yw'r targed.

Elin Jones: I have a question for the Minister under item 14, which is the single payment scheme. The question is not directly linked, perhaps, but I have received answers to written questions to the Minister over the summer on Tir Cynnal and it is evident from the answers that the number of people who have applied and are likely to be approved for Tir Cynnal will not be much more than 4,500 for the first two years, although the target is 10,000.

[139] Mae cyllideb wedi'i neilltuo yn arian modiwlleiddio a chyllid cyfatebol ar gyfer Tir Cynnal o £10 miliwn, ac felly byddwn yn cymryd mai dim ond ryw hanner o'r gyllideb honno fydd yn cael ei ddefnyddio. Felly, beth fydd yn digwydd i weddill y gyllideb ar gyfer Tir Cynnal, yr arian modiwlleiddio a'r cyllid cyfatebol, gan nad oes galw o dan Tir Cynnal am yr arian hwnnw?

A budget has been set aside in modulation moneys and match funding of £10 million, so I would take it that only about half of that budget will be used. Therefore, what will happen to the rest of that funding set aside for Tir Cynnal, the modulation money and the match funding, as there is no demand for that money under Tir Cynnal?

[140] **Glyn Davies:** That is a budget discussion, probably.

[141] **Carwyn Jones:** Yn gyntaf, rhaid gwario'r arian yr ydym yn ei gasglu o fewn pedair blynedd—N+4 yw'r derminoleg a ddefnyddir. Gwir yw dweud fod 4,000 o gytundebau wedi'u cynnig i ffermwyr, ac mae £5 miliwn eisoes wedi cael ei dalu. Beth bynnag, os bydd arian ar ôl, bydd yn cael ei roi i gynlluniau eraill. Bydd yr arian yn cael ei wario, ac, os nad yw'n bosibl gwario'r arian ar Tir Cynnal, bydd yn mynd tuag at Tir Gofal, er enghraifft.

Carwyn Jones: First, the money has to be spent within four years—N+4 is the terminology used. It is true to say that 4,000 contracts have been offered to farmers, and £5 million has already been spent. However, if there is any money left over, then it will be put into other schemes. The money will be spent, and if it is not possible to spend the money on Tir Cynnal, then it will go towards Tir Gofal, for example.

[142] **Glyn Davies:** A fydd hyn yn rhan o'r trafodaethau ar y gyllideb?

Glyn Davies: Will this be part of the budget discussions?

[143] **Carwyn Jones:** Mae y tu allan i'r gyllideb, oherwydd y mae'n rhan o fodiwleiddio a'r cynllun datblygu gwledig ei hun. Mae'r gyllideb yn dosbarthu arian fan hyn a fan draw, ond dim ond ar rai pethau y gall yr arian hwn gael ei wario, wrth gwrs. Pe bai llai o arian yn cael ei wario ar un agwedd o'r cynllun datblygu gwledig, câi mwy o arian ei wario ar gynllun arall, sef Tir Gofal.

Carwyn Jones: It is outwith the budget, because it is part of modulation and the rural development plan itself. The budget distributes money here and there, but this money, of course, can be spent only on certain things. If less money is spent on one aspect of the RDP, then more can be spent on another scheme, that is, Tir Gofal.

[144] **Elin Jones:** Ai Tir Gofal fydd yr unig gynllun arall sy'n gymwys i ddefnyddio'r arian hwnnw, gan ei fod yn arian modiwleiddio ac yn gyllid cyfatebol?

Elin Jones: Is Tir Gofal the only other scheme that is qualified to use this money, because it is modulation money and match funding?

[145] **Carwyn Jones:** Mae pob cynllun sy'n dod o dan y cynlluniau a delir gan fodiwleiddio yn gymwys, ond Tir Gofal, wrth gwrs, yw'r mwyaf.

Carwyn Jones: Every scheme that comes under the schemes paid by modulation moneys qualifies, but Tir Gofal, of course, is the largest.

[146] **Brynle Williams:** Gobeithio mai dyma'r lle i ofyn y cwestiwn hwn, Weinidog. Yr wyf wedi siarad â ffermwyr yn y gogledd, ac maent yn gofyn yr un cwestiwn, sef sut mae dewis yn cael ei wneud am wiriadau trawsgydymffurfio. Mae rhai ffermydd yn glir, ac mae popeth yn iawn, ond mae rhai nad ydynt fel y dylent fod, ac maent wedi'u profi dair blynedd yn olynol ar yr un gwiriad, sef mesur y fferm ei hun, er nad oes dim wedi newid.

Brynle Williams: I hope that this is the right place to ask this question, Minister. I have been talking with farmers in north Wales, and they ask the same question, which is how the choice of cross-compliance checks is made. Some farms are clear, and everything is fine, but others are not as they should be, and have been tested for three years in a row on the same check, namely measuring the farm, although nothing has changed.

10.30 a.m.

[147] How is the decision arrived at, because it is essential that these cross-compliance checks—

[148] **Glyn Davies:** I am quite happy for the question to be answered, but we are now moving away from the item a fair bit and we do not want a discussion on the whole area of single farm payments.

[149] **Mr Jones:** A risk assessment formula is done to determine which farms are inspected for cross-compliance or other reasons, and plugged into that formula are various issues that either heighten or lessen the risk to the budget. For example, large farms tend to feature more often because they get more money, so there is a bigger risk to the budget if that farm is not adhering to cross-compliance requirements than, for example, if a very small farm is not. There are other issues that are plugged into the risk assessments such as frequency of visits. So, I would not expect a medium-sized farm to be visited every other year given the number that we visit, which is only 1 per cent. I think that that answers the question.

[150] **Glyn Davies:** Yes, thank you. Are there any other questions relating specifically to the item on the agenda?

[151] **Mick Bates:** That last point was quite important. I think that it depends on when the satellite flies over and what pictures you have to look at. On the single farm payment, I am deeply concerned that the cross-border payment issue is yet to be clearly resolved. Given that there will be solutions on areas and identification of farm fields for payment, which may help in the future, do you have any plans to sit down with the Rural Payments Agency and work out some of the more detailed problems that exist, which delay payments for a long time?

[152] **Carwyn Jones:** To update the committee on where we are on cross-border payments, there are now relatively few Welsh cross-border farmers who have not received a payment for 2005. We have made interim payments to as many cross-border farmers as possible. We cannot issue further payments until the RPA has fully validated the English land held. The transfer of information between us and the RPA was largely completed by 16 June and officials on both sides of the border are looking to clear the remaining cases as quickly as possible.

[153] The cross-border farmers who have not received an interim payment will receive a single payment to cover the whole of the amount that they are eligible to receive once we get validated data from RPA for their English land. We aim to complete these payments by the end of this month.

[154] **Mick Bates:** I understood that the validation of the data on land had been completed and yet you have just ended your statement by saying that 'once the validation of land has been completed'. Am I to understand that some data have still not been validated?

[155] **Carwyn Jones:** Yes, some farmers have not had their land validated, as I said. However, on the whole, the information was transferred on 16 June. Some farmers have not yet had their land validated by the RPA, but we hope that that will have been done by the end of this month; 12 farmers are still affected.

[156] **Glyn Davies:** On item 30, there is a question as to whether or not we want to scrutinise these regulations. The clerk suggests that perhaps we might like to do that. Is the committee content to look at the regulations? I am allowing some seconds to pass to see whether anyone would like to say, 'Why not?'. No-one seems to want to comment. I see that there are no more questions on the Minister's report.

10.34 a.m.

Adroddiad ar yr Arolwg o Foch Daear Marw Report on Badger-found-dead Survey

[157] **Glyn Davies:** Minister, would you like to add something to this report?

[158] **Carwyn Jones:** Just to say that the next stage in the process is for this report and the badger population survey to go to the Wales TB action group for it to consider and make further recommendations.

[159] **Glyn Davies:** Are there any comments?

[160] **Lorraine Barrett:** I have a few questions, which are probably for Christianne. With regard to badgers that were found to be infected, how many were infectious? Is it possible, at this stage, to tell?

[161] **Dr Glossop:** There is a lot that we do not know about the pathogenesis of this disease in badgers. However, if an animal tests positive, there is a demonstration of lesions at post mortem followed up by positive culture results. So, one has to assume that any animal that tested positive is potentially infectious.

[162] **Lorraine Barrett:** May I ask another question?

[163] **Glyn Davies:** Yes.

[164] **Lorraine Barrett:** Is it possible to tell how many of the badgers that were found dead had been persecuted, baited or attacked in any other way? I am just interested. It is a worry that far more were found dead than were expected in a given time. Were they road-kill or were they killed in another way?

[165] **Dr Glossop:** For each badger that was taken—not necessarily from the roads, but from fields or wherever they were found—for post mortem, one of the questions asked was whether we could ascertain the cause of death of that badger. So, they were all examined for other methods of death that may necessarily have resulted in illegal activity. The protocol was that they would have been followed up if that had been the case. That has been considered. As I understand it, no follow-up activity has taken place. In other words, we can assume that those badgers died either of natural causes, some sort of accidental intervention, or of TB.

