

Agenda – Legislation, Justice and Constitution Committee

Meeting Venue:	For further information contact:
Hybrid – Committee Room 4, Tŷ Hywel and videoconference via Zoom	P Gareth Williams Committee Clerk
Meeting date: 20 October 2025	0300 200 6565
Meeting time: 11.00	SeneddLJC@senedd.wales

Hybrid

Public meeting

(11.00 – 12.00)

1 Introduction, apologies, substitutions and declarations of interest

(11.00)

2 Prohibition of Greyhound Racing (Wales) Bill: Evidence Session with the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

(11.00 – 12.00)

(Pages 1 – 16)

[Prohibition of Greyhound Racing \(Wales\) Bill](#), as introduced

[Explanatory Memorandum](#)

[Statement of policy intent](#)

Huw Irranca-Davies MS, Deputy First Minister and Cabinet Secretary for
Climate Change and Rural Affairs

Jackie Price, Head of the Greyhound Team, Welsh Government

Elizabeth Thomas, Lawyer, Welsh Government

Holly Miles, Lawyer, Welsh Government

Attached Documents:

LJC(6)-29-25 – Paper 1 – Briefing paper



- 3 Motion under Standing Order 17.42(vi) and (ix) to resolve to exclude the public from the following items: 4, 9, 10 and 11**
(12.00)

Private meeting

(12.00 – 12.15)

- 4 Prohibition of Greyhound Racing (Wales) Bill: Consideration of evidence**

(12.00 – 12.15)

Break

(12.15 – 13.00)

Public meeting

(13.00 – 13.20)

- 5 Instruments that raise no reporting issues under Standing Order 21.2 or 21.3**

(13.00 – 13.05)

(Page 17)

Attached Documents:

LJC(6)–29–25 – Paper 2 – Draft report

Affirmative Resolution Instruments

- 5.1 SL(6)654 – The Non-Domestic Rating (Description of Differential Multipliers) (Wales) Regulations 2025**

(Pages 18 – 19)

Attached Documents:

LJC(6)–29–25 – Paper 3 – Written Statement by the Cabinet Secretary for Finance and Welsh Language, 7 October 2025

6 Instruments that raise issues to be reported to the Senedd under Standing Order 21.2 or 21.3 – previously considered

(13.05 – 13.10)

6.1 SL(6)650 – The Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025

(Pages 20 – 23)

Attached Documents:

LJC(6)–29–25 – Paper 4 – Report

LJC(6)–29–25 – Paper 5 – Welsh Government response

6.2 SL(6)653 – The Free–Range Poultrymeat Marketing Standards (Amendment) (Wales) Regulations 2025

(Pages 24 – 26)

Attached Documents:

LJC(6)–29–25 – Paper 6 – Report

LJC(6)–29–25 – Paper 7 – Welsh Government response

6.3 SL(6)598 – The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

(Pages 27 – 29)

Attached Documents:

LJC(6)–29–25 – Paper 8 – Letter from the Cabinet Secretary for Health and Social Care, 14 October 2025

LJC(6)–29–25 – Paper 9 – Letter to the Cabinet Secretary for Health and Social Care, 26 September 2025

7 Inter–Institutional Relations Agreement

(13.10 – 13.15)

7.1 Correspondence from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs: The Phytosanitary Conditions (Amendment) (No. 2) Regulations 2025

(Pages 30 – 32)

Attached Documents:

LJC(6)-29-25 – Paper 10 – Letter from the Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs, 14 October 2025

8 Papers to note

(13.15 – 13.20)

8.1 Correspondence from the Business Committee: Review of Public Bill and Member Bill processes

(Pages 33 – 34)

Attached Documents:

LJC(6)-29-25 – Paper 11 – Letter from the Business Committee, 10 October 2025

8.2 Correspondence from the Counsel General and Minister for Delivery: The UK Government's review of the UK Internal Market Act 2020

(Pages 35 – 36)

Attached Documents:

LJC(6)-29-25 – Paper 12 – Letter from the Counsel General and Minister for Delivery, 13 October 2025

8.3 Correspondence to the Chairs' Forum: Consultation: Reviewing Committee Effectiveness in the Sixth Senedd

(Pages 37 – 40)

Attached Documents:

LJC(6)-29-25 – Paper 13 – Letter to the Chairs' Forum, 15 October 2025

8.4 Correspondence from the Minister for Children and Social Care to the Children, Young People and Education Committee: Family Drug and Alcohol Courts Working Group Discussion Paper

(Pages 41 – 52)

Attached Documents:

LJC(6)-29-25 – Paper 14 – Letter from the Minister for Children and Social Care to the Children, Young People and Education Committee, 16 October 2025

Private meeting

(13.20 – 14.00)

9 Environment (Principles, Governance and Biodiversity Targets) (Wales) Bill: Draft report

(13.20 – 13.35)

(Pages 53 – 102)

Attached Documents:

LJC(6)-29-25 – Paper 15 – Draft report

10 Planning (Wales) Bill and Planning (Consequential Provisions) (Wales) Bill: Consideration of written evidence

(13.35 – 13.55)

(Pages 103 – 124)

[Consultation responses](#)

Attached Documents:

LJC(6)-29-25 – Paper 16 – Letter from the Counsel General and Minister for Delivery, 10 October 2025

LJC(6)-29-25 – Paper 17 – Letter to the Counsel General and Minister for Delivery, 29 September 2025

LJC(6)-29-25 – Paper 18 – Letter from the Counsel General and Minister for Delivery to the Finance Committee, 10 October 2025

11 Supplementary Legislative Consent Memorandum (Memorandum No. 4) on the Public Authorities (Fraud, Error and Recovery) Bill

(13.55 – 14.00)

(Pages 125 – 129)

Attached Documents:

LJC(6)-29-25 – Paper 19 – Legal Advice Note

Document is Restricted

Statutory Instruments with Clear Reports 20 October 2025

SL(6)654 – The Non-Domestic Rating (Description of Differential Multipliers) (Wales) Regulations 2025

Procedure: Affirmative

These Regulations specify the descriptions of hereditaments (units of property with a rating assessment) within the non-domestic rates tax-base to which differential multipliers will apply from 1 April 2026. The Regulations enable a lower retail multiplier for specified descriptions of hereditaments with a rateable value of less than £51,000 and a higher multiplier for hereditaments with a rateable value of more than £100,000 (subject to some exclusions) to be given effect.

Parent Act: Local Government Finance Act 1988

Date Made:

Date Laid:

Coming into force date: 01 April 2026





WRITTEN STATEMENT BY THE WELSH GOVERNMENT

TITLE Consultation on proposals for non-domestic rates differential multipliers – summary of responses

DATE 07 October 2025

BY Mark Drakeford MS, Cabinet Secretary for Finance and Welsh Language

Today, a summary of responses is published of the [consultation](#) on proposals to introduce differential multipliers for non-domestic rates in Wales. I also confirm that I have laid the regulations required to enable the proposals to be implemented.

Two matters are particularly drawn to the attention of Members. Firstly, we propose to introduce a lower retail multiplier for small to medium sized shops, to re-balance the non-domestic rates system in their favour. This policy recognises the unique challenges faced by ‘bricks and mortar’ retail shops, not least through their exposure to competition from online retailers.

Secondly, we continue to consider the introduction of a higher multiplier for high value properties, to offset the revenue which would be forgone through the lower retail multiplier. A higher multiplier for the largest (by value) properties in the tax-base which is set at a level marginally above the standard multiplier would be sufficient to support a substantially lower retail multiplier.

The consultation received 172 responses. I am grateful to those who took the time to respond and recognise the range of views provided. A majority of respondents supported the proposals, with a particularly high level of support for a lower retail multiplier. I also recognise that some stakeholders would support a lower multiplier which applied to other sectors of the economy or were concerned about the potential application and level of any higher multiplier.

The levels of all multipliers for 2026-27 will be determined later this year, when all relevant information is available to inform those decisions. This will take account of the outcome of the next non-domestic rates revaluation, which will also take effect on 1 April 2026.

The necessary steps will now be taken to enable the proposals to take effect from 1 April 2026. The draft Non-Domestic Rating (Description of Differential Multipliers) (Wales) Regulations 2025 have been laid before the Senedd to specify the properties that will be subject to the lower retail and higher multipliers.

As set out when I launched the consultation, these proposals for the innovative first use of new powers to prescribe differential multipliers are intentionally relatively modest in their scope. The practical considerations which are highlighted during implementation will help inform the approach to further reform of the non-domestic rates system in the future.

The summary of responses to the consultation is available at:
<https://www.gov.wales/proposals-non-domestic-rates-differential-multipliers>

Agenda Item 6.1

SL(6)650 – The Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025

Background and Purpose

The Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025 (“the Regulations”) are made using powers in the Agriculture (Wales) Act 2023 and provide for mandatory classification and price reporting of sheep carcasses by larger approved slaughterhouses (regulated slaughterhouses which slaughter at least 2,000 sheep per week on average). There are currently four abattoirs in Wales which would be subject to the Regulations.

The Welsh Government’s Explanatory Memorandum (EM) provides that the Regulations will ensure the sheep market operates with greater transparency so that producers will understand whether they are receiving a fair price for their slaughtered animals. The EM also explains that mandatory carcass classification and price reporting schemes have been in place in the beef and pork sectors for many years. The introduction of a mandatory scheme for the sheep sector is intended to bring the sheep sector in line with those sectors as closely as possible.

The EM provides that these Regulations will be implemented in line with similar legislation already introduced by DEFRA in England and those being considered in Scotland and Northern Ireland.

Procedure

Draft Affirmative.

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following point is identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(vii) - that there appear to be inconsistencies between the meaning of its English and Welsh texts.

In regulation 2 (interpretation), for the meaning of “carcass” in the English text, the Regulations correctly refer to “Annex 2” to Commission Implementing Regulation (EU) No 2019/627 of 15 March 2019. The Welsh text refers to “Atodlen 2” which translates as “Schedule 2”, and there is therefore a different meaning between the English and Welsh texts. The correct term to be used for “Annex” is “Atodiad”, in line with TermCymru.



Merits Scrutiny

The following two points are identified for reporting under Standing Order 21.3 in respect of this instrument.

2. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

Paragraph 4 of the Welsh Government's Explanatory Memorandum provides that:

The Sheep Carcase (Classification and Price Reporting) (England) Regulations 2025 ("England Regulations") were made on 9th July 2025 and the Welsh regulations will have practical effect on the same date as the England Regulations to ensure continuity across the two countries.

The coming into force date for these Regulations is 28 January 2026, which is later than the date the England Regulations come into force, on 12 January 2026 (subject to exceptions specified in regulation 1(3)). The Welsh Government is asked to explain why these Regulations come into force two weeks after the England Regulations.

3. Standing Order 21.3(ii) - that it is of political or legal importance or gives rise to issues of public policy likely to be of interest to the Senedd.

This Committee's report on the Agriculture (Wales) Bill (now the Agriculture (Wales) Act 2023) highlighted concerns regarding provisions which engage the principle of mutual recognition established by the UK Internal Market Act 2020 ("UKIMA"). The Welsh Government is asked to explain whether the effectiveness in Wales of any of the provisions in these Regulations will be dependent on, or affected by, any of the requirements of UKIMA.