[166] **Lorraine Barrett:** Finally, I suppose that it is a bit premature at this stage to discuss the repercussions or any options, but it would be interesting to look at that at some point, when we get the report back from the action group. I was just looking at the example of Torfaen.

[167] **Elin Jones:** It is 50 per cent.

[168] **Lorraine Barrett:** I have written down 50 per cent. I was rising in defence of badgers. However, it is interesting. You can always extrapolate things out of figures to suit yourself. I will leave it there for now, but there are obviously other discussions to be had, depending on the reports that come back over time. It has been quite a hot potato in the press in recent days, but I will leave it there for now.

[169] **Glyn Davies:** This is a controversial issue within the industry and, indeed, within the lobby that supports the interests of badgers. We have one important piece of information. The bit that was controversial for me is that I could not understand why this had never been done before. So, we have had what seems like a delay. However, there has to be evidence for any decision. I anticipate that the Minister will come back at some stage and, having looked at these figures and discussed the matter with various stakeholders, will say what he wants to do about it. When might that be, Minister?

[170] **Carwyn Jones:** The next stage is for this and the badger population survey to go to

the TB action group. It will then depend upon the timescale of the TB action group.

[171] **Glyn Davies:** Mick, do you want to come in on this?

[172] **Mick Bates:** What you said about the controversial nature of this is true. However, we welcome the collection of this data and the publication of the results. On the evidence side, I have seen a figure showing that the pre-movement testing of cattle identifies less than 1 per cent of animals as having TB. It seems that the preliminary evidence tells us clearly that the hotspots that we knew about previously—Monmouthshire, Carmarthenshire and Powys—are where we find statistical evidence. Torfaen is mentioned here, which has had only two cases, so the percentage could be skewed. We see that there are indications of incidents of TB in these areas. The pre-movement testing clearly shows that cattle-to-cattle transmission could be low—that is the evidence that we see at the minute—while the number of infected badgers is high in these three areas. Will you be looking to use that information to say that intensive treatment areas are now clearly available? There is considerable frustration that this is taking so long. Is there any way, given the evidence that I have just put to you in these papers, that you could accelerate the process, because there is a suspicion that nothing will happen until after the elections next May. In the meantime, more farms will be shut down, more cattle will be slaughtered, and we are still not addressing the issue of the removal of wildlife, which has a high incidence of the disease.

10.40 a.m.

[173] **Carwyn Jones:** It depends on how you look at these figures. The farmers have made the case that 12 per cent of badgers coming up as infected is high; on the other hand, the RSPCA has made the case that 88 per cent are not affected. It is the same in the hotspots—a minority of badgers is infected there. I make no comment on it—I want all this to be looked at by the scientists, frankly, to see what the reality is in terms of what links we can make. Therefore, there are very much two sides to the story at this point in time.

[174] Two points must be made on pre-movement testing. First, you need only one animal to infect other animals. Therefore, if one animal is picked up on pre-movement testing, you have prevented the disease from spreading, potentially, to several other animals. Therefore, that is important.

[175] **Mick Bates:** The truth is—*[Inaudible.]*

[176] **Carwyn Jones:** There is no scientific evidence to back that up. It stands to reason that, if you move an infected animal into a clean herd, that animal will infect at least some of the rest of the herd. I do not accept that one badger can infect 100 cattle—that is a throwaway line. If the scientific evidence shows that, that is a different thing, but I do not believe that that is the case at present.

[177] The other point was made to me by vets when I opened the new State Veterinary Service office in Carmarthen. They found that, when they picked up animals on pre-movement testing, they tracked back into the herd and found the TB in the herd. Therefore, it is also acting as a way of identifying TB in a herd in a way that would otherwise not have been done. Therefore, you cannot simply look at it narrowly in terms of the small number of animals that are infected. The potential for infection, if they move without the test, is significant, and the tracking back into herds, where TB is then being discovered as a result of the pre-movement test, means that that herd is being dealt with. It is important to emphasise that also.

[178] I will not get into a debate about badgers, vectors, and so on, today. That is something for the TB action group to look at. There are strong views on both sides; let us see what the

science says, rather than have wild allegations.

[179] **Glyn Davies:** As I have always said, the process of establishing a position where you can act on evidence has been too slow. That is my feeling. Can you give us some idea—picking up on Mick’s point—on the TB action group, if that is the next step, of whether we are dealing with it with some urgency? Are we trying to get an early meeting of the TB action group, so that you can form your opinion and come back at an early date? That is clearly the next step.

[180] **Carwyn Jones:** I understand that there will be a meeting in the next week or two.

[181] **Glyn Davies:** That is one meeting; more than one meeting may be required—we do not know. However, if the group is meeting in the next week or two, Mick, I do not believe that we can ask for more than that.

[182] **Carwyn Jones:** I emphasise again that I understand the need for speed, but we must not be reckless. Let us remember what occurred with Krebs, when it was discovered that the proactive culling of badgers spread the disease; no-one anticipated that. Therefore, it is important that we proceed carefully. I understand farmers’ frustration—I am not downplaying that in any way, and I understand the emotional heartache that occurs when TB is discovered in a herd. However, we will not do them, or anyone else, any favours, if we just proceed on a hunch, and find that we make things worse—as would have happened if part of the Krebs trials had been followed—rather than looking at it properly and developing a way of dealing with it in the longer term.

[183] **Glyn Davies:** I do not believe that anyone is suggesting that we wish to see a reckless speed. That is why we are asking when the TB action group is meeting, so that the process can take its place before you make your recommendations, based on evidence. I would not want it suggested that anyone around this table wishes to be reckless.

[184] **Jocelyn Davies:** I am sure that Carwyn anticipates this question, because I have asked it three times now; will this correlation, which exists now, be enough for cause and effect? The scientists may prefer to answer that.

[185] **Carwyn Jones:** It needs to be read along with the badger population survey, so that we know how many badgers are out there, approximately. It is then a matter of analysing that scientifically. On its own, it cannot be of any great use, but together with other evidence, it can be.

[186] **Glyn Davies:** Have you finished, Jocelyn?

[187] **Jocelyn Davies:** Yes.

[188] **Glyn Davies:** You indicated earlier, Brynle, and I am sorry, but I just forgot.

[189] **Brynle Williams:** Believe it or not, the issue of who is right or wrong with regard to badgers is as emotive for me as it is for everyone else. One of the main problems is that we know that TB is spreading through both vectors: wildlife and cattle. I do not see things moving quickly enough, and the Minister, rightfully, has said that it will not happen before May. We have to wait until January to see the conclusion of these trials.

[190] **Glyn Davies:** Mick said that.

[191] **Brynle Williams:** I am just reiterating it.

[192] I want to know what is happening in the hotspots, where we really do have a correlation, in Carmarthenshire and Pembrokeshire. Are we getting on top of the problem there?

[193] **Carwyn Jones:** It is important to remember that no correlation has been proved. The usefulness of the survey is that it tells us the level of infection. That is one brick, as it were, in building up the wall of evidence. Of itself, it is not enough for us to do anything different to what we have done before. We have the ITAs, of course, and they are moving forward, which it is important to remember. No-one has mentioned May, apart from Mick. I said that this could happen after May, but I have given no indication to the TB action group of what the timescales should be, and I am not working to any particular timescale, whatever might be happening. However, it is important that we see this as useful—there is no question about its usefulness, and it is essential in terms of being able to build up the prevalence of the disease in the badger population. It is one thing that will help us to build a clearer picture.

[194] **Elin Jones:** Reference was made to the badger population survey and the information that will come out of that, which will provide part of the evidence for the TB action group. What kind of information is coming out of that? I am not talking in terms of the information itself, but about the aspects of information that are being collected for that survey that will have an influence on decisions at some stage.

[195] I have two other questions. I think that there has been reference to a January date somewhere, in terms of the final report of this survey being released, and then the TB action group will also have met to consider various aspects of work. I am interested in knowing what other work is happening at the same time, because the Minister said, in his statement in July, that he would consider wildlife treatment areas if the evidence showed that treatment was needed for wildlife. Are you doing any work at this time to prepare to analyse the kinds of treatments that you could provide in areas that show a higher prevalence of TB in the wildlife population, or are you merely waiting until you have taken a decision, and then look to see what kind of treatment can be given in those areas, if you take that decision at that point?

[196] Very quickly on the intensive treatment areas, you said that you would be implementing measures in the autumn on those. Do you have an update on what the measures in those areas would be?

[197] **Carwyn Jones:** First, there is a desktop study taking place of wildlife intensive treatment areas, although the recommendation as to whether to have one lies with the Wales TB action group. In terms of what else is happening, we have the biosecurity ITA, which has been confirmed as being on the Carmarthenshire-Pembrokeshire border—the exact boundary will be agreed by the TB action group at its next meeting. Farmers within the biosecurity ITA will be invited to take part in the project, which is voluntary, but we hope to get participating farmers. Pre-movement testing is an important cog in the wheel, as well. We also have the implementation of the gamma interferon tests, and the targeting of those tests will commence from late October.