The Welsh Government's Explanatory Memorandum to these Regulations does not refer to UKIMA but does refer to ensuring "*continuity across the two countries*" (England and Wales). What assessment, if any, has the Welsh Government made of the legislative position in Scotland and Northern Ireland in relation to the classification and price reporting of sheep carcasses, and the impact any divergence in equivalent regulations may have on the effect of these Regulations in Wales?

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 06 October 2025 and reports to the Senedd in line with the reporting points above.



Government Response – The Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025

Technical Scrutiny point 1:

The Welsh Government agree there is an inconsistency in the meaning of the English and Welsh texts. The correct term which should have been used in regulation 2 for “Annex” is “Atodiad”, in line with TermCymru. The correction identified in the table within this response will be made prior to the making of the Regulations.

Merit Scrutiny point 1:

The Welsh Government is alert to the difference between the coming into force dates of the England Regulations and these Welsh Regulations. Whilst drafting the Sheep Carcass Regulations, the Welsh Government was made aware of an unintended discrepancy in the England equivalent Regulations. The Sheep Carcass (Classification and Price Reporting) (England) Regulations 2025 were made on 9 July 2025. *Regulation 4(1) of those Regulations provides that “Any person who is an operator of a regulated slaughterhouse on 28th January 2026 must, before the end of the period of 28 days beginning with that date, give notice to the Secretary of State in accordance with paragraph (3).”*

The effect of regulation 4 is that notification is only required by those who are considered operators of a regulated slaughterhouse on 28 January 2026 (and notification must be given before the end of 28 days beginning with that date). We understand this date should have been 28 days from the 12 January 2026 (the coming into force date) and not the 28 January 2026.

Having considered the provisions when drafting the Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025, it is the Welsh Government’s view that without the requirements of regulation 4 coming into effect, the overall requirement of the regulations have no practical purpose as they rest on the notification taking place first. The later date was chosen as England had already laid their Regulations and UK Government advised the date of 28 January in both sets of regulations would ensure the continuity that was expected would be achieved. The Welsh Government decided not to replicate this unintended discrepancy and to provide the same coming into force date as regulation 4.

Merit Scrutiny point 2:

England and Wales are following the same regime as set out in the legislation, with England having laid their equivalent regulations in July 2025. It is also Welsh Government’s understanding that Scotland and Northern Ireland also intend to bring forward legislation reflecting the same regime. The Welsh Government will continue to monitor any developments in this area.

Technical drafting corrections to be made prior to the making of the Regulations

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
Rheoliadau Carcasau Defaid (Dosbarthu ac Adrodd am Brisiau) (Cymru) 2025	The Sheep Carcass (Classification and Price Reporting) (Wales) Regulations 2025
<i>In regulation 2 (interpretation) of the Welsh text of the SI, in the definition of “carcas” (“carcass”), paragraph (b) refers to the Commission Implementing Regulation (EU) No 2019/627 of 15 March 2019, where the term “Atodlen 2” is used, replace this with “Atodiad 2”.</i>	N/A
Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.	

Agenda Item 6.2

SL(6)653 – The Free-Range Poultrymeat Marketing Standards (Amendment) (Wales) Regulations 2025

Background and Purpose

These Regulations amend, in relation to Wales, Commission Regulation (EC) No 543/2008 laying down detailed rules for the application of Council Regulation (EC) No 1234/2007 as regards the marketing standards for poultrymeat (EUR 2008/543).

Regulation 2 amends Annex 5 to Commission Regulation (EC) 543/2008 to remove the current maximum time period that poultry reared in accordance with free range production methods can have its access to open-air runs restricted (by measures put in place to protect public and animal health) whilst its meat may continue to be marketed, in Wales, as free-range.

Procedure

Draft Affirmative

The Welsh Ministers have laid a draft of the Regulations before the Senedd. The Welsh Ministers cannot make the Regulations unless the Senedd approves the draft Regulations.

Technical Scrutiny

The following points are identified for reporting under Standing Order 21.2 in respect of this instrument.

1. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

The italic headnotes at the top of pages 1 and 2 note that these Regulations have been laid before the Senedd under “section 50(6) and (7)(n)” of the Agriculture (Wales) Act 2023. However, the third paragraph of the preamble notes that these Regulations have been laid before the Senedd in accordance with “section 50(6)” of that Act. The provisions cited in the headnotes and preamble should be consistent with each other and the headnotes appear to include the more accurate citation on this occasion.

2. Standing Order 21.2(v) – that for any particular reason its form or meaning needs further explanation.

In the third paragraph of the preamble, it refers to “section 50(6) **of the Act**”. However, the term “the Act” has not previously been defined and given a meaning in these Regulations. Therefore, the reference should either repeat the title of the Agriculture (Wales) Act 2023 in full or the title of that Act should be defined by noting “the Act” in brackets after the first reference to that Act in the opening paragraph of the preamble.



Merits Scrutiny

No points are identified for reporting under Standing Order 21.3 in respect of this instrument.

Welsh Government response

A Welsh Government response is required.

Committee Consideration

The Committee considered the instrument at its meeting on 13 October 2025 and reports to the Senedd in line with the reporting points above.



Senedd Cymru

Pwyllgor Deddfwriaeth, Cyfiawnder a'r Cyfansoddiad

—
Welsh Parliament

Legislation, Justice and Constitution Committee

Pack Page 25

Government Response: The Free-Range Poultrymeat Marketing Standards (Amendment) (Wales) Regulations 2025

Technical Scrutiny points 1 and 2: Whilst the Welsh Government notes that the issues highlighted are minor and do not have a substantive legal effect on the instrument, we will make the corrections prior to making, as shown in the table below.

Technical drafting corrections to be made prior to the making of the SI

CORRECTIONS MADE TO THE WELSH TEXT PRIOR TO MAKING	CORRECTIONS MADE TO THE ENGLISH TEXT PRIOR TO MAKING
<p>Rheoliadau Safonau Marchnata Cig Dofednod Maes (Diwygio) (Cymru) 2025</p>	<p>The Free-Range Poultrymeat Marketing Standards (Amendment) (Wales) Regulations 2025</p>
<p>In the third paragraph of the preamble, for “<i>adran 50(6) o’r Ddeddf</i>” we will substitute “<i>adran 50(6) a (7)(n) o Ddeddf Amaethyddiaeth (Cymru) 2023</i>”.</p>	<p>In the third paragraph of the preamble, for “<i>section 50(6) of the Act</i>”, we will substitute “<i>section 50(6) and (7)(n) of the Agriculture (Wales) Act 2023</i>”.</p>
<p>Minor issues such as formatting, minor changes to the explanatory note and footnotes and correcting typographical errors will also be corrected prior to making.</p>	

Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

Agenda Item 6.3


Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: PO/JMHSC/0495/25

Mike Hedges MS
Chair, Legislation, Justice and Constitution Committee

14 October 2025

Dear Mike,

Thank you for your letter dated 26 September 2025 in regard to correcting drafting defects in the National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025; as identified in the Legislation, Justice and Constitution Committee report.

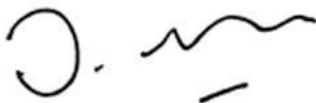
The Welsh Government had previously indicated an opportunity to correct the Regulations in summer 2025. Subsequently there have been further policy developments in regard of the provision of pharmaceutical services which my officials have been considering and will require further amendment of the NHS (Pharmaceutical Services) (Wales) Regulations 2020.

The decision has therefore been taken to hold over the correcting amendments until such time the NHS (Pharmaceutical Services) (Wales) Regulations 2020 are amended for wider policy changes, that being an appropriate and available legislative vehicle.

As previously stated, the Welsh Government believes the inconsistency in the use of the terms identified in the Legislation, Justice and Constitution Committee report are not prejudicial to the understanding or interpretation of the regulations.

The Welsh Government intends to lay a statutory instrument early in 2026 which will capture the various policy changes to the provision of pharmaceutical services and, at the same time, include the correction of the defects you have identified in the National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025.

Yours sincerely,



Jeremy Miles AS/MS
Ysgrifennydd y Cabinet dros Iechyd a Gofal Cymdeithasol
Cabinet Secretary for Health and Social Care

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0300 0604400

Gohebiaeth.Jeremy.Miles@llyw.cymru
Correspondence.Jeremy.Miles@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Jeremy Miles MS

Cabinet Secretary for Health and Social Care

26 September 2025

Dear Jeremy

The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025

At the meeting of the Legislation, Justice and Constitution Committee on 22 September 2025, the Committee considered an analysis of Welsh Government commitments to correct statutory instruments where errors have been identified by the Committee in our reports to the Senedd.

You will be aware that the Committee's report on The National Health Service (Pharmaceutical Services) (Wales) (Miscellaneous Amendments) Regulations 2025 identified a potential drafting defect in those Regulations. The Welsh Government's response to reporting point 1 stated:

"The Welsh Government acknowledges that there remain instances where the abbreviation "ETP" is used in the National Health Service (Pharmaceutical Services) (Wales) Regulations 2020 ("2020 Regulations") which have not been captured by the amendments made by these Regulations. Given "ETP" has been a previously used defined term and is well understood within Community Pharmacy, the Welsh Government considers the limited instances where it remains within the 2020 Regulations will be understood by those using the Regulations. The opportunity to clarify the terminology will be taken when further amendments to the 2020 Regulations are planned in summer 2025." (Emphasis added.)

The Committee would welcome clarity as to when the amending regulations that were planned for the summer will be laid before the Senedd.

The Committee would welcome a response by 15 October 2025.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair



Ein cyf/Our ref: MA/HIDCC/2376/25

Mike Hedges MS
Chair
Legislation, Justice and Constitution Committee
Welsh Parliament
Cardiff Bay
Cardiff
CF99 1SN

14 October 2025

Dear Mike,

I wish to inform the Committee of the intention to consent to the application of the Phytosanitary Conditions (Amendment) (No. 2) Regulations 2025 ('the Regulations') to Wales. The Regulations will be made by the Secretary of State and apply to Wales, England and Scotland.

I received a letter from Baroness Hayman of Ullock, Parliamentary Under Secretary of State, requesting consent to the Regulations. The Regulations amend Commission Implementing Regulation (EU) 2019/2072 ("the Phytosanitary Conditions Regulation") establishing uniform conditions for the implementation of Regulation (EU) 2016/2031 ("the Plant Health Regulation") as regards protective measures against pests of plants. In accordance with the Plant Health Regulation, the Secretary of State approached the Welsh and Scottish Ministers for consent to the application of the Regulations to Wales and Scotland respectively.

The Regulations protect biosecurity by introducing or amending protective measures against high-risk pests of plants. The Regulations support trade by removing the import requirements for pests which no longer meet the criteria for regulation as a GB Quarantine Pest or GB Pest Free Area Pest. They make amendments to:

- a) Move the pests, *Agrilus horni* (known as the aspen root girdler), *Heterobasidion occidentale* (a fungal pathogen of conifers), and *Toumeyella parvicornis* (the pine tortoise scale), from the list of provisional Quarantine Pests to the list of Quarantine Pests ("QPs"). QPs are listed pests absent from GB (or under official control) which

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

pose an unacceptable risk to GB, as they would cause economic/environmental damage if introduced. There are powers to apply specific import requirements to listed QPs to address the risk of introduction. As a result, specific import requirements are being applied to *Toumeyella parvicornis*. These pests have been assessed as meeting the criteria to be QPs, as a result of a risk and horizon scanning process.