10.50 a.m.

[198] I announced that at the Royal Welsh Show on 25 July. So, all these things are happening. It is right to say—if I can put it baldly—that a wildlife cull is a stage 2 decision, as it were, rather than a stage 1 decision at this stage. Stage 1 decisions are on biosecurity, intensive treatment areas, gamma interferon and other matters such as pre-movement testing. It will then be a matter for the TB action group to recommend what should be done as a result of the evidence, namely the badger-found-dead survey and the badger population survey, but that is not to say that nothing is being done in terms of what a wildlife intensive treatment area might look like, even though the decision has not yet been taken as to whether or not

there should be one.

[199] **Glyn Davies:** Is there anything else? I see that there is not. I think that we will move on from this issue. There is a sense of frustration all round but, having said that, Minister, we appreciate that you have to have evidence to back up the decision that you make.

10.51 a.m.

Rhagolwg ar Is-ddeddfwriaeth Subordinate Legislation Forward Look

[200] **Glyn Davies:** I have spoken to the clerk about this and the officials have carefully considered what they think we should sensibly look at. The decision is always ours, but a good starting point is what the officials who support us suggest are the best things for us to consider, and they are suggesting five items today. I will let the clerk tell us which five they are. Beyond that, I go back to the point that the rapporteur situation should usefully apply if a Member wants to raise another piece of legislation and they can take some responsibility for having a good look at that and at any part of it that they specifically want to bring forward. I think that we talked about this a bit at the last meeting. Can you tell us which ones, after consideration, you recommend that we should look at here?

[201] **Dr Jenkins:** Following discussions between officials and legal advice, we would suggest Nos. 6, 12, 29, 34 and 35.

[202] **Glyn Davies:** I will allow a few minutes. I emphasise that this is absolutely a Members' decision in terms of what we look at, but that is the best advice that we have. Part of that is about where we can have an influence. Several factors have gone into that. Is there anything additional that Members want to look at? If not, are you happy that we consider the five that have been suggested to us?

[203] **Elin Jones:** There is one. No. 90 on page 9 is an amending statutory instrument on the processing and marketing grant to take account of the fact that we are going into a new rural development plan. I have not looked at that SI, so I do not know how significant those amendments are, whether it is just a cut-and-paste exercise of replacing one RDP with another RDP or whether it changes the fundamentals of the agri-processing grant.

[204] **Mr Griffiths:** The reason why we did not suggest that at this stage was that it is in the un-programmed legislation, so we do not know how soon it is likely to come before the Assembly and therefore whether it will come in time to be considered by the committee before the next elections.

[205] **Glyn Davies:** In theory, it could well appear in the recommendations to us at a future meeting. We are conscious that you have raised that point now, Elin. Do you want us to consider putting it in our programme to consider, or shall we leave Gwyn to be aware that that is a point that we may well want to look at if there is a possibility of its coming before the committee before there is no committee? Have you taken the point on board, Gwyn?

[206] **Mr Griffiths:** Yes.

[207] **Glyn Davies:** Are Members happy with those five? I see that they are, so we will go on to the next one. In dealing with legislation, before we consider them, I have asked Gwyn to look at what scope there is for us to make an amendment. If there is no scope, there is no point in us spending any time talking about it. I have asked Gwyn to look specifically at the two items before us today to see what scope there might be for us to make a difference. On

the town and country planning regulations, you have pretty much suggested that there is almost no room for that change. Perhaps I had better let you speak.

[208] **Mr Griffiths:** I think that the position on this is that there is a fair amount of scope, but a lot of it is detailed material that will go into guidance rather than necessarily into the legislation itself. The directive is fairly loosely drafted. For example, article 2.3 says that the detailed arrangements for public participation under this article shall be determined by the member states so as to enable the public to prepare and participate effectively. So, there is a fair amount of flexibility there. As is clear from the regulatory appraisal, a lot of the points made in the consultation were points that were suitable to be taken into account in the guidance, rather than in the detail of the regulations.

[209] **Glyn Davies:** I apologise to committee members—I have read them both, but I was referring to the other one, where there was very little scope. This is the one on which there have been few responses from the consultees, and all the responses have generally been supportive, at least that was what was being indicated. If anyone wishes to raise something on these regulations, now is your chance. If no-one does, we will move on to the other one that is before us, which is the one that I was talking about on which Gwyn's advice to me was that there was almost no scope for us to amend. Is that the one, Gwyn?

[210] **Mr Griffiths:** Yes. This is making a very minor amendment to the regulations that were made by the Assembly earlier this year. I would suggest to the committee that that was the stage at which any other amendments, other than those on the scope of these regulations, might have been considered. All this does is to make an amendment as a result of the completion of a long-standing court case. It is very limited in scope.

[211] **Glyn Davies:** Strangely enough, it is very limited in scope for us and we run the risk of falling out with Europe if we do not agree to it. I will introduce Mike Pender from the Food Standards Agency. It would be useful to have a wide-ranging discussion on all of the responsibilities of the Food Standards Agency, but perhaps we should leave that for now. Does anyone want to ask any questions or make any comments? I see not. It looks as if we are content to accept the regulations as they stand, so we will not test you in any way, Mike. Tamsin, did you want to come in?

[212] **Tamsin Dunwoody:** Yes, but as an Assembly Member, just to put that on the record. The one thing that I would question and ask for some clarification on is the paragraph relating to the percentage of ingredients declaration adopted by a qualified majority, including the tolerance level of plus or minus 15 per cent to allow for variations in declared analyses. I have two points. I would like to know how that relates to GM-manipulated crops within feed and how that is tested.

[213] **Glyn Davies:** Which number was this, Tamsin?

[214] **Tamsin Dunwoody:** Am I in the wrong paragraph? It is the penultimate paragraph in paper 5.

[215] **Glyn Davies:** Let us just make sure that we have all got this, because I have not yet. Have another go at explaining where we are, Tamsin, because I have not quite tracked it down yet.

[216] **Carwyn Jones:** It is the Feeding Stuffs (Wales) (Amendment) Regulations 2006, and it is the explanation that has been signed by Brian Gibbons. It is an introduction to the legislation. Members will see, once you have the paper, that it starts off with the paragraphs on purpose and then background, and this is the penultimate paragraph on that page.

11.00 a.m.

[217] **Mr Pender:** The European Court of Justice considered this issue as a result of a judicial review by the industry and the court decided that this was not disproportionate; it did not damage the industry and it decided to go for a tolerance level of plus or minus 15 per cent. The industry did not want to declare the percentage at all—it just wanted to list the ingredients—but the commission’s original proposals, which had been suspended as a result of the judicial review, were accepted by the European Court of Justice. That is what they decided and, therefore, we do not really have any choice but to implement it.

[218] **Tamsin Dunwoody:** It is a huge regulation, is it not?

[219] **Mr Pender:** It is not quite as bad as it seems. I will try to explain it. If they find out that, say, 30 per cent of a particular ingredient makes up 30 per cent of the compound feed, the 15 per cent relates to that 30 per cent, so it would be 26.5 to 34.5, not 15 to 45, so the variation is not quite as vast as it appears. We have produced draft guidance on this for the industry and for enforcement people, which is going out to consultation, and we go into some detail about these issues to explain what it is all about.

[220] On the GM issue, this regulation does not affect GM ingredients at all. The GM labelling requirements will still stand as a separate requirement. If GM foods are involved, it has to be declared.

[221] **Brynle Williams:** Does that plus or minus 10 or 15 per cent apply to protein contents, energy and starch and so on, or just the constituents?

[222] **Mr Pender:** It applies to any feed materials.

[223] **Brynle Williams:** That is a heck of a variation, I agree with you. If you are buying a cake at 16 per cent protein and it is plus or minus 10 per cent—well, I will not go into the actual arithmetic. Thank you very much for that answer.

[224] **Glyn Davies:** Are there any other questions?

[225] **Lorraine Barrett:** I have a question, but it is not on these regulations. I just wanted to briefly go back to the six items that we identified in the subordinate legislation forward look. Would that be okay? I am sorry, but I missed it.

[226] **Glyn Davies:** We have completed this item, but I left time to go back and I am quite happy to do so.

[227] **Lorraine Barrett:** No. 35, the Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007, made me think of the recent horrific accident and the killing of that baby. I will not say any more about that because it will probably be the subject of a court case. Will this Order relate to issues about how dogs are kept? Westminster is looking at maybe tightening up on certain controls and looking again at which dogs are dangerous. When an accident happens, it brings the matter to the forefront of people’s minds. I just wanted some clarification on this because we can discuss it when it comes before us. Is this the sort of thing that we are talking about when we say ‘dog control Orders’, namely how local authorities can determine how certain dogs are kept and in what conditions, in terms of safety in public places? If you have dogs in a place that the public can access, there should be restrictions on whether those dogs can access that public place, under any circumstances, if your home is in a public place. Do you see what I am saying?