- b) Extend the existing import requirements for the QP *Bursaphelenchus xylophilus* (known as the pinewood nematode) to apply to the host wood exports from Armenia, following the identification of this pest in Armenia.
- c) Add the pest *Homona magnanima* (the oriental tea tortrix) to the provisional QP list, after it was assessed as meeting the criteria to be a QP, based on a preliminary assessment.
- d) Deregulate the pest *Helicoverpa armigera* (the cotton bollworm) after a recent policy review concluded that this pest no longer meets the criteria to be regulated as a QP.
- e) Deregulate the Pest Free Area Quarantine Pests, *Dendroctonus micans* (the great spruce bark beetle) and *Ips cembrae* (the large larch bark beetle). Recent evidence no longer supports the absence of these bark beetles in their respective Pest Free Areas in the west of Scotland. This only affects the timber industry in Scotland.

They also carry out technical amendments to the Phytosanitary Conditions Regulation:

- I. Firstly, to update the taxonomic name of a pest, *Ennomos subsignarius* (the elm spanworm moth), to ensure consistency with the internationally recognised name *Ennomos subsignaria*.
- II. Secondly, to correct an error involving a misplaced asterisk in the existing import requirements for the bacterial pathogen *Xylella fastidiosa*.
- III. Thirdly, to add the seed of *Solanum sisymbriifolium* to the list of goods which require a UK plant passport for their movement within Great Britain or introduction into GB from a Crown Dependency territory. This commodity was added to the legislation by the Phytosanitary Conditions (Amendment) Regulations 2024 (S.I. 2024/610) as a host of the regulated non-quarantine pest, potato spindle tuber viroid after it was found to harbour this pest. As a result of these amendments, the seed of *Solanum sisymbriifolium* must be free from the pest to be moved within, or introduced into, GB.

Although the Welsh Government's general principle is the law relating to devolved matters should be made by the Welsh Ministers, on this occasion it is considered appropriate for the Regulations to be made by the Secretary of State. The Regulations relate to a devolved area; however, they impact on the biosecurity of GB which has traditionally been approached as a joint concern. GB is an island and plant pests and diseases have no respect for the borders between countries. Elements of the Regulations relate to the importation of plants and plant products. Most of these goods which enter Wales come through English ports.

Introducing separate regulations in Wales, England and Scotland would risk divergence on biosecurity matters where policy is aligned. This may hamper enforcement by cross border bodies and place an additional burden on the Animal and Plant Health Agency (which enforces plant health across Wales and England) and businesses. Where policy is aligned, legislating on a GB-wide basis helps stakeholders comply with the requirements in the legislation to maintain our biosecurity.

There is no policy divergence between the Welsh and UK Government in this matter and the Regulations amend legislation that was not made bilingually.

I have written similarly the Chair of the Climate Change, Environment, and Infrastructure Committee.

Yours sincerely,

A handwritten signature in cursive script, appearing to read 'Huw', with a horizontal line underneath it.

Huw Irranca Davies AS/MS

Y Dirprwy Brif Weinidog ac Ysgrifennydd y Cabinet dros Newid Hinsawdd a Materion
Gwledig Deputy First Minister and Cabinet Secretary for Climate Change and Rural Affairs

Delyth Jewell MS

Chair, Culture, Communications, Welsh Language, Sport and International Relations Committee

Andrew RT Davies MS

Chair, Economy, Trade and Rural Affairs Committee

Peredur Owen Griffiths MS

Chair, Finance Committee

Mike Hedges MS

Chair, Legislation, Justice and Constitution Committee

10 October 2025

Dear Chairs,

Business Committee review of the Public Bill and Member Bill processes: publication of pre-introduction Bills

As you know, the Business Committee is reviewing the Senedd's processes relating to Public Bills. This includes matters relating to Bill timetabling, and, in particular, the Welsh Government's recent practice of publishing pre-introduction versions of Bills introduced during Year 5 of the Sixth Senedd.

As Committees that are involved in the Stage 1 (or Initial Consideration) scrutiny of the Bills that have been published in accordance with this practice, we would welcome your views. For example:

1. Whether the publication of the Bill prior to its formal introduction was useful.
2. Whether it enabled you to take any decisions or carry out any activities that you would otherwise have been unable to.
3. Whether there were any associated disadvantages, limitations or risks.
4. Whether future Welsh Governments should be encouraged to continue the practice of publishing Bills prior to formal introduction.

We would be grateful if you could send your response to SeneddBusiness@senedd.wales by Friday 14 November 2025.

Yours sincerely,

A handwritten signature in blue ink that reads "Elin Jones".

The Rt Hon Elin Jones MS
Chair of the Business Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Mike Hedges MS
Chair – Legislation, Justice and Constitution Committee

13 October 2025

Dear Mike,

In July, the Deputy First Minister and Minister for Climate Change and Rural Affairs issued a Written Statement and wrote to you regarding the UK Government's review of the UK Internal Market Act 2020 ('the Act'). Further to that letter, I am writing to confirm the Welsh Government's approach to legislation in Wales in light of the outcome of the review.

As you will be aware, the Welsh Government has been consistent in its opposition to the Act as introduced by the previous UK Government. In the context of our concerns on the Act, and it having been rejected by the Senedd, we made a Programme for Government commitment to "*challenge the UK Internal Market Act and its attack on devolution and champion the rights of the Senedd to legislate without interference in areas devolved to Wales*".

It remains our view that the Act should be repealed and replaced with a system, underpinned by legislation, which is designed around the Common Frameworks, and which maintains the safeguards necessary to support the Windsor Framework. While the UK Government has ruled out this approach, they have agreed to a new approach which aims to move the Act into the background and Common Frameworks to the foreground.

The outcome of the UK Government's recent review of the Act has therefore partially addressed our calls for a system built around Common Frameworks, rather than relying solely on the blunt tool of the Act. As such, it is a welcome step in the right direction. In particular, the UK Government has made commitments to change how the Act operates, as well as to implement all exclusions agreed through the Common Frameworks. Preventing the Act from undermining the integrity of the Common Frameworks would mitigate its threat to devolved policy objectives. As a priority, we are therefore working closely with the UK Government and other devolved governments to turn those commitments into objective and proportionate mechanisms and thereby seek to secure tangible beneficial changes to the practical operation of the Act in the context of devolution.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

We have always accepted that the Act will apply in full to any subordinate legislation made by the Welsh Ministers under powers conferred by Acts of the UK Parliament or retained EU law. In seeking to challenge the Act, however, a legal argument was put forward that the Act did not apply to primary legislation passed by the Senedd, or to subordinate legislation made by the Welsh Ministers in reliance on powers conferred via Senedd Acts. As your Committee will know, certain legal proceedings have taken place, but that underlying legal argument has not been definitively tested in court.

In light of the UK Government's review of the Act and its commitments to enact decisions made in Common Frameworks, our immediate priority is to work collaboratively with the UK Government and the other devolved governments as outlined above. This means that when developing all relevant legislative proposals – including in the context of primary legislation in the Senedd, or subordinate legislation made by the Welsh Ministers in reliance on powers conferred via Senedd Acts – engagement will take place on a four nations basis through the relevant Common Frameworks to explore interoperability and whether any exclusions from requirements of the Act are necessary. We expect this to be the principal mechanism to discuss and secure agreements for exclusions, based on the commonly agreed principles for Common Frameworks and an objective and proportionate set of criteria.

As outlined previously, we will continue to make the case for more fundamental legislative reform of the Act. In the near term, however, the outcome of the review of the Act offers an important opportunity to demonstrate how Common Frameworks can work effectively to support the functioning of the UK Internal Market and to work with the grain of devolution. In this context, I hope that this letter is useful in confirming the Welsh Government's approach and the focus of our work.

Yours sincerely,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

The Rt Hon Elin Jones MS/AS
Llywydd
Chair of the Chairs' Forum

15 October 2025

Dear Llywydd

Consultation: Reviewing Committee Effectiveness in the Sixth Senedd

Thank you for your letter of **8 July 2025**. We discussed the consultation at our meeting on **22 September** and agreed this submission at our meeting of 13 October.

Remit

As you will be aware, the Committee's remit is exceptionally wide. The consequence of this broad remit is that we do not think as currently constituted the approach works, because it is not possible to give due consideration to the policy areas that fall within the Committee's remit and at the same time properly fulfil our standing order obligations. The amount of documentation, legislation and associated papers considered by the Committee is vast and the volume of this work impacts upon the decisions that we have to take.

The requirement on the Committee to focus on legislation, including the increasing volume of Welsh Government legislative consent memoranda for Bills introduced to the UK Parliament, has impacted on our ability to have the necessary capacity to most effectively hold the Welsh Government to account in the policy areas of justice, external affairs, and the broad spectrum of issues relating to the constitution.

The Committee is frequently required to work to short deadlines, and in the case of supplementary legislative consent memoranda within a matter of days of those memoranda being laid. At the time of writing the Committee has laid 172 reports during the Sixth Senedd. These reports mainly relate to our Bill scrutiny and scrutiny of legislative consent memoranda, but the figure also includes our

reports on non-trade international agreements, our annual reporting, and the limited inquiry work we have been able to undertake on common frameworks and matters in relation to UK-EU governance. The figure does not include the reports we produce on individual items of, to date, over 600 items of subordinate legislation.

We believe that the legislative workload of the Committee has impacted on our ability to engage with citizens. Constitutional issues are integral to understanding the functions of the Senedd, its purpose and how it operates. The greater the understanding of the Senedd, the more likely citizens are to have confidence in engaging with the Senedd and participating in the democratic process.

For example, our predecessor committee developed its own citizen engagement strategy and involved a citizen panel on its UK Governance post-Brexit inquiry. While this could not be built on at the end of the Fifth Senedd because of that committee's increased workload scrutinising legislation related to the UK's exit from the EU and the Covid-19 pandemic, opportunities to take similar work forward in the Sixth Senedd have been limited as a consequence of the Committee's wide remit and legislative workload.

As a result, we believe that in the Seventh Senedd there would be merit in considering a different approach to how matters within our current remit are distributed to more than one Senedd committee in order to maximise the effectiveness of Committee scrutiny. For context, the remit of the Committee is dealt with by the following committees in other UK parliaments; as 'justice' is not fully devolved to the Senedd, we have not included committees that cover the justice functions. These parliamentary committees may provide models to consider in the Seventh Senedd:

- i. Scottish Parliament: Constitution, Europe, External Affairs and Culture Committee and the Delegated Powers and Law Reform Committee
- ii. House of Lords: Constitution Committee, the European Affairs Committee, the Delegated Powers and Regulatory Reform Committee, the International Agreements Committee, and the Secondary Legislation Scrutiny Committee
- iii. House of Commons: Public Administration and Constitutional Affairs and the Statutory Instruments (Select Committee).
- iv. UK Parliament Joint Committees: Statutory Instruments and Consolidation, &c., Bills

Size

The Committee considers that a membership of four is too small and, in certain circumstances, can impact on its effectiveness.

The quorum for a committee of four is three members; this can make things very challenging when a member is unable to attend a meeting and a substitute is not available. For example, given the



specialist nature of the Committee's work, conducting evidence sessions when one substantive committee member's specific perspective and knowledge of the wide remit is lost can lessen the Committee's effectiveness, particularly the need to probe on certain issues. It can also be problematic in a hybrid setting if only three members are present and technical issues arise for one or more members.