[228] **Glyn Davies:** I do not think that we can answer that, Lorraine.

[229] **Carwyn Jones:** I can answer to some extent. The dog control Orders that we are referring to have come to as a result of legislation at Westminster that is not primarily to do with the dangerousness of dogs, if I can put it that way. The powers to which you refer already exist; it is a matter for local authorities to enforce their powers under the Dangerous Dogs Act 1991.

[230] **Lorraine Barrett:** I just wonder how much further these Orders would take us.

[231] **Carwyn Jones:** They are environmental Orders primarily. They are to do with nuisance primarily and are designed to deal with the environmental impact of dogs rather than their dangerousness.

[232] **Brynle Williams:** Welfare does not come into this at all; as you said, it is just the environmental aspects.

[233] **Carwyn Jones:** Welfare is already well covered by legislation.

[234] **Glyn Davies:** We will have a thorough look at the regulations when they come forward.

[235] **Elin Jones:** I think that we should look at the Caldicot and Wentlooge Internal Drainage Board (Chairperson's Allowance) Order 2006, which will increase the chairperson's allowance to £150 per month. We have a piece of subordinate legislation that apparently does that.

[236] **Glyn Davies:** Do we really?

[237] **Elin Jones:** No, sorry. I am being facetious.

[238] **Carwyn Jones:** I can inform Elin that, in terms of unusual legislation, that does not stand alone. [*Laughter.*]

[239] **Glyn Davies:** Quite. I have seen some very odd ones. Anyway, we will reconvene as soon as we can after 11.20 a.m..

*Gohiriwyd y cyfarfod rhwng 11.05 a.m. ac 11.28 a.m.
The meeting adjourned between 11.05 a.m. and 11.28 a.m.*

**Adroddiad Drafft ar Ystyriaeth y Pwyllgor o'r Agweddau Cynllunio ar Offer
Telathrebu Symudol
Draft Report of the Committee's Consideration of the Planning Aspects of
Mobile Telecommunications Apparatus**

[240] **Glyn Davies:** Croeso yn ôl i ail hanner y cyfarfod. **Glyn Davies:** Welcome back to the second half of the meeting.

[241] We have circulated, and have agreed to reverse the agenda and take the report on the electronic telecommunications apparatus first.

[242] You will remember that we had a discussion on this in committee. I know that we came to some conclusions, but the clerk has prepared a report on that discussion. There are two things for us to decide: one is the extent to which we want to change it, and I suppose that the second point is what we want to do with it. Do we want to accept it, and do we want to

change it?

[243] I have a point to make, and I know that Elin wants to make a point.

[244] **Elin Jones:** My point is on permitted development. The committee spent quite some time on permitted development, and it was the subject of Janet Davies's subordinate legislation debate under Standing Order No. 31. Although it is covered and referred to in the report, there is no recommendation on permitted development. Given that the Welsh Local Government Association gave a very favourable view of taking out mobile phone masts under 15m from permitted development, because it said that that would allow greater consultation and confidence in the process by communities if all mobile phone masts went through the full planning process, it is my view that that should be the case. I do not know how the rest of the committee feels about that but, given that the WLGA, which undertakes the role of local planning authority, also felt that, I propose that we recommend to the Minister that all telecommunication masts, including those up to 15m, are subject to the full planning process.

11.30 a.m.

[245] **Glyn Davies:** What are Members' views on that? That would be a pretty significant change, and it would be a bit contrary to the way in which discussions are going generally. From the discussions that I have heard, planning authorities are looking to extend permitted development in a lot of areas simply because they do not have the staff to cope. Most of the discussions that I have with local planning authorities are suggesting extending permitted development rights, but this is going the other way. What are Members' views?

[246] **Jocelyn Davies:** I would support it.

[247] **Glyn Davies:** I take it as a proposal to change our report to suggest that we recommend that permitted development rights be withdrawn from below 15m as well.

[248] **Jocelyn Davies:** It seemed to be one of the most controversial bits, and I thought that all Members thought that it was a good idea.

[249] **Glyn Davies:** Lorraine?

[250] **Lorraine Barrett:** Sorry, I was waiting until my microphone light came on, because people in the public gallery often cannot hear the first few words that you say.

[251] You could put a 10m mast on a roof and that would count as being below 15m. I have had specific cases like that, where, purely from a visual aspect, thought that a mast did not look nice as it was way up there. However, because it is only a 10m pole that happens to be on the roof of a pub or wherever, it did not need a full planning application, but if you had applied to put something else on the roof, you would have had to go through planning permission. So, I would endorse that.

[252] **Glyn Davies:** It is a significant change to the recommendation. Does anyone else have any comments? What about Brynle?

[253] **Brynle Williams:** No, I agree.

[254] **Glyn Davies:** There is no contrary view at all.

[255] **Jocelyn Davies:** I can see your point that some local authorities want to put more things in permitted development, because they do not have the resources, but that is not a good enough reason for it, and it certainly does not allow communities and residents to make

objections.

[256] **Glyn Davies:** I was only pointing out that the current trend is that the pressure is the other way. I think that it is a resource issue for them.

[257] **Elin Jones:** Yes, but remember that the WLGA was quite strong in its evidence to committee, saying that it would favour no permitted development. These are controversial issues and it would help the consultation process if it went through the full planning process, rather than finding out after the mast appeared on top of a hospital or a school.

[258] **Glyn Davies:** It is on the table at the moment, with no contrary view.

[259] **Tamsin Dunwoody:** I speak as an Assembly Member and not as a Minister. I would like to agree that, basically, the key word here is ‘community’. Removing the permitted development rights from this allows the community involvement in the decision-making process. Your comment about increasing permitted development is relevant in as much as the Office of the Deputy Prime Minister’s consultation is currently looking at porches on houses or microgeneration, where that is a local, individual issue. Certainly, there is room to expand the number of items that would be given permitted-development status, but where the item is ‘controversial’—to use the word that you used, which is very difficult to define—or where it would have an impact, or a perceived impact, on a community, it should go through the full planning process so that that community has the right to comment.

[260] **Glyn Davies:** It sounds to me as though there is no dissenting view from what you have put forward, Elin. We can also do a report to accommodate that view. The only part that I was a bit concerned about—and I am not even proposing that we change it, necessarily—was the one relating to health. It was our recommendation on paragraph 23. Are we content with that? It is my view that it is almost impossible for local planning authorities to make a judgment on health risks. The wording of this indicates that we feel that we should put pressure on local planning authorities to take health risks into account rather than it being a national view. Are we content for that to be included?

[261] **Jocelyn Davies:** I would support that and the Minister said, when we discussed a particular TAN, that they would consider a requirement for health impact assessments as a general policy, but that will take some time to appear. It is time that it was taken seriously.

[262] **Tamsin Dunwoody:** Again, I would seek a clarification of the wording. The use of the phrase ‘health and safety’ indicates something specific under the Health and Safety at Work Act 1974 and, therefore, I would ask for that to be expanded or amended in some way to clarify that it is a perceived health impact assessment.

[263] **Glyn Davies:** That can easily be incorporated. However, this suggests that local planning authorities make individual judgments on planning applications and I do not think that they will be competent enough to do so. I do not know whether we can reword it to reflect that or whether anyone will want to.

[264] **Jocelyn Davies:** I do not think that we should say that we will not do this because the skills are not there to do it. If we think that it is a reasonable recommendation, I think that we should make it.

[265] **Glyn Davies:** Fair enough. I think that the best way to deal with this is to ask the clerk to rewrite it and then to circulate it for everyone’s approval. The other issue is what we do with that. I raise this in the context of where we go after May 2007. It is described as a mini review. There is a protocol for dealing with committee reviews—they go to Plenary within a certain timescale—and a judgment has been made on our agri-environment report

that it is not a significant enough review to be accommodated by that protocol and guidance, so it will not go to Plenary. We need to be clear about what we do with mini reviews, and this is an example. Do we ask the Minister to come back to the committee with his responses, if the judgment is made that it is not suitable to go before Plenary? I need to know what our feeling is on this because then I can have discussions with the clerk on how to handle these. We have done one or two of these two-meeting reviews.

[266] **Jocelyn Davies:** There has been a sort of de facto separation as far as committee reviews are concerned, even though the Minister remains present if he so wishes because he is part of the committee. The protocol and Standing Orders state that we have a Plenary debate and if that report is agreed to in Plenary, then, some weeks later, the Minister makes a statement to Plenary—there is a proper response to every recommendation. Even if we decide that we cannot ask for Plenary time for this, there is no reason why the Minister should not reply to the committee on every recommendation that has been made. However, that is in the context that the whole Assembly has not agreed on them. We would have to bear that in mind—that only the committee has made the recommendations and not the entire Assembly. There is de facto separation now, so that should not change after next May.

[267] **Elin Jones:** The Assembly has expressed an interest in this review in particular. It was part of a subordinate legislation process; it was debated in the Assembly and a commitment made by the Minister and yourself, Chair, to subject it to greater scrutiny in committee. Therefore, the Assembly might well want to see the committee's review.