Our preference would be for a minimum membership of six members, which would mitigate some of the points referred to above but also have the advantage of allowing the diversity of elected Members of the Senedd to be better reflected in the Committee's membership.

Meeting slots

The majority of committee members consider that the nature of the Committee's work has benefitted from having a Monday meeting slot in the weekly Senedd Business calendar. However, Senedd committees meeting on a Monday have to contend with clashes with Welsh Government Cabinet meetings, which has impacted on how the Committee has been able to conduct its business. While the Committee has always sought to accommodate those attending Cabinet, it has proved problematic at times. The Committee would welcome the Chairs' Forum and the Business Committee establishing an expectation that members of the Welsh Government prioritise requests to attend Senedd committees over other commitments; this is particularly important in the context of the restrictions on time during Bill scrutiny.

Given the deadlines that apply to the scrutiny of subordinate legislation under Standing Orders 21 and 27, the responsible Committee under Standing Order 21 will have to meet on a weekly basis, irrespective of the business operating model chosen in the Seventh Senedd.

External support for Senedd committees

During our consideration of your letter we discussed what other novel approaches to improving committee effectiveness could be considered by the Chairs' Forum and the Business Committee.

For example, we are aware that, in 2021, the Scottish Parliament's Constitution, Europe, External Affairs and Culture Committee appointed a panel of academic advisers to support the Committee's work in relation to constitutional issues and the future relationship with the EU including the impact on devolution.

While holding the Welsh Government to account is a responsibility that falls to elected Members of the Senedd, we believe there may be merit in exploring what external expert advice could be made more readily available and accessible to committees.

We hope these reflections on our work in the Sixth Senedd are helpful to you as you consider ways of ensuring the committee scrutiny function in the Seventh Senedd is as effective as possible.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style and is underlined with a single horizontal line.

Mike Hedges

Chair



Ein cyf/Our ref: MA/DB/2526/25

Buffy Williams AS/MS
Chair, Children, Young People and Education Committee
Welsh Parliament

16 October 2025

Dear Buffy,

I know you have taken a keen interest in developments around the Family Drug and Alcohol Courts (FDAC) Model, so I am writing to share the FDAC Working Group Discussion Paper presented to the Family Justice Network on 22nd September.

FDAC Working Group

The Working Group was established following publication in June 2024 of the Evaluation of the Cardiff and Vale pilot, to consider whether a further roll out of FDAC would be in scope across Wales. The Working Group was formed by the Family Justice Network and included representation from key stakeholders including Cafcass Cymru, health, children's services and Welsh Government policy leads (Family Justice and Substance Misuse). The Group heard from organisations such as Centre for Justice Innovation and the Nuffield Family Justice Observatory who have an in-depth knowledge of this model.

The Group presented its Discussion Paper to the Family Justice Network with initial findings and recommendations, recognising the FDAC model as effective and beneficial for children and families, with wide support for embedding a problem-solving approach in public law proceedings. However, members identified several challenges to national roll-out, including:

- Inconsistent service availability across Wales
- Geographic barriers, particularly in rural areas
- Financial constraints at multiple levels

The Group emphasised that FDAC should not be progressed in isolation but must be viewed within the wider system, including:

- The Multi-Agency Practice Framework
- The Pathfinder approach in private law
- The broader landscape of early intervention and prevention, edge of care services and post-court support services.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Next Steps

The Family Justice Network endorsed the paper and proposed two Task and Finish groups should be established under oversight of the Working Group, with the aim of reporting in the first year of the next Senedd term, to:

- Map and assess existing edge-of-care service provision and opportunities for development; and
- Consider system and judicial design issues needed to support a public law problem-solving approach.

I am copying this letter to Mike Hedges MS, Chair of the Legislation and Justice Committee, and I will continue to keep you informed as this work progresses.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Dawn Bowden', written in a cursive style.

Dawn Bowden AS/MS

Y Gweinidog Plant a Gofal Cymdeithasol
Minister for Children and Social Care

FDAC WORKING GROUP DISCUSSION PAPER

This paper provides an update on the work undertaken by the Family Drug and Alcohol Courts (FDACs) Working Group following publication of the FDAC evaluation; outlining next steps to implement positive changes in public law with an overarching goal of reducing the number of children looked after in Wales. Five FDAC Working Group meetings have taken place, and this paper sets out the key recommendations arising from the evidence taken.

BACKGROUND

FDACs are a specialist alternative to standard care proceedings for cases where parental drug and/or alcohol use is an issue. FDACs adopt a problem-solving, therapeutic approach which is focussed on addressing the underlying issues affecting parenting capacity. The FDAC model relies upon multi-disciplinary support and specialist training for judges.

FDACs, initially piloted in London in (2008-2012), are based on an American model and have since expanded to other areas in England. In Wales we sought similar results through the Integrated Family Support Service (IFSS), initially piloted in 2010 with a national roll out from 2014 before becoming a statutory requirement through the Social Services and Well-being (Wales) Act 2014 and funding going into the Revenue Support Grant. The aim of IFSS is to support families intensively with challenges related to parental substance misuse, and other co-existing issues such as domestic abuse and mental health concerns. However, the key difference is IFSS is not directly linked to public law proceedings while the court is intrinsically linked to the FDAC model. An additional issue for consideration is the fact that IFSS services have developed and evolved differently across local authority and health board regions in Wales.

In 2019 The Commission on Justice in Wales Report recommended Wales embed the FDAC model within their Family Courts. The Welsh Government supported piloting an FDAC Court in Wales, and in 2020 provided funding to the Centre for Justice Innovation to develop a pilot model. The South-East Wales Local Family Justice Board was selected to host the pilot, which began hearing cases in November 2021 at Cardiff Family Court. The pilot FDAC supported families referred by both Cardiff and the Vale's Children's Services.

An interim evaluation of the pilot was published by CASCADE in 2022 which noted the pilot had launched successfully, despite COVID-19 disruptions. Following the conclusion of the pilot a subsequent full evaluation report was published by CASCADE in July 2024 with 5 key recommendations:

Recommendation 1: Progress with plans to scale FDAC further in Wales, and commission an evaluation of impact and cost effectiveness.

Recommendation 2: Increase training opportunities for all stakeholders interacting with FDAC and offer follow-up training for professionals after they begin working with families in FDAC proceedings.

Recommendation 3: Improve the quality and completeness of routinely collected data about FDAC and standard care proceedings.

Recommendation 4: Give further consideration to how outcomes other than reunification are defined and measured.

Recommendation 5: Increase the timescales for pilot set-up and implementation.

The findings were presented to members of the Family Justice Network (Wales) in November 2024, which recommended Welsh Government establish a Working Group to consider next steps.

THE WORKING GROUP

At the initial FDAC working group meeting membership consisted of Heads of Children's Services, Cafcass Cymru and officials from Family Justice Police, Welsh Government. Following this meeting the membership of the group expanded to include representatives from Health including the NHS Performance and Improvement and Consultant Midwives Cymru, and colleagues from Substance Misuse Policy, Welsh Government. In addition to the agreed membership guests who have presented to the working group include: Nuffield Family Justice Observatory, the Centre for Justice Innovation (CJI) and Swansea Children's Services

The five aims of the group were discussed and agreed at the initial meeting. These aims were included in the Terms of Reference and will be responded to throughout this paper.

RESPONSE TO THE AIMS OF THE GROUP

- 1. To analyse and make recommendations on the potential scalability of the FDAC model in Wales; including consideration of whether FDAC could effectively work in all areas Wales including sufficiency of cases, travel and access to alcohol and substance misuse services.***

FDAC is an evidence-based model, with data to support better outcomes for children and financial savings. CJI reports that 52% of children are reunified with their parent(s) or main care givers compared to 27% in standard Care Proceedings. To support economic analysis CJI has developed a Cost Benefit Tool and they report FDAC costs £18,000 per case and produces an average direct benefit saving per

case of £74,068¹. The CJI business case that supported the initial pilot in Cardiff and the Vale projected £1.2million in savings per 30 cases.

The working group met with CJI and considered the differing needs across Wales and the transferability of the model in relation to accessibility to vital services for families and the courts. The group learnt the FDAC model is adaptable and could work in areas with different demographics, but the location could pose challenges. For example, as referenced above in relation to how IFSS services have evolved, residents in more rural parts of Wales may not have the same access to services, such as substance misuse services, which could affect their ability to engage.

Regular drug testing and support from substance misuse services is a key aspect of the FDAC model so access to these services is essential to secure engagement. Information from the National Rural Crime Network's 2019 report, *Captive and Controlled* noted that those living in rural areas are likely to remain in relationships containing domestic abuse for 25% longer than those living in more urban areas, one of the reasons for this has been scarcity of services and a lack of visibility where services are available. Geographical isolation is recorded to be a barrier to accessing support.

Therefore, it will be necessary for each local area to consider how their services could meet the demands and respond to the intensive support required to families in their area accessing FDAC at any given time, particularly substance misuse, domestic violence and mental health services. This will require a multi-agency approach and shared commitment to invest in the system changes required to enable an FDAC model to work effectively.

Further to this there have been Court closures across Wales in recent years and this can impact the accessibility of Family Courts in Wales. In more rural areas, particularly if parents do not have their own transport, public transport may be difficult to navigate if there is not a court nearby. The FDAC model requires frequent visits to the Family Court and accessibility to Court must be considered. To resolve this there may be a need to adapt to use the CVS (Court Virtual System) which will impact on the ability of the Judge and families to build relationships, or hold court meetings out of the central Court in the region, which will not only be dependent on the availability of the Judge but will also need to align with any other demands from the Court such as the impact on judiciary support staff. The use of CVS has been considered by the Nuffield Family Justice Observatory who found that 88% of parents and relatives reported concerns with the handling of cases virtually with 66% feeling that their case had not been dealt with well. Further findings included families feeling there was less empathy and there were further worries in the event of difficult meetings as parents could be left unsupported. This reinforces the concerns around how relationships would be built in these situations as the establishment of professional relationships is key to success with an FDAC model. If the decision is to expand FDAC, it will be necessary to explore accessibility to court meetings in more detail with the judiciary, HMCTS, parents and supporting professionals.

¹ *FDAC: The Case for Investment* (July 2024)

Outcome: the FDAC model itself is flexible and can be adapted to different area needs but more detailed mapping of local provision, and commitment from all agencies involved through a multi-agency approach, will be needed to ensure there are sufficient support services and structures in all areas to support a national approach to FDAC. Alongside this there will be a need for all services to commit to the ongoing support to the FDAC model so families have access to the support needed when they need it without having barriers such as waiting lists and transport preventing them from being immersed in the model.

2. To examine and advise on the potential funding implications and sustainability of any future extension/roll out of FDAC in Wales and how partnership funding arrangements including local authorities and local health boards would work if there was further development of FDACs.

The initial amount of funding provided by the Welsh Government for a 2 year FDAC pilot was £450,000, this was for one FDAC; to upscale this across Wales there would need to be a considerable amount of financial support available circa 3-4m. The working group met with CJI who advise that sustainable funding was one of the main issues faced by FDACs, and some established FDACs have failed despite a positive start up as LAs have been unable to find financially viable ways to continue funding FDAC.

CJI advised funding agreements between parties must be agreed at the outset. They note the average cost per FDAC case is £18,000 which includes the costs of a fully functioning FDAC team to work with the family and any additional costs relating to the case such as drug testing, drug and alcohol support, travel costs etc. However, this significant investment is repaid as CJI estimates for every £1 spent on FDAC £3.20 of net savings are returned to the tax-payer annually. Despite this, as with many preventative services, the benefits do not always return to the investor making it harder for services to commit to.

The many benefits of FDAC seen by the judiciary, Children's Services and families can also be of benefit to Local Health Boards. Successful engagement with FDACs would likely result in reduced long-term health service demand. Parents who participate in the FDAC process receive structured and coordinated access to treatment for drug and alcohol dependency and also mental health support. This support in turn reduces the need for repeat crisis interventions and any associated physical and mental health costs relating to addiction.

In the event that FDAC were to be rolled out nationally, the linking up of support from drug and alcohol services, LHB, Local Authorities and the Judiciary will be pivotal and will require ongoing commitment to continue to support and invest in the model.

Outcome: A significant amount of funding will be required to roll out FDAC nationally to support a limited number of families. Whilst there are identified cost-benefits in the longer term; agreements must be in place at the outset to ensure funding is sustainable. Given the high set up costs of FDAC and the current pressures for Local Authorities and Local Health Boards ensuring that they are properly resourced will be necessary with clear plans for how LAs and LHBs will be able to commit to ongoing running costs after the initial set up. The Group recommends local authorities and partners review current structures and services to identify what expertise and intensive support services currently operate in their authorities and the potential for adapting what is in place so minimum set up costs are necessary. In addition, partners should consider working together on common elements such as workforce requirements.

3. To consider and advise on whether there should be further investment in FDACs or if further funding should focus on augmenting existing or other services.

The working group had the benefit of hearing from a successful multidisciplinary project, Jig-So, established by Swansea Children's Services in partnership with Swansea Bay LHB. This project demonstrates the benefits of working collaboratively to meet the needs of the service user group. This project is evidence based and the data relating to Jig-So shows a reduction in numbers of children becoming looked after following parental engagement with the service.

The working group is aware of other projects across Wales that have similar joint working arrangements that benefit children and families in Wales such as Step-Up Step-Down in Powys and Pembrokeshire which incorporates strong joint working to either support children and young people to remain at home or help them to return home safely.

Further to this, there are also regional arrangements for Integrated Family Support Services (IFSS) to support families on a regional basis with parental drug and alcohol misuse, and in some regions the support extends to other support needs such as domestic abuse and neglect. Like FDAC there is early evidence that supports IFSS, the Evaluation of the Integrated Family Support Service: Final Report (2014) notes that the families involved "achieved broadly positive trajectories". The Commission for Justice in Wales report, 2019 acknowledges that IFST (Integrated Family Support Teams) are seen as examples of successful multi-agency delivery which led to better relationships within families and was valued by the families themselves. In view of the passage of time since this service was first established the working group note that the consistency of approach with IFSS has changed, with different regions delivering the service in different ways. More detailed exploration of the current status of IFSS in every region will help form a clearer picture of the landscape across Wales.

Services that can provide further support around families in Wales who may be more likely to come into contact with court proceedings include Reflect, Project Unity and Parental Advocacy Services. Reflect has been praised as a respectful, supportive

service offering support to parents whose children have been removed with an aim of avoiding repeat removals. In the same vein, Project Unity provides support to expectant mothers who are care experienced helping to increase the likelihood of the child remaining with their mother upon birth and changing past patterns.

Further to the support that Reflect and Project Unity can offer to change past patterns and improve future outcomes, the Welsh Government has shown a commitment to Parental Advocacy with services now being available nationally. Parental advocacy can help foster positive engagement from parents and encourage empowerment, thus helping to ensure that parents are engaged in the work with Children's Services. Funding for Reflect has been integrated into local authority core funding, but Project Unity and Parental Advocacy are currently grant funded by Welsh Government.

Whilst extending the scope of FDAC is one option to support families, another could be to revisit existing services across the whole spectrum of support from early intervention through to intensive support during and after proceedings and consider whether these support services are appropriately meeting the needs of children and families. Additionally, the opportunity to share learning from proven working projects like Jig-So could mean that good practice may be emulated in other parts of Wales.

Outcome: There are merits to funding a roll out of FDAC if budget is available, but there are also concerns that the significant costs of starting up an FDAC may be better spent bolstering existing support services and structures and ensuring they are well coordinated to work together and support families in a similar way to the FDAC. The considerable investment in IFSS initially demonstrates the importance of strengthening preventative services and diverting cases away from care proceedings where possible, promoting this style of support could garner further positive outcomes for children and families.

IFSS has been in place nationally since 2014 officials recommend that this service be revisited before another very similar service is established through FDAC. The most recent evaluation of the services was from some years ago; therefore it would be of benefit to consider how these services are now functioning and whether the funding provided for these services is being used to its full advantage or whether changes are necessary.

The FDAC highlights the importance of family support working alongside families intensively, and the commitment from parents to work with these services, which is taken account of during proceedings. We need a consistent offer of services working alongside families before, during and after court to support children to remain living with their families where this is possible. To ascertain what services are available across Wales, it would be useful for a working group to be established to undertake a deep dive into the current offer in Wales and explore how more consistency can be achieved before further commitments are made.

To maximise the number of families that can be supported, the working group considers that further investment in support services and the structures that surround

the Family Court both pre and post Care Proceedings would be beneficial as well as consideration to the status of IFSS across Wales. Following this, it will be necessary to consider how they can work with the Courts through a Problem-Solving approach as the FDAC has demonstrated is highly effective.

4. To explore and advise on how good practice identified in the FDAC pilot and Pathfinder can best be mainstreamed into the work of children's services in Wales and the family courts. This should include examination of how the problem-solving approach used in FDACs and Pathfinder could be used more widely across family courts in Wales and how it could be embedded in other/all family proceedings.

While private law proceedings have seen progress through the national implementation of the Pathfinder model (a problem-solving, therapeutic approach) public law remains rooted in traditional, adversarial methods which can be daunting and disempowering. Families often enter proceedings feeling they have already lost and without a voice in decisions about their children. The approach also reduces the likelihood of resolving proceedings with an agreed plan for the children which promotes reunification.

In addition to hearing about the work from Jig-So the working group also heard a presentation by the Nuffield Family Justice Observatory about the work being undertaken around Born into Care. The work has identified a sharp increase in the numbers of newborn babies (under a week old) becoming subject to care proceedings over the last decade, many of these removals have involved urgent listings. Whilst this itself is a piece of work that the Public Law Working Group (PLWG) are already looking at, it is important to note that as explored by Nuffield, children under 1 are significantly more likely to become subject to Care Proceedings than older children. In line with this, Blackpool are currently piloting a "baby court" which seeks to work similarly to FDAC as a Problem-Solving Court thus demonstrating that the FDAC approach lends itself to other areas of need. This project uses a problem-solving approach and collaboration of services to better support families with an aim of reducing the high numbers of babies entering into care in Blackpool. The representatives from the project explained that whilst some issues were relating to parental drug and alcohol use, often other issues were prevalent such as domestic abuse.

Pathfinder has now been rolled out nationally and it presents an opportunity to explore how the judicial time saved by Pathfinder could be recycled to support a problem-solving approach in general across care proceedings. There are merits to FDAC such as judicial continuity that enables families to form trusting relationships with the Judges involved in cases, thus encouraging positive working relationships. These trusting relationships in turn help to encourage behavioural change and can enhance motivation to change. From discussions there is an appetite to move to a problem-solving approach in Wales but as family justice is not devolved it will require the involvement of wider parties. Initial discussions have taken place with the Ministry of Justice around the implementation of Problem-Solving Courts in Wales,

namely relating to the approach of the judiciary to families and how elements of FDAC can be transferred to this. These discussions are ongoing.

Outcome: Expand on the existing work undertaken by the working group and proceed with further conversations with the judiciary, HMCTS and MoJ around how elements of the Court process may be able to incorporate a problem-solving approach to court work. This should be done through the National Family Justice Network and the Local Family Justice Boards.

5. To advise on whether there should be an alternative approach to FDACs and what that should look like to include the problem-solving approach used in Pathfinder to deliver benefits to the widest possible number of families in Wales who may need this support, which may include other complex family situations where drugs and alcohol, mental health and domestic violence are prevalent, in a sustainable and cost-effective way.

As referenced in the previous section, the working group has explored the benefits of the use of a problem-solving approach in court proceedings. In view of the information that is widely available in relation to Problem Solving Courts it is clear there are merits to this approach. Research undertaken by CJI denotes this work can be undertaken in different areas of Court Proceedings and the approach humanises the judiciary and Court users. The research and positive aspects of a problem-solving approach is not new information, Sir James Mumby noted in 2018 that “family courts ought to be but usually are not problem-solving courts” and another judge reporting the process was fair and humane noting there is an appetite within the judiciary to make these changes.

A reform of care proceedings to incorporate problem-solving courts could better serve children and families, improve long-term outcomes and reduce the social and economic cost of repeated court interventions and the cost of children entering into Local Authority care.

The collective feedback on Problem-Solving Courts from parents, the judiciary and other professionals indicates these models of practice including FDAC and Pathfinder are kinder and more effective at positively resolving issues within the Family Court. As noted in the research undertaken by CJI, problem solving approaches are compassionate and procedurally fair court processes, with the relationship between the judge and parents playing a crucial role. The relationship between parents and the judiciary is important and whilst legal advisers are a crucial element of Family Justice it is noted that speaking through legal advisers can sometimes hinder the relationship between families and the judge. The problem-solving model would emphasise the importance of direct communication between judges and parents thus fostering a working relationship and a mutual understanding of expectations and goals. This could include a meeting with the judge when pre-

court proceedings are initiated so there is a tripartite understanding and agreement between the judge, parents and local authority of what is expected to be achieved during pre-proceedings to avert the local authority from issuing court proceedings. This closer working would be similar to the model of FDAC but will build on existing intensive support / edge of care teams working in authorities.

Outcome: Continue to explore expanding the positive, empowering approach used by the Judiciary in FDAC and Pathfinder cases to Public Law Cases within Wales which will support a higher number of children and families and address the issues impacting children and families at risk of care proceedings. To do this the Group recommended exploring the potential further with the judiciary, HMCTS, and local authorities through establishing a further Working Group/ expanding the existing work.

CONCLUSION

There are evident merits that support the scalability of FDACs and there is learning that can be adopted from FDAC to better support children and families subject to court proceedings with there being supporting evidence that problem-solving approaches in Care Proceedings can be beneficial to families. There is also an appetite in the Judiciary to move towards this mode of working.

The successful implementation of Pathfinder across Wales has evidenced a national approach to change in family justice can be implemented. Working relationships between Welsh Government, Local Authorities, Cafcass Cymru and the judiciary are positive with the length of time cases are in care proceedings in Wales outperforming expected targets across England and Wales. It is an opportune time to build on the positive momentum garnered from the changes to Private Law Proceedings by embedding lessons learnt and the good practice that FDACs encourage into cases subject to Public Law.