[268] **Glyn Davies:** Therefore, what we will do—and the clerk will tell me if I am wrong here—is seek to have a debate in Plenary on this report. Clearly, we will have to reconsider if those who make these judgments decide that the report is not significant enough. That is a bridge to cross, if we get to it.

11.40 a.m.

[269] **Carwyn Jones:** The reason why I am here is that I have the next item. I would not normally remain for an item such as this. It is worth pointing out, as Jocelyn said, that the reason why this came before the committee was because of a commitment that I made in Plenary. That would suggest to me that it should go back to Plenary, because the commitment was made there and not in the committee.

[270] **Glyn Davies:** That is pretty well what we are agreeing to do. Okay, so we will do a re-draft of the points raised and circulate it. If we receive support for that, we will then ask for it to go to Plenary.

11.40 a.m.

Dogfen Bioamrywiaeth yr UE EU Biodiversity Document

[271] **Glyn Davies:** We now move on to a collection of items relating to environment strategy. I am not clear in my own mind how we will handle all of these issues, because they merge into each other a little bit.

[272] **Carwyn Jones:** This is the EU biodiversity document.

[273] **Glyn Davies:** Yes, that is the one. In a sense, you will find references to the relationship between that document and how we are implementing that document through strategies here, which is why I transposed the items. I intend to deal with them individually, Minister; do not worry.

[274] **Carwyn Jones:** I do not remain for evidence sessions, as a rule.

[275] **Glyn Davies:** The first item is specifically to deal with the biodiversity communication from Europe? Is that the term? That is the first item. I am pleased that you have stayed for it. Are you introducing this item, Minister?

[276] **Carwyn Jones:** Yes. The document is, to some extent, self-explanatory, Chair. It stems from the document that was issued at a European level, called 'Message from Malahide: Halting the Decline of Biodiversity—Priority Objectives and Targets for 2010'. It is a snappy title, as you can see. We need to take forward the suggestions and responsibilities that have been mentioned in that document as a key element of the environment strategy. The five key biodiversity actions from the strategy will help to contribute towards the achievement of the 10 EU priorities that have been identified. We are pleased to see the publication of the communication. It provides us with an opportunity to look at what we might need to do in the future as a result of that communication and to make sure that the environment strategy and the action plan are in accord with the communication that has come from Europe. It is an ambitious document from the EU. Some of it is extremely ambitious, such as using a common fisheries policy to restore fish stocks, which would be a difficult process. Nevertheless, it is pleasing to see that this is being taken seriously at the European level and that there is a recognition that we have to preserve what we have and that the economic exploitation of both land and sea cannot continue as it has been if we want a sustainable biodiversity network in the future.

[277] **Glyn Davies:** Does anyone want to comment on this issue? It is almost too big an issue to get a grip on. Diane, are you here to help us with this issue?

[278] **Ms Reynolds:** Yes, if there are any questions.

[279] **Glyn Davies:** I have not yet finished reading this document, but it incorporates, in an EU communication, what was decided at that event in Malahide in Ireland. It is quite a big paper and I did not have time to finish reading it. It is a big issue and is very complicated. I wonder—and this is partly a response to the issue and partly a response to the process and the way in which we operate—whether we could have a discussion with the European Union about this paper by video link in committee. On our trip to Europe, I felt disengaged from much of the important discussion that was taking place there. I feel that, on issues like this, understanding what the commission is looking at and the sheer importance of it is a job to grasp. A discussion with someone from the environment directorate-general who is specifically involved in developing this policy would be useful for the committee to fully understand this—it would help us inform our views on the environment strategy. I throw that in as a suggestion, as much as anything else, on how we should operate.

[280] **Mick Bates:** That is an interesting suggestion; it would be extremely useful, given the complexity of the legislative drivers from Europe. I would look forward to that, because there are some massive issues. If you just consider the water framework directive, and the impact that it will have, I am sure that very few of us would think that we have a small understanding of its impact. At present, we have local action plans, which I believe are administered by our local authorities. Given this chain of responsibility, what impact will all this work have on the people who implement our strategic plans—the local authority, for example?

[281] **Ms Reynolds:** It will have a big impact. There are two ways in which Wales needs to engage with this; one of those is what you have just suggested—engaging with the commission, and through our work with our DEFRA colleagues, influence, have an input and receive messages. We also do that through our Welsh Assembly Government colleagues in Brussels, and the work of the Countryside Council for Wales. Therefore, there is an

engagement issue.

[282] The other issue is how we implement it in Wales, which is what you are asking about. The biggest impact that we will see is the legislative change that is going through at present, which will come into force in October, namely the Natural Environment and Rural Communities Act 2006 biodiversity duty. Instead of being binding on only the Assembly and one or two other bodies, it will be binding on all public sector bodies in Wales. That means that we will have to take biodiversity into consideration in all our decision making. Therefore, as you described, it is not just about the local biodiversity action, which is important and crucial to success; it is also about changing strategically how we make other decisions.

[283] **Mick Bates:** Therefore, this has a massive impact. At some stage, we need to understand how those drivers will impact, and who is paying for the extra work that will be involved. If you just think of writing environmental impact assessments now, other bits of legislation will be in place that will need to be taken into account when the environmental impact assessments are written.

[284] **Ms Reynolds:** I wish to be clear about the resource implications. If you can put more money into something, you can do more things—that is always true. However, much of the difficulty with biodiversity is not doing new, extra things, but doing current things in sometimes a slightly different way. If we can do it in that slightly different way, then we will get the benefit that we are trying to get, and we will be able to preserve biodiversity. That should not have a resource implication, but it has a real implication in terms of thinking strategically.

[285] **Mick Bates:** I share your view, but the outcome may well be different.

[286] **Glyn Davies:** Are there any other questions on this?

[287] **Lorraine Barrett:** Reading this paper, it is scary. We live in scary times—that is one way of looking at it. Only between 1 per cent and 3 per cent of Europe's forests can be classed as untouched by humans, and when you consider the intensity of what humankind has done the world over probably the last 20 years, you see that it is horrific. However, someone said to me a few weeks ago that it is almost too late to do anything about this. Will nature compensate, and will we evolve? We are losing many of our species and biodiversity through our interference in nature—and the dinosaurs became extinct—but has that really affected us? What does it mean to lose many of these species? I can be saddened by all this, but that is a debate that we need to have—although, not in this committee perhaps. Is it too late, almost, to stop much of this? Will nature compensate?

[288] **Glyn Davies:** It depends on who you listen to.

11.50 a.m.

[289] **Lorraine Barrett:** Yes, but is it just a case of stopping, or are there things that we really need to do for us to compensate? That is, not just nature, but for us to take immediate steps; not just stopping, but doing something positive on top of saying, 'Right, we have got to deal with the number of times we fly'. I know, Chair, that you plant a tree every time you fly, and that is your little way of compensating and trying to put things right. But, what is the scale of trying to do something like that? How impossible is it for us to pull back from the brink? I can see the makings of an epic film in this.

[290] **Glyn Davies:** It has already been made by Al Gore.

[291] **Lorraine Barrett:** Yes. Perhaps we should show Al Gore's film at the next

committee, Chair.

[292] **Glyn Davies:** That is the issue, is it not? Clearly, change happens all the time, but to what extent is human activity accelerating that change or interfering with it? I think that there is a general acceptance that change is happening, and that we should be mitigating climate change.

[293] **Lorraine Barrett:** If there was one species or area of this huge list that was damaged or destroyed, then that is one thing, but it is everything, such as the rainforests. How much longer can we go on without doing something really serious about halting what is happening?

[294] **Carwyn Jones:** I am not going to try to answer all of it, but part of it comes down to climate change, and part to human behaviour. Some species are affected by climate change, such as the Snowdon lily, which is a species of flower that is under a great deal of stress, and not necessarily because of the activity of humans, although that has had some effect, but because the climate is warmer, and it is an alpine plant.

[295] The other matter that we need to address at European level over the next few years is that, historically, we have designated habitats that have particular species in them, in terms of protecting them. If, because of climate change, those species move somewhere else, you then have a situation in which they may move to a habitat that is not protected. In some ways, you are talking about the idea of mobile SSSIs; green highways, as it were, for species to be able to move along certain areas of land. That is also a big challenge for us, but much of this is to do with human activity.

[296] With regard to the decline in fish stocks, some people say to me that cod are as plentiful and abundant as they ever were. It does not appear that way; yes, cod have moved further north, because of a change in climate temperature, but there is no doubt, looking at examples elsewhere in the world, such as the Grand Banks off Newfoundland, that overfishing killed the fish stock off completely. If you read books written about the Grand Banks in the sixteenth century, they were literally putting a basket into the water and pulling out cod—it was that plentiful. Historically, the fishing was plentiful, but human activity destroyed that.