In tandem with these changes the Group emphasises the importance of the right support at the right time for families with a focus on providing intensive support at an earlier opportunity. Further consideration about the role for existing support services and projects such as Jig-So, IFSS, Reflect and Project Unity could interact with the proposed changes and the ways in which we can offer a trauma informed, multiagency, problem-solving approach across practice in Wales. However, a key message has been the need to secure a firm commitment to support families in a coordinated multi-agency approach from all parties involved, including local authorities, regional partnerships, health boards and domestic abuse services. All parties must work together to achieve the outcomes for these families or models such as the FDAC and IFSS are unsustainable. To bring these parties together there will be a central coordinating role for a team who are able to bring in the

relevant services and professionals at critical points dependent on the family's needs.

RECOMMENDATIONS

The Family Justice Network is recommended to support further work with the judiciary to explore the potential for a Problem-Solving Court approach in Wales taking account of learning from Pathfinder and FDAC; alongside this further work with local authorities and wider partners on the configuration and availability of the edge of care services currently in place across Wales as set out in this paper.

This paper will also be presented to Ministers; the Children Young People and Education (CYPE) and the Legislation, Justice and Constitution (LJC) Committees so they are updated on progress with this work.

August 2025

Document is Restricted

Eich cyf/Your ref
Ein cyf/Our ref

Llywodraeth Cymru
Welsh Government

Mike Hedges MS, Chair
Legislation, Justice and Constitution Committee

10 Hydref 2025

Annwyl Mike

Planning consolidation Bills

Thank you for your letter of 23 September 2025; my responses to the Committee's questions are below and in Annexes 1 and 2.

General

Question 1: approach to consolidating legislation pre-dating devolution

1. Most of the legislation consolidated in the Planning (Wales) Bill ("the Planning Bill") pre-dates devolution, and the fact that its text does not fully reflect devolution is one of the reasons why consolidation is desirable. As explained in the introduction to the Drafters' Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum), the Bill has been drafted to reflect how existing planning legislation has been affected by the Government of Wales Acts and transfer of functions orders made under them (as well as by various other changes in the law).

Question 2: disentangling provisions for Wales from existing legislation

2. This is only the second consolidation project that the Welsh Government has undertaken, so it is too early to say what is "normal" in a consolidation exercise. However, we do not think that the challenges of "disentangling" Wales from England that have arisen in this project are unique to planning law. Where the provisions being consolidated apply to England as well as Wales, we have had to consider carefully the extent to which they are relevant to Wales and how they apply in relation to Wales, and we have had to ensure that the new provisions for Wales and the consequential amendments to existing legislation adopt a consistent approach that does not create unwanted gaps or overlaps. These issues also arose in the consolidation of historic environment legislation, and we expect them to arise in future consolidation exercises.

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Question 3: Planning (Hazardous Substances) Act 1990

3. The Explanatory Memorandum touches on the possibility of a future consolidation of this legislation and it was something we identified as a potential project in our programme to improve the accessibility of Welsh law.
4. No representations have been made to the Welsh Government calling for the consolidation of this area of the law. We suspect that this is partly because the law is already predominantly located in the Planning (Hazardous Substances) Act 1990 and partly because the number of cases associated with hazardous substances consent each year is very low compared to other areas of work of planning authorities.
5. This Government continues to be guided by the four criteria set out in the *Future of Welsh Law* when considering projects for consolidation and codification. Whilst future consolidation projects are a matter for the next and future programmes, I continue to believe there would be value in consolidating the planning control aspects of the hazardous substances regime. However, I am also conscious that there are potentially higher priority areas where focus will need to turn and where there is already stakeholder interest in simplifying and modernising legislation in the way we have with historic environment law and now town and country planning.

Questions 4 and 5: Law not consolidated

6. There were no areas of law that we would have liked to consolidate but could not, either because of concerns regarding legislative competence or for other reasons.

Question 6: Incorporation of common law

7. As set out in the Llywydd's guidance on Standing Order 26C.2, consolidation Bills may incorporate the effect of case law that affects the meaning of an existing provision (for example, by clarifying its meaning or by expanding or limiting its effect in a way that is not set out on the face of the provision).
8. Accordingly, where there is settled case law affecting the operation of legislation within the scope of the consolidation exercise, we have sought to incorporate its effect. Doing so increases the provisions' accessibility and provides a more complete restatement. It is the desirability of making the law as accessible and complete as possible that has caused us to incorporate this specific case law, not a desire to incorporate common law rules in and of itself.
9. The table of origins and Drafters' Notes for the Planning Bill (in Annexes B1 and D1 to the Explanatory Memorandum) identify the provisions of the Bill that incorporate the effect of case law. Annex 1 to this letter provides a summary of the case law that has been incorporated.

Role of the Law Commission for England and Wales

Question 7(i): engagement with the Law Commission

10. I refer the Committee to the comprehensive response given by Professor Young when she gave evidence to you on 29 September. I have nothing further to add, save to confirm that separately the Law Commission provided advice to me so that I could reach a decision on making the statements required by Standing Order 26C.11.

Question 7(ii): recommendations suitable for legislative reform

11. The Government provided its Final Response to the Law Commission's report on 10 November 2020¹; in that response we identified the following recommendations that would need to be addressed in a separate law reform Bill:

- 5-4
- 8-5
- 8-7
- 8-13(4)
- 8-18
- 8-30
- 10-4
- 10-5
- 10-8
- 10-9
- 10-10
- 10-11
- 13-1A
- 13-1B
- 13-2
- 13-3
- 13-4
- 13-5
- 13-6
- 13-7
- 13-8
- 13-9
- 15-5
- 14-7
- 16-7

The Government's position regarding these recommendations remains unchanged.

12. The Government now considers the following recommendations should also be considered as part of any future planning law reforms, because they would involve policy changes falling outside the scope of consolidation and/or require further exploration with stakeholders:

- 7-5
- 8-23(2)
- 11-8
- 12-10
- 12-12(2)
- 12-24
- 12-25
- 14-9
- 14-12
- 14-13
- 15-15
- 15-16
- 16-5
- 16-6
- 17-1
- 17-2

13. For completeness please also note that:

- a. recommendations 13-10 and 13-11 were delivered through the Historic Environment (Wales) Act 2023;
- b. recommendations 6-2, 16-8, 16-11 and 16-12 have been implemented through the Legislation (Procedure, Publication and Repeals) (Wales) Act 2025; and
- c. whilst recommendation 9-2 is now redundant following the enactment of the Infrastructure (Wales) Act 2024, its underlying principle has been taken forward to inform the relevant provisions of this Act.

14. While it will be for the next Government to decide whether to take forward the outstanding recommendations as part of any future planning law reform Bill, the Planning Bill will significantly simplify the process of implementing future reforms as it brings all existing legislation together in a single, coherent bilingual framework.

Drafting changes made throughout the Bill

Question 8: "anomalies"

15. As the Llywydd's guidance issued under SO26C.3 sets out, the process of consolidation is "likely to reveal inconsistencies and anomalies in existing legislation." That guidance also makes clear that the Senedd permits the correction of mistakes and anomalies in

¹ see <https://www.gov.wales/detailed-response-law-commission-report-planning-law-wales>.

the legislation (under SO26C.2(iv)) and as you have identified, the Drafters' Notes in Annexes D1 and D2 to the Explanatory Memorandum explain where this has happened.

Section 116(2) of the Planning Bill

16. The addition of a power for the Welsh Ministers to authorise entry on land to determine whether a stop notice should be issued is considered to be a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation. As explained in the Drafters' Notes, the changes made in 1991 resulted in what appears to be an unintended gap in the Welsh Ministers' powers. The absence of a power to authorise entry could frustrate the exercise of other powers that the Welsh Ministers have (such as the powers to issue a stop notice and prosecute for non-compliance).

Paragraph 43(1)(a) of Schedule 19 to the Planning Bill

17. Section 169(2) of the Town and Country Planning Act 1990 ("the 1990 Act") is concerned with disputes as to the identity of an appropriate authority (i.e. the person upon whom a blight notice can be served). A strategic highways company may be an appropriate authority (see section 169(1) of the 1990 Act and paragraphs 16 and 18 of Schedule 13 to that Act as amended by the Infrastructure Act 2015, Schedule 1, paragraph 109). Including a reference to a strategic highways company in section 169(2) seems to be a consequential amendment that should have been made in the Infrastructure Act 2015. Filling what appears to be an unintended gap ensures clarity about who determines questions involving a strategic highway company, treating it in the same way as other highways authorities. It is a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation.

Section 72(5) of the Planning Bill

18. Part 1 of Schedule 5 to the 1990 Act provides for conditions relating to mineral working imposed on grant of permission. Before the 1990 Act consolidated the Town and Country Planning Act 1971, as amended by the Town and Country Planning (Minerals) Act 1981, provision about such conditions were applied to both called-in applications and appeals. Section 79(4) of the 1990 Act applies Part 1 of Schedule 5 to appeals to the Welsh Ministers, but no provision is made to apply Part 1 of Schedule 5 to called-in applications. This appears to have been an oversight and leaves an unintentional gap. Filling it is considered to be a minor change that is appropriate to make in the interests of achieving a satisfactory consolidation.

Question 9: Terminology

19. The introduction to the Drafters' Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum) explains the main terminology changes that are made in the Bill. Annex 2 to this letter includes the rationale for the changes and why they are considered to aid accessibility. It also sets out what consultation has been undertaken. Consultation or engagement was not considered to be required for all the changes as they simply reflect the intent and effect of the provisions more accurately and use language that is familiar to practitioners and stakeholders.

20. When we published a draft of the Planning Bill in June, we also published a document outlining several of the proposed terminology changes and brought the document to the attention of stakeholders. No queries or concerns were raised by stakeholders regarding the suggested changes to terminology.

Question 10: “expedient” and “appropriate”

21. The provisions of the 1990 Act and other primary legislation that use either “expedient” or “appropriate” and that are restated in the Planning Bill without using either of those terms are listed below.

References to “expedient”

1990 Act provision	Bill provision
s 2(1B)	s 8(1)
s 61B(8)(a)	Sch 1, para 5(2)
s 72(1)(a)	s 67(2)
s 96(1)	s 98(3)
s 97(1)	s 97(1)
s 98(6)	Sch 7, para 2(5)
s 100(1)	s 102(1)
s 103(1)	Sch 14, para 1(6)
s 141(2)	Sch 12, para 6(3)
s 171E(1)(b)	s 120(1)(b)
s 172(1)(b)	s 128(1) and (2)(a)
s 182(1)	s 144(1)
s 183(1)	s 145(1)
s 185(1)	s 150(1)
s 187B(1)	s 153(1)
s 214A(1)	s 251(1)
s 243(1) and (2)	s 270(1) to (3)
s 247(2)	s 283(1) and 288(1)
s 247(4)	s 283(5) and 288(3)
s 248(2)	s 281(2)
s 261(3)	s 296(5)
s 275(1)	s 317(1)
s 275(3)	s 317(1)
s 275(5)(c) and (d)	s 317(5) (c) and (d)
s 306(3)	s 395(4)
Sch 5, para 4(4)	Sch 3, para 3(4)
Sch 9, para 4(1)	Sch 15, para 2(6)
Sch 9, para 7(1)	Sch 15, para 6(7)
Sch 9, para 11(1)	s 206(2) and (3), Sch 15, para 1(2), (3), 5(2) and (3)
Sch 14, para 6	Sch 17, para 19

Environment Act 1995 provision	Bill provision
Sch 14, para 2(1) (“mining site”)	Sch 9, para 1(2)(a)
Sch 14, para 2(2)	Sch 9, para 1(3)
Sch 14, para 3(4)	Sch 9, para 2(3)(c)

Planning and Compulsory Purchase Act 2004 provision	Bill provision
s 122(3)	s 407(3)

Planning Act 2008 provision	Bill provision
s 223(4)	s 203(3)

References to “appropriate”

1990 Act provision	Bill provision
s 78(4BB)	s 75(2)
s 92(4)	s 94(1)(a)
s 195(1DB)	s 161(2)
s 296A(3)	s 403(2)
s 319B(2)	s 366(3)
Sch 14, para 1(4)	Sch 17, para 11(3)

22. Section 4 of the Planning (Consequential Provisions) (Wales) Bill incorporates the powers conferred by sections 9(1) and 243(3) of the 1990 Act, without including the words “necessary or expedient” that appear in those provisions.