[297] If you look at how biodiversity is affected in the UK, we have lost species in Wales over the last 100 to 150 years. The red squirrel is under tremendous pressure, to the extent that there was a debate in the *BBC Wildlife Magazine* in July as to whether we should bother to save them at all, and that was because of human intervention. I am not saying that, but there was a serious debate on that.

[298] **Glyn Davies:** Shoot the greys—every one of them.

[299] **Carwyn Jones:** Some wildlife experts feel that the cause is lost, effectively, for red squirrels. That was because of human intervention. The fact is that grey squirrels are here. We have the problem with Japanese knotweed; we know that. Our problems are quite small compared with the problems that they have in New Zealand, where introduced species tend to grow about three times as large as they do anywhere else, and they cause real problems. Possums in particular are an enormous problem in New Zealand, as an introduced species. It is the same with cats, which attack native wildlife where, effectively, the biggest bird or creature of any sort that they have is the kiwi, which is defenceless, of course, and the introduced species are causing havoc among the kiwi population.

[300] Climate change is important, and we have, depending on who you believe, 40 years to make a difference, in terms of the future, with regard to climate change. Also, what humanity does to land and the soil, particularly, is exceptionally important. I will stop in a minute,

Chair, but there are examples in history where the way in which farming has been undertaken in some parts of the world has led to the destruction of the peoples who lived there. There are two examples of this. Greenland is one. Originally, when the Viking people went to Greenland, they resolutely adopted European farming methods, and would not learn from the Inuit. They all died out as a result. In Iceland, the first thing that they did when they arrived was to clear the trees off the island. The soil there is very thin, and it all blew away. You cannot replace that very easily. They have tried to do it. Iceland is an almost treeless island. It is that kind of destruction in certain habitats in the world that cannot be repaired very easily. When the original people went to Iceland, they may not have known that this would happen but, in many countries in the world, people know full well the destruction that is being wrought but, unfortunately, greed drives that destruction. I will stop now.

[301] **Glyn Davies:** No, it is very interesting, Minister.

[302] **Jocelyn Davies:** What are we going to do about it?

[303] **Glyn Davies:** I want to come back to that in a second. Tamsin and Brynle want to come in.

[304] **Tamsin Dunwoody:** The Minister has touched on several important issues and Jocelyn has asked what we are going to do and where we go from here. The basic issue of biodiversity and the juxtaposition of humanity with our environment, and how that meets our economic need and our drivers and how we, therefore, have influenced what has occurred, has to be taken as part and parcel of the balancing equation of the way in which we are changing because of climate change. The biodiversity itself will change. I use the example of the fact that, currently, gardening in west Wales involves slugs and snails but, in the future, it will involve praying mantises and scorpions. These are the realities of the changing biodiversity, that highlight the need for flexibility and rapidity in adapting policy, process and legislative directives, for example, as the Minister has stated, to move forward with the changing time. So, it is not simply the preservation of a chocolate-box picture or an animal that used to roam the wilds of Wales, such as wolves, and it is not a good idea to just reintroduce an animal or a particular scenario without being fully aware of why that situation happened, whether it was an intervention by mankind—I stress ‘man’—or whether it was a natural movement forward in the way the world progressed. We have to be realistic about what we in Wales can do, what we should be doing, how that impacts on us as an Assembly, how it impacts at local level and what the real deliverables are, because there are huge challenges. It is a fascinating subject that we should have a whole committee meeting on.

[305] **Glyn Davies:** I think that that is right. This is a very philosophical discussion that we are having, and there is nothing wrong with that. Did you want to come in, Brynle? I want to go back to the Minister on where we go with this.

[306] **Brynle Williams:** On the same point as the Minister, Tamsin and several others have raised, we have a major role to play. We are ever increasing and we want cheaper food, not necessarily meat; we are wanting soya, we are hacking down in South America and there are civil rights issues there. That is all part and parcel of it. I hope—and you asked the question, Lorraine—that nature will repair itself if it is left alone and managed. A lot—I will not say all—of it has to be managed. As a farmer, I think that it will repair itself but we do not have very long. We are well intentioned here but, regrettably, there are people who are not taking any notice and that is outside of our control. The only way we can address that is through consumerism, if that is a word, in terms of what we buy from where. As I said, the Chair very nobly plants a tree or two every time he flies and that all contributes. As the previous speaker said, this could be a day-long debate. It is fascinating.

[307] **Glyn Davies:** Minister, to what extent is the commission communication informing

your environment strategy policy? What linkage is there? One is clearly a delivery mechanism for the other.

[308] **Carwyn Jones:** The environment strategy predates the communication, so the next question for us is: is the strategy and action plan in conflict with the communication? We do not believe that it is. In fact, if you look at the strategy and the action plan, you will see that they are mechanisms to move towards and satisfy the priority areas identified in the communication. So, in some ways, the tools to do the job in Wales are already there to a great extent, because we have already identified all these issues. Conservation is not uniformly pursued across the whole of Europe, if I can put it that way.

12.00 p.m.

[309] There are conflicts, which tend to come in Europe with large mammals—wolves and bears, in particular. Whereas the wolf population is vibrant and growing, and reclaiming the areas of land where they have not been present for a hundred years or more, the bear population is under enormous pressure. For those who followed the progress of the brown bear that went into Bavaria during the summer—called Bruno, I believe—it was a bear that had originally come from the Italian Alps and had gone through Austria and into Germany. The bear was shot and there was an enormous outcry about it. There had been no bears in that part of the world since 1835 and, basically, it was the classic dilemma of farming feeling under threat from bears taking lambs, and they also tend to invade hives to get after the honey. It was the nuisance that that caused to farming as opposed to the environmental balance of having large, potentially dangerous, mammals in one part of the world. That has always been the conflict.

[310] Historically, there has been a conflict between the way that humanity has farmed and the way that humanity has got on with wildlife. In some parts of the world, there was a deliberate attempt to destroy it as much as possible. In the USA in the nineteenth century, there was a deliberate attempt to destroy as many bison as possible, because that was the food source of native Americans. They used to go out on trains and shoot them as they lay on the ground. The passenger pigeon is another example. There were billions of them in the 1860s, but they were all shot for no other reason than for sport. Again, it was a deliberate attempt to get rid of the species. If you look at Europe, you see that, historically, beavers were pursued for their pelts. The last beaver in Wales was recorded in 1170 in the River Teifi in Cardigan. Wolves were exterminated because they were seen as dangerous, as were bears.

[311] This is very philosophical, I grant you, but we need to move forward in the way that we have done on a small scale with Tir Gofal, I suppose, and ensure that farming and biodiversity can exist side by side, rather than having one played off against the other.

[312] **Glyn Davies:** I am not against having a philosophical discussion, but we must move very quickly into the more practical parts of the discussion, because we have some significant people here help to us. Jocelyn, did you want to come in with a comment?

[313] **Jocelyn Davies:** This is red squirrel week, so I am glad that we are having this discussion. There are many objectives in this document and the Minister has said that he believes that we will be able to meet these objectives, or that we will attempt to do so. As we will return to this in the future and spend more time on it, it would be useful for the Minister to demonstrate how the Government will meet these objectives. Rather than talk in general terms around this document, we can then scrutinise the Minister, because this will be an obligation on us, or on the Minister anyway; it will be our job to scrutinise what the Minister is doing to achieve each of these objectives. For us, that is a practical way forward, because I am sure that none of us would disagree with what has been said.

[314] **Glyn Davies:** I think that that is absolutely right, and that is why there is a linkage between what we are discussing now, in a philosophical way, if you like, and the next two items that we need to move on to.

[315] **Jocelyn Davies:** This sets the context, as I think you would agree, but not in a format on which it is easy to scrutinise the Minister. I am suggesting that we have a scrutiny session of the Minister at some other time on these objectives.

[316] **Glyn Davies:** Yes, I think that we can do that. Are you content to leave the responsibility with me to try to arrange a video session to deal specifically with this, which is essentially the sort of thing that we have been talking about, but hopefully with a member of the EU environment cabinet? I guess that it would have the responsibility for this. We can have a clearer view in our own minds about how this informs what we do and what we expect the Assembly Government to do. Are you happy to leave that with me?

[317] **Jocelyn Davies:** Yes, because 2010 is only a few years away. If targets are to be met, I would like to see what progress we are making towards them.

[318] **Glyn Davies:** I think that you make a very fair point. So, we will do that.

12.04 p.m.

Cynllun Gweithredu Strategaeth Amgylcheddol Environment Strategy Action Plan

[319] **Glyn Davies:** We will go on to the other papers that you have. We have two groups of people that are responsible for implementing some of the 62 objectives in the environment strategy plan; the Environment Agency has five objectives and the Countryside Council for Wales has six. I do not know whether that reflects relative importance in any way. We have allowed ourselves to become a little carried away by philosophy and this is a little more hard-edged.

[320] We will deal with the Environment Agency Wales first. We all know Chris Mills; I do not have to introduce him to anyone here. Chris, you can make a bit of an introduction, and if anyone wants to ask any questions on the paper that you have given us or on what you say, that will follow.