Subordinate legislation

Question 11: balance between primary and secondary legislation

23. Considerable thought has been given to achieving the correct balance between primary and secondary legislation in the consolidation process, with provisions being considered on a case-by-case basis, taking into account matters such as:

- a. the importance of the provisions both in terms of their significance to planning law and to the flow of the Bill (whether inclusion in the Bill would achieve a more coherent regime or would disrupt accessibility);
- b. the need to deal with similar provisions in a similar way, so that there is consistency in approach to the split between primary and secondary legislation;
- c. whether secondary legislation included modifications of primary legislation that would be better dealt with in the Bill; and
- d. whether significant provisions in secondary legislation had not changed for some considerable time.

Question 12: effect on regulation-making powers to be exercised

List of existing subordinate legislation being consolidated

24. The table of destinations in Annex C1 to the Explanatory Memorandum lists the subordinate legislation that is being consolidated (see pages 68-72 of the English table and pages 70-73 of the Welsh table).

List of matters to now be dealt with in subordinate legislation

25. The Drafters’ Notes for the Planning Bill (in Annex D1 to the Explanatory Memorandum) include details of provisions currently in Acts that will (or may) now be dealt with in subordinate legislation. See the Drafters’ Notes for sections 63 and 97, paragraph 6 of Schedule 8, paragraphs 5(6) and (7) and 13 of Schedule 9, and sections 131(8), 133, 162, 172(3) and 244.

Assessment of changes

26. Overall, more provision has been moved from regulations to the face of the Bill, in line with the matters outlined in our response to question 11. For example:

- a. modifications to primary legislation made by the Town and Country Planning (Minerals) Regulations 1995 (S.I. 1995/2863) are now dealt with in the Bill, and
- b. as explained at paragraphs 37 and 38 of the Drafters' Notes, provisions about the manner and time period for making claims for compensation currently found in regulation 12 of the Town and Country Planning General Regulations 1992 (S.I. 1992/1492) have been restated in the Bill (subject to a power to make regulations amending time limits in section 391 of the Bill).

27. A smaller number of provisions have been moved from primary legislation and will instead be included in secondary legislation. For example:

- a. procedural matters which are more appropriately dealt with in secondary legislation such as the omission of a requirement to consult a site licensing authority before granting planning permission for a caravan site currently found in section 71(3) and (4) of the 1990 Act, and
- b. where the Law Commission have recommended a change as in recommendations 12-14 and 8-28(2).

Question 13 – Timescales for subordinate legislation

28. Commencement is expected to take place within 18 months from Royal Assent. It is anticipated a package of Welsh statutory instruments will be made, and or, laid before the Senedd during this period.

29. As noted at paragraph 64 of the Explanatory Memorandum, if the Bills are enacted, this work will include preparing new regulations to make consequential amendments to existing subordinate legislation. This will include revoking provisions that have been consolidated into the (then) Planning (Wales) Act.

Question 14 – Restating regulations

30. The Government's programme to improve the accessibility of Welsh law includes a phased project aimed of consolidating key town and country planning subordinate legislation. As set out at paragraph 20(b) of the programme we intend to undertake a fuller analysis of this work now that the main work drafting of the consolidation Bills has concluded.

31. As noted above a small number of Welsh statutory instruments (including some of those which will be most affected by changes made in the Act) will be restated within 18 months from Royal Assent. The timescales for restating the remaining legislation will be guided by whether major reforms to a particular instrument are proposed and to what extent the enactment is used by practitioners. It is not currently proposed to bring forward longer but fewer regulations, but this will be kept under review as our analysis is concluded and a programme developed.

32. I would anticipate that the next Government would include further details on this work in the next programme to improve the accessibility of Welsh law.

Question 15 – Taxonomy of Welsh law

33. Updates on the Government's programme to improve the accessibility of Welsh law will be made in the next annual report due later this year.

Yn gywir,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

ANNEX 1 – NOTE ON CASE LAW INCORPORATED IN PLANNING (WALES) BILL

Sections 17(6) and 19(7)

Incorporates *R (Persimmon Homes Ltd) v Vale of Glamorgan Council* [2010] EWHC 535 (Admin) by clarifying that the references in sections 60M(6)(a) and 62(5)(a) of the Planning and Compulsory Purchase Act 2004 to “current national policies” are references to policies issued by the Welsh Ministers.

Section 113(1) (second row of table)

Incorporates *Van Dyck v Secretary of State for the Environment* [1993] 1 PLR 124 by clarifying that the reference in section 171B(2) of the Town and Country Planning Act 1990 to “change of use of any building to use as a single dwellinghouse” is a reference to changing the use of a building to use as a dwelling or, if a building was previously used as one or more dwellings, as use as a different number of dwellings.

Section 128(5) and (6)

Incorporates *Secretary of State for the Environment, Transport and the Regions v Wyatt Bros (Oxford) Ltd* [2002] PLCR 18 by making clear that the reference in section 173(3) of the Town and Country Planning Act 1990 to an enforcement notice specifying steps in order to achieve “any of the following purposes” includes either or both of the purposes specified in section 173(4) (despite the “or” after paragraph (a) of that subsection).

Section 246(3)

Incorporates *Distinctive Properties (Ascot) Ltd v Secretary of State* [2015] EWCA Civ 1250 by clarifying that, in practice, the requirement in section 206(3) of the Town and Country Planning Act 1990 to plant “the same number of trees” as have been removed etc. means that where the exact number of trees removed etc. is not known, the requirement is to plant the best estimate that can reasonably be made of the number of trees removed. In *Distinctive Properties*, where the tree replacement notice in question imposed a requirement to use standard planting densities to calculate the number of replacement trees to be planted, it was held that an acceptable estimate had been made of the number of trees removed etc.

Section 263(2)

Incorporates *Clays Lane Housing Co-operative v Housing Corporation* [2005] 1 WLR 2229 and *Horada v Secretary of State for Communities and Local Government* [2017] 2 All ER 86 by providing that a local authority may only compulsorily acquire land for planning purposes under section 226(1) of the Town and Country Planning Act 1990 where there is a compelling case in the public interest for doing so.

Schedule 12, paragraph 1(3)

Incorporates *Hudscott Estates (East) Ltd v Secretary of State for the Environment, Transport and the Regions* (2001) 82 P&CR 8 and *R (Stafford Borough Council) v Secretary of State for Communities and Local Government* [2011] EWHC 936 (Admin) by clarifying the meaning of “unauthorised prospective use of land” in the provisions in section 138 of the Town and Country Planning Act 1990 on the meaning of “reasonably beneficial use”.

It was held in *Hudscott* that the reference in section 138(2)(a) of the 1990 Act to development other than any development specified in paragraph 1 or 2 of Schedule 3 to the 1990 Act has no relevance to whether or not land is capable of reasonably beneficial use. The reference is, therefore, otiose, and is not restated (and in any case, Schedule 3 to the 1990 Act is not restated in the Bill).

The judgment in the *Stafford* case sets out that the only uses that can be considered in determining whether land has a reasonably beneficial use are those for which no planning

permission is required or for which planning permission is deemed to be granted. Paragraph 1(3) of Schedule 12 to the Bill therefore provides that a prospective use of land must be ignored if it would involve development for which planning permission has not been granted. The reference in paragraph 1(3) to development for which neither a planning authority or the Welsh Ministers have undertaken to grant permission has been included for consistency with section 110(3)(c) of the Bill; that section provides that an undertaking to grant permission is relevant to whether land can be made usable, so it would not make sense to also require such an undertaking to be ignored in applying paragraph 1(3) of Schedule 12 to the Bill in determining whether reasonably beneficial use may be made of land.

Schedule 12, paragraph 1(4)

Incorporates *Balco Transport Services v Secretary of State for the Environment (No. 2)* [1986] 1 WLR 88 by providing that land is not incapable of reasonably beneficial use in its existing state if that state was caused by a breach of planning control, an enforcement notice has been, or could be, issued to require steps to be taken to remedy the breach or any injury to amenity caused by it, and the land would be usable if the steps were taken.

The judgment in *Balco* was in response to paragraph 18 of Welsh Office Circular 22/83, which provided that in determining whether a purchase notice ought to be confirmed, Ministers are not interested in the previous state of land to which a purchase notice relates, *apart from where it was caused by activities carried out in breach of planning control*. The judgment modified the effect of the Circular to make clear that purchase notices must not be confirmed where the condition of the land has been caused by development carried out without planning permission and that an enforcement notice has been, or could be, issued to the owner or occupier to require steps to be taken to restore the land, and that the land would then be capable of reasonably beneficial use (i.e. a landowner should not be able to serve a purchase notice in respect of land that is unusable because of the landowner's own actions in breach of planning control, in relation to which an enforcement notice has been, or may be, issued).

Schedule 12, paragraph 4(1)

Incorporates *Wain v Secretary of State for the Environment* (1982) 262 EG 337 and *Cook and Woodham v Winchester City Council* (1994) 69 P&CR 99, which make clear that purchase notices served under section 137 of the Town and Country Planning Act 1990 must relate to all of the land to which the planning decision or order relates (i.e. the planning decision or order that leads to the service of the purchase notice), and no other land.

Schedule 12, paragraph 4(6) and (7)

Incorporates *White v Herefordshire Council* [2008] 1 WLR 954, which clarifies that purchase notices served under section 137 of the Town and Country Planning Act 1990 cannot be amended but that further notices may be served in place of earlier notices.

Schedule 12, paragraph 9(3)

Incorporates another element of the judgment in the *White* case, which clarifies that section 143(2) of the Town and Country Planning Act 1990 applies where the purchase notice has been sent to the Welsh Ministers for confirmation.

Also incorporates *Sheppard v Secretary of State for the Environment* [1975] 1 EGLR 133 by omitting the reference in section 143(2)(c) of the 1990 Act to the Welsh Ministers giving notice to the owner of the land that they do "not propose" to confirm the notice. Instead, the restatement at paragraph 9(3) applies where the Welsh Ministers have made a decision to not confirm a purchase notice.