[321] **Mr Mills:** The Environment Agency Wales welcomes this strategy. We were able to work closely on its development with a large number of other organisations, and I think that it was an important principle that there was early involvement and engagement with the people who will be tasked with delivering it. It gives all of us clarity and direction as to how we need to go forward to protect and improve the environment. We have a major contribution to make on its delivery.

[322] If you look at the outcomes, as opposed to the actions, we are involved in 34 out of 39 of them. As your Chairman has just said, we also have a lead or key-partner role in 16 of the 62 actions. In our submission, we highlighted progress and, bearing in mind that it is at a very early stage, progress has been made against the five actions that we have been specified to lead. To reassure you, the environment strategy now is fully integrated into our strategies and business planning process.

[323] In its invitation to give evidence today, the committee highlighted that it was particularly keen to hear whether we felt that we had adequate resources and support to carry out the actions that we have been tasked with. At this point in time, I would say, 'Yes, we

have'. However, I would like to stress that much of the agency's work contributes to both the mitigation of and the adaptation to climate change. We feel that it is important to highlight that increased resources will be necessary if we are going to adapt to climate change, and a key role for the Environment Agency Wales in that is to adapt to increased flood risk.

[324] I should give you a clear signal that it is our belief that costs for our flood-risk management work will increase in future years, because we are talking about a 20-year strategy, so we are looking fairly far out into the future. We cannot be absolutely certain by exactly how much those costs will increase, because climate change is all about predicting what may happen. We feel fairly confident that problems with flood risk are going to increase. Within our submission, we quote some estimated figures. For example, we will need to spend some £15 million over the next seven years on increasing our ability to model floods, to forecast and to warn people. We also forecast that we will probably need something in the region of £250 million over the next 10 to 15 years to create new flood defences. Of course, if you create more of these things, they have to be maintained and repaired and, in 10 years' time, we believe that the bill could be as much as £20 million a year. If we are to ensure that actions 12 and 15 in the strategy will be met, we believe that there will need to be increased investment in the medium term.

[325] Our concern is not just about the resources that we need to deliver the environment strategy, but about whether sufficient resources will be allocated to project manage the action plan as a whole. It is a complex piece of work and if we are to be certain that all the different bodies and partners are delivering those actions, it will be important for there to be a fairly rigorous process of project management, to ensure that the whole thing is kept on track.

[326] I will now make some final comments. The tracking system will be important in making sure that the actions that we have are the right ones to ensure the outcomes, and in ensuring that the outcomes of the large number of bodies that are contributing to a particular outcome actually add up to the whole. We also believe that, in the first review of the action plan, it will be important to check that we have correctly identified the leads, partners and supporters of particular actions.

12.10 a.m.

[327] There is an example of where we believe that we have a role to play, but, as yet, it has not been identified, in the first three actions on climate change. I say that because the Environment Agency Wales is a regulator of major industry, which accounts for some 54 per cent of the total greenhouse gas emissions in Wales. We are the monitoring authority for the European emissions trading scheme, and we are the principal body responsible for adaptation, both in terms of flood-risk management and strategic water resources planning. So, for those reasons, we have a key role in those three actions, and that can be reviewed, I would suggest, when the action plan has its first review.

[328] To conclude, we believe that, from the start, Welsh Assembly Government officials have done an excellent job of involving all of the bodies concerned with the task of delivering this strategy. This partnership approach will be vital if we are to deliver the strategy and, given the long time-horizon of 20 years, it will be necessary to bring those bodies together on a regular basis to ensure that we are on track and able to deliver.

[329] **Glyn Davies:** You have talked about some pretty significant capital here—there is the initial one-off funding and then the annual capital that you are envisaging, which will probably increase over time. My only question is: what happens if you do not get that capital expenditure? To me, that is a lot of money.

[330] **Mr Mills:** It is all about risk, and, as you know, the concentration has changed—it is

no longer called flood defence; it is called flood-risk management. So, the consequence is that you have increased risk—increased risk that people will not be warned as effectively and increased risk to people and property. That has economic consequences in its own right. So, I accept that this is a judgment, because it will take heavy investment, but it is a judgment that will have to be made in the light of predicted risk, and, as I said, there will be economic consequences. I could quote you figures around the predictions for flood damage in the future, which are predicted to be significantly higher than they currently are.

[331] **Mick Bates:** Thank you for your presentation. I have three points. First, are you satisfied that you have enough robust data to undertake your risk assessments? We will wish to scrutinise all these actions. Are you satisfied that there is a whole range of indicators that would enable politicians and the public to assess the progress made in improving the position as regards the work and the actions here that the EA is responsible for?

[332] **Glyn Davies:** I will take questions from everyone, because I am conscious of time and want to ensure that we get everyone in. I do not want to be rushing at the end and failing to have a proper discussion. Brynle, you wanted to ask a question.

[333] **Brynle Williams:** Briefly, what is going on concerns me, but we are still building and allowing building land to be designated on flood plains—it is regrettable, and I do not know how we get around it. We are still developing on them. It would cost the Assembly, or the respective councils, an awful lot to rescind this, but we have to look at it in the long term. This is one way in which we should be looking to stop building on certain flood plains, to try to alleviate the problems that will occur in 20 years' time.

[334] **Jocelyn Davies:** Action No. 1 talks of gas-emission reductions. Do you have a view on the setting of annual targets for that?

[335] **Glyn Davies:** If you get a chance, you can tell us about any sort of work that you are doing on changing farming patterns to retain water and, thereby, reversing the drainage pattern that has existed for donkeys' years to retain water, rather than allowing it to rush off so quickly.

[336] **Mr Mills:** I will try to deal with those questions in the order that they were presented to me. I was not totally clear about the first question because I was not quite clear whether you were asking whether we have clear targets to ensure that we are actually delivering the actions that are set out in the strategy. Was that the question?

[337] **Mick Bates:** Yes, but the question, specifically, is: do we have systems for robust data collection? On emissions, for example, there are so many examples of where you have to have really robust data collection systems for us to scrutinise. That then leads us to ask whether we have the indicators that will enable us to see whether or not we are meeting the climate change challenge, for example. Broadly, what would you say are the key areas in which we need to improve our data collection, for example, so that you can meet the targets?

[338] **Mr Mills:** In terms of the data, obviously, the agency is collecting an enormous amount of environmental data. We report on that in state of the environment reports. In terms of climate change, it is somewhat more difficult because predictions around climate change are changing all the time. I think that we will need to make periodic reviews of that data to ensure that we are tracking the right things.

[339] There was a question about flood plains. You are absolutely right about 'Technical Advice Note 15: Development and Flood Risk', in relation to trying to ensure that we do not build on flood plains where there will be an increased flood risk. I think that that policy is beginning to bite. It is important that we continue to do that, but I think that it is very

important to be clear about who has what role. The Environment Agency's role is to provide flood-risk advice to local authorities, which, of course, are the planning authorities and need to take the final decision about what is built and where it is built.

[340] In terms of action 1 on setting annual targets, we have a role, in terms of greenhouse gas emissions, through two main areas. One is the emissions trading scheme, which sets caps in terms of the amount of greenhouse gases that particular industries are allowed to emit. However, those are actually set by the UK Government. It is our task to monitor whether or not they are meeting them. The other way in which we are able to help to reduce emissions is through our permitting process, which gives us the opportunity to try to ensure that industries are using the best available techniques and, through that, will limit carbon dioxide emissions. However, there are constraints to that because we have to take into account where the industry is, in terms of its location, its site and various other things. So, we can help to bring down carbon dioxide emissions through that, but it will have certain constraints. In effect, the UK Government and Europe have chosen to try to limit carbon dioxide emissions from industry through the emissions trading scheme. The target is set, if you like, by setting the cap at the appropriate level.

[341] **Glyn Davies:** Can I bring Lorraine in? We can talk about the point that I made again, but Lorraine wanted to ask you a question.

[342] **Lorraine Barrett:** My question was related to water. I just wondered whether Chris could just say something about that. We have talked about flood-risk management and not building on flood plains, but I also raise the issue of the increase in the number of patios that people build. Can there be any sensible restriction or education on that, because so many people are covering their gardens now with patios and so forth. Does that really have that much effect on flood risk across Wales? There is the destruction of woodlands, the removal of trees and so forth, although you are trying to replace them where you can, Chair. I refer to urban areas, in particular. We have loads of wonderful huge trees in Penarth, but you have to ask whether it was sensible, 100 years ago, to plant them on pavements. The pavements are now coming up and people want them to be replaced with smaller trees, for instance. So, what effect will that have on flood risk?

12.20 p.m.

[343] The other question is on water collection. There are two sides to it. One is stopping the water being wasted through leakage, so how much impact can you have on the water companies, and are they on board in dealing with this seriously? The second is collecting the water that comes down from above and reusing it as grey water, as we do in this building. All of those things add up to the big picture. That is a comment as well as a question on how much can be achieved.

[344] **Mr Mills:** There are quite a lot of issues in those comments, but I will try to separate them out. Of course, patios, hard surfaces and so on have a potential impact on flood risk management, particularly the cumulative effect of that. For new development, we encourage sustainable drainage systems to be put in place, which allow the water to flow away quickly instead of being retained. It is not always economic to retro-fit, but we could certainly look at that in new developments.

[345] Ofwat, the Water Services Regulation Authority, sets leakage targets for the water companies. For example, at the moment, Welsh Water's leakage rate is around 26 per cent. Ofwat will be setting its targets to reduce that by at least 11 per cent by 2009-10. So, quite rightly, targets are being set for water companies to reduce water leakage.

[346] Lastly, there is another element, which is around drainage in the upper parts of

catchments that has resulted in very fast run-off, which then results in flooding problems. In the old days, the upper parts of catchments would act as a sponge and would absorb the water and release it over time. We need to go back and look at some of those drainage systems and try to recreate the much more controlled release of water that used to happen in the past. Through the far greater drainage that has taken place over a long period of time, we now get much faster floods and flood cycles.

[347] **Glyn Davies:** I will now bring David Parker and Hazel Drewett in from the Countryside Council for Wales, because they are charged with leading on some parts of the environment strategies. Do you want to make some introductory comments?

[348] **Dr Parker:** Yes, I will keep it brief, Chair. First of all, I agree with everything that Chris said on the importance of this strategy in his introduction. CCW was very involved in its composition, along with partners and Government. In many ways, it encapsulates the work that we do. It is very good to see that most of CCW's work, apart from some of the regulatory stuff perhaps, is encapsulated in the strategy. Therefore, it has wider transparency and interest from people. The strategy works in the sense that it brings together a lot of organisations and individuals, as well as policies, in one document. I mentioned the Wales spatial plan, for example, and that links in with some of the activities in this document.

[349] CCW is leading on six of the actions, and we are involved in 25 others, which is important in that respect. The invitation that you gave to CCW mentioned that the committee would be particularly interested in the designated sites, which are the sites of specific scientific interest and special areas of conservation. The European sites that we have in Wales, apart from the marine SACs, are all underpinned by SSSIs. By area, 65 per cent of SSSIs in Wales are European sites—the SACs. To remind you, the SACs are an Assembly designation, whereas the SSSIs are a system operated by CCW. That is quite important to remember.

[350] I would say that the strategy's 2010 and 2015 targets are extremely demanding. We have the 2010 target of getting 95 per cent of our European sites into favourable condition, or 'favourable management', as I like to call it. We should count within that the sites and features that are at the moment unfavourable, but which have the management in place to put that right, which is important. The SSSI target is 95 per cent by 2015.

[351] We are charged in the strategy with finding ways of delivering those targets. The success is not down to CCW alone, and there are one or two examples of that. First, 25 per cent of our SSSIs are not owned by the farming community, but by Government—the Assembly, the Forestry Commission, CCW and national governmental organisations such as the National Trust. So, they have their part to play. We have a particular problem with marine SACs. How do we get marine features into favourable condition when we do not even control the management of the seas properly? I would say that that 2010 target is a real challenge and a real opportunity for the Marine Bill to generate some action towards delivering that target. So, I would like the committee to note that.

[352] We are charged with these targets of refocusing existing expenditure. That is not just CCW, but also Government and local authorities. The Natural Environment and Rural Communities Act 2006 has already been mentioned today, and the biodiversity duty contained in NERC places an obligation on local authorities and all public bodies to manage the land that they own, including SSSIs and European sites, and to get them into a favourable condition.

[353] That legislation also has a particular importance in terms of policy. Resources are not just about money, but how staff time is used in organisations like CCW and Government. I honestly believe that the jobs of many people in Government and in organisations such as

CCW will have to change over time, not just to deliver target 32 but also many others that require people to think about the environment, and to mainstream it into their daily work. That is where climate change comes in. We should not be thinking about it separately from all our other work; we should mainstream it in the work that we do.

[354] The Minister mentioned earlier that special sites such as SSSIs and SACs cannot be fixed because species will move if the climate changes. I draw your attention to action 33, which relates to landscape-scale projects. However, you will see an item showing that we have been looking carefully at ecological connectivity. These designated sites, which cover 12 per cent of Wales, are doomed, in a sense. They are island environments that need to be managed; that is, the countryside between them needs to be managed to allow movement and the inevitable change brought about by climate change. So, I draw your attention to that connectivity work, and green highways have been mentioned today. We have got to have a more resilient, connected countryside in order to maintain the biodiversity of Wales.

[355] **Glyn Davies:** We do not have much time left, so please keep your questions brief.

[356] **Jocelyn Davies:** Under point 33, what you see as the issues and challenges for you, you say that securing the engagement of partners is the main challenge. That implies that there is some resistance from partners to being engaged. Perhaps that is not worded quite rightly, but are you having problems engaging partners, and are you referring to the voluntary and private sectors?

[357] **Glyn Davies:** I will take questions from everyone first, because we are a bit tight on time.

[358] **Mick Bates:** On climate change and your work, you mentioned that you would like climate change to be embedded into all policies rather than considered as an add-on. Do you have a priority where that should be the case?

[359] **Brynle Williams:** Do you have sufficient funding in place to implement this plan?

[360] **Lorraine Barrett:** On action 32 on designated sites and favourable conditions, do you have any idea of the cost of bringing those sites in?

12.30 p.m.

[361] **Glyn Davies:** That relates to Brynle's question. Can you deal with those, David? We are running a bit short of time, so I ask you to be brief.

[362] **Dr Parker:** I will be brief, Chair. I do not think that we have problems with partners. CCW achieves all of its work through partnership working, whether with a farmer managing a piece of land or with organisations. I do not think that a number of partners are yet aware of their responsibilities, particularly under the Natural Environment and Rural Communities Act 2006, but also if they want to play their part in delivering this strategy. So, we have work to do with partners.

[363] On the priority for climate change, certainly for us, in the Countryside Council for Wales, it is the future of the designated site series and biodiversity as a whole. We have to do more work in the wider countryside to safeguard these special places and to allow the wildlife of the whole country to survive and adapt as, indeed, it will have to do.

[364] On the funding, getting the right management on the designated sites—target 32—is centred on the fast-tracking of Tir Gofal in the new application round. The agri-environment has a really big role to play in this. We have 50,000 ha of SSSI land in Tir Gofal at the

moment; we want more. There is enough flexibility within the Tir Gofal scheme to deliver what is required for most SSSIs. That is very important. The higher tier scheme, which is being developed, will also be important. With management agreements, which are CCW's way of paying farmers to deliver the good environmental management of their land, their SSSIs, we are looking at our own expenditure. We currently spend £2.4 million on this; we believe that we need to spend something like £5.5 million. We will be looking at our internal resources to do that. We are working with officials to try to find other ways of getting money into that particular funding stream. So, like Chris, we believe that resources are okay at the moment, but, as time goes on, we will be looking for additional resources.

[365] **Glyn Davies:** We are up against the clock. I feel conscious that I allowed a degree of self-indulgence in our philosophical discussion about the diversity communication from Europe, which has made us a bit tight for time. I do not feel that we have explored these issues as much as I would have liked. I cannot help feeling that we will return to these issues—probably on a pretty regular basis—not necessarily in formal sessions, but the area of Tir Gofal and the agri-environment scheme will certainly feature quite often in our budget discussions. Anyway, I am sorry that our discussion has been truncated. I thank all of you for coming here to help us.

[366] **Jocelyn Davies:** Glyn, could I make a point? I do not know whether my colleagues feel the same way, but I feel it a bit odd to have a paper from the Minister on this item and not be able to scrutinise him on it.

[367] **Glyn Davies:** I said that Matthew was here on behalf of the Minister. I discussed this because there was a separate paper from the Minister on it. We have sort of considered all three without paying—

[368] **Jocelyn Davies:** I am sorry, I did not realise that I could have put my questions for the Minister to Mr Quinn.

[369] **Glyn Davies:** Sometimes, Jocelyn, I get things wrong in terms of allowing enough time when preparing for a meeting. Undoubtedly, we could have done with another half an hour at least for this particular item. That is how it has worked out. I do not feel that we have explored this item anywhere near as much as we should have done. That is my sense. However, it is 12.30 p.m. and the Chair has to stick to the timetable. I will have to bring that item to a close.

12.34 p.m.

Papurau i'w Nodi Papers to Note

[370] **Glyn Davies:** We also have papers to note. I do not know whether you want to say anything about yours, Lorraine, but it is just a paper to note, and I feel that we have mentioned it already.

[371] **Lorraine Barrett:** It was an interesting visit and was quite eye-opening, particularly the fact that climate change was all around the city and on everyone's lips.

[372] **Glyn Davies:** Okay. That draws our meeting to a close. We have a buffet, and we will then return for a session on the scrutiny of the budget. Let us go and have a bite to eat.

*Daeth y cyfarfod i ben am 12.35 p.m.
The meeting ended at 12.35 p.m.*