ANNEX 2 – CHANGES TO TERMINOLOGY

Note: references to recommendations are references to recommendations in the Law Commission’s 2018 report *Planning Law in Wales*

Current term or phrase	Proposed term or phrase	Rationale	Consultation
Appointed person (or person appointed by the Welsh Ministers)	Inspectors	Implements recommendation 5-11	Undertaken by the Law Commission to inform its final report (and see the consultation paper and final report for its rationale) The Government’s consultation on new regulations about preserving trees and woodlands ² outlined the proposed approach to include woodland preservation orders in the Bill and gave stakeholders an opportunity to comment. No issues were raised about the term.
Material considerations	Relevant considerations	Implements recommendation 5-2(2)	
Tree preservation order	Tree preservation order Woodland preservation order	Implements recommendation 15-3(4)	
Local planning authority and Mineral planning authority	Planning authority	Implements recommendation 5-13	
Hazardous substances authority	Planning authority	The hazardous substances authority for an area in Wales will always be the planning authority. The proposed change therefore reflects this position.	No engagement considered necessary as the change more accurately reflects the effect of the power.
Unified district (of joint planning board)	Joint planning area	Avoids outdated reference to districts (which no longer exist in Wales)	No engagement considered necessary as change more accurately reflects current arrangements
Planning contravention notice	Enforcement investigation notice	Changes reflect the effect of the provisions more accurately. For example, a “completion notice” will state that a permission will cease to have effect at the end of a specified period, but it cannot guarantee completion of the development. A “suspension order” may be issued where mining operations have	No engagement considered necessary as changes more accurately reflect the intent and effect of the powers. A stakeholder event was held on the minerals provisions, following the publication of the draft Bill in June 2025, which identified the change and no comments were raised.
Completion notice	Termination order		
Suspension order Supplementary suspension order	Protection order		

² [Preserving trees and woodlands: new regulations](#) GOV.UK

Current term or phrase	Proposed term or phrase	Rationale	Consultation
		<p>ceased temporarily. It requires the recipient to take steps to ensure that the environment is protected until the use restarts. The focus of the order is environmental protection.</p> <p>A “supplementary suspension order” simply makes further provision to that end or revokes the original order; it does not need a different name.</p>	
Notice under section 215 of the 1990 Act	Maintenance of land notice	<p>The Bill has generally been drafted so that every type of order or notice has a specific name, clarifying what it does, rather than being referred to by the number of the section or regulation that creates it. This makes the legislation more accessible – particularly in the period immediately following the coming into effect of a consolidation Bill, when the new section numbers will not yet be well-known.</p>	<p>No engagement considered necessary as the approach reflects many of the terms that are already used in practice such as maintenance of land notice (which is used by PEDW in their guidance documents^{3, 4}) or tree replacement notice which is used in Welsh Government guidance including Technical Advice Note 10⁵.</p> <p>The term “discontinuance order” is well-established, used by practitioners and referred to in the Welsh Government <i>Development Management Manual</i>⁶ and mineral guidance on the review of mineral planning permissions 1995⁷.</p>
Notice under section 207 of the 1990 Act	Tree replacement notice		
Notice under section 330 of the 1990 Act	Information notice		
Order under section 102 of the 1990 Act	Discontinuance order		
Order under paragraph 1 of schedule 9 to the 1990 Act			
Regulations under section 220 of the 1990 Act	Control of advertisement regulations		
Appropriate authority (in relation to Crown land)	Appropriate Crown authority	<p>Minor changes that will increase the relevant provisions’ accessibility and achieve consistency in the Bill. Use of more common terminology</p>	<p>Due to the minor nature of the changes, no consultation or engagement was undertaken.</p>
Ecclesiastical property	Church of England land		

³ [Maintenance of land appeals | GOV.WALES](#)

⁴ [maintenance-of-land-notices.pdf](#)

⁵ [Technical advice note \(TAN\) 10: tree preservation orders | GOV.WALES](#)

⁶ [Development management manual | GOV.WALES](#)

⁷ [minerals-planning-guidance-14.pdf](#)

Current term or phrase	Proposed term or phrase	Rationale	Consultation
Former PTO	Former public telecommunications operator	reflects modern drafting and simplifies terms in the Bill. Not using acronyms and having names in full as well as moving away from cross references to other sections in Acts improves accessibility.	
Fuel or field garden allotment	Allotment		
Holder of a licence under section 6 of the Electricity Act 1989	Electricity licensee		
Person who holds a licence under Chapter 1 of Part 1 of the Transport Act 2000	Air traffic licensee		
Winning and working of minerals	Mining operations	Change to “mining operations” implements recommendation 18-5.	<p>The change to mining operations was the subject of public consultation undertaken by the Law Commission to inform its final report.</p> <p>Engagement was undertaken with planning authority minerals leads for North and South Wales which included reviewing proposed definition and terminology changes for some of the definitions including mining operations, minerals development, waste and deposit(ing) of mineral waste. They were not aware of any challenges around the proposed definitions and were content with the approach taken to the drafting.</p> <p>A stakeholder event was held on the minerals provisions following the publication of the draft Bill in June 2025, which identified the other changes including the use of pre-1948 minerals permissions, and no longer needing to restate Phase I and Phase II sites. No comments</p>
Development consisting of the winning and working of minerals or involving the depositing of mineral waste	Minerals development	Bringing together the minerals and waste provisions from a number of enactments has resulted in changes to terminology. Various different expressions had been used to refer to similar things and by bringing them together enabled concise terminology with clear meaning to be used, increasing accessibility whilst retaining the current legal effect.	
Refuse or waste materials	Waste		
Mineral-working deposit	Deposit of mineral waste		
Old mining permission	Pre-1948 minerals permission		
Phase I site or Phase II site	Site shown in a list prepared under paragraph 3 of Schedule 13 to the Environment Act 1995		

Current term or phrase	Proposed term or phrase	Rationale	Consultation
		There does need to be some reference to the lists due to the provisions relating to dormant sites and the periodic reviews of minerals permissions in the Bill.	were raised over these proposed changes.

Julie James MS
Counsel General and Minister for Delivery

23 September 2025

Dear Julie

Scrutiny of the Welsh Government's planning Consolidation Bills

Now that you have introduced the Planning (Wales) Bill and the Planning (Consequential Provisions) (Wales) Bill into the Senedd, the Committee would welcome a response to the questions in the enclosed annex in order to assist our initial consideration of the Bills. We would be grateful to receive your response by 14 October 2025.

The Committee looks forward to taking evidence from you during our meeting on 3 November.

Yours sincerely,



Mike Hedges
Chair

ANNEX

General

Question 1. How have you specifically approached the consolidation of legislation that pre-dates devolution, in particular from a legislative drafting perspective?

Question 2. Were there challenges that were specific to this consolidation exercise that arose from the disentangling of Wales provisions from the existing England and Wales legislation, and which would not normally arise in a consolidation of legislation applying uniformly to England and Wales?

Question 3. As a pre-devolution “England and Wales” Act, the *Planning (Hazardous Substances) Act 1990* is not bilingual. The 1990 Act has not been included in this consolidation and we note the reasons set out in the Explanatory Memorandum at paragraph 46. We are aware that the main secondary legislation made under the Act is the Hazardous Substances (Wales) Regulations 2025, which are Wales-only. In your view, what grounds need to be met in order for you to seek to restate the relevant provisions of the 1990 Act as a Wales-only bilingual measure that is consistent with the Welsh Government’s ambitions for a Planning Code for Wales?

Question 4. Is there any law that you would have liked to consolidate but could not because of concerns regarding legislative competence?

Question 5. Is there any law that you would have liked to consolidate but could not for reasons other than the Senedd’s legislative competence? For example, because of the requirements of Standing Order 26C.2.

Question 6. The Senedd’s Standing Orders allow for a consolidation bill to incorporate rules of common law which are derived from decided cases.

- i) How has the desirability of putting common law rules on a statutory basis influenced provisions in the Bills?
- ii) Can you provide a note on the case law that is being put on a statutory basis in this consolidation exercise?

Role of the Law Commission for England and Wales

Question 7. The Law Commission has recommended that 15 matters are appropriate for inclusion in a consolidation Bill, under Standing Order 26C.2(v).

- i) Can you provide more detail on your discussions with the Law Commission and how they enabled you to determine that each of these are changes are appropriate to be made in a Consolidation Bill?

- ii) Can you provide details on the recommendations in the Law Commission's Planning Law in Wales report that you consider must await a Bill introduced under Standing Order 26 to further reform planning law in Wales and what work is in hand to progress these?

Drafting changes made throughout the Bill

Question 8. There are a number of instances where there are changes being made to the current law via the Bills that are described as "anomalies" in the Drafters' Notes which accompany the Planning (Wales) Bill. An example is in section 116(2) which gives a power of entry to the Welsh Ministers that did not previously exist. Another is in Schedule 19 paragraph 43(1)(a) which adds a "strategic highways company appointed under Part 1 of the Infrastructure Act 2015" to the list of appropriate authorities for Blight Notices. This is said to "fill a gap" that the 2015 Act should have been dealt with by amending the original provision in the 1990 Act. A further example is in section 72(5) which restates Part 1 of Schedule 5 to the 1990 Act (about conditions of minerals permissions) to the list of provisions that apply to called-in applications. Can you clarify your reasoning for why it is appropriate for such "anomalies" to be dealt with under Standing Order 26C.2(iv)? In responding, please specifically address the three examples drawn to your attention.

Question 9. The Planning (Wales) Bill replaces some significant terms used in existing Acts with new terms. For example, "completion order" is being changed to "termination order". The Drafters' Notes to the Bill state that these changes do not have any substantive effect but are intended to ensure that the terminology is more accurate or helpful.

Can you explain why you believe these terms are more accurate and helpful?

What consultation was undertaken with organisations and stakeholders on these terms and what were their views of these changes?

Question 10. In the Bills, you are changing the use of the terms "expedient" and "appropriate". In the Drafters' Notes to the Planning (Wales) Bill it states "*The legislation being consolidated confers numerous powers and duties on the Welsh Ministers and local authorities. In some cases, provisions enable or require Ministers or authorities to do something where they consider it "expedient" or "appropriate" to do so. The two words have the same effect, and in many cases they do not add anything to the general requirements of administrative law for public authorities to act reasonably and with regard to relevant considerations, since it would be unreasonable for an authority to take steps that it considered "inexpedient" or "inappropriate". Many of the references to what is "expedient" or "appropriate" have therefore been omitted, but references have been retained where they do appear to add something or where the provisions would not make sense without them.*" This was something the Committee looked at when scrutinising the Historic Environment (Wales) Bill. As a result of the Committee's questioning, the Welsh Government reviewed the Bill and, at Detailed Committee Consideration stage, three amendments were made to the Bill. To assist our consideration of this matter, please would you provide a complete list of where in the Bills have these changes been made.

Subordinate legislation

Question 11. How much priority have you placed on the pursuit of moving procedural detail in current Acts to regulations and bringing foundational provisions in secondary legislation that have been unchanged for a long time to the face of the Planning (Wales) Bill?

Question 12. Can you provide details of the overall picture of the effect of the consolidation on the regulation-making powers that will need to be exercised under the Bill, including:

- i) a list of existing subordinate legislation being consolidated into the Bills (i.e. being moved from regulations to the face of the Bill);
a list of provisions currently in Acts that will now be dealt with in subordinate legislation;
an assessment of whether the consolidation exercise will result in an increase in regulation-making powers or will the overall balance see more provisions being brought up on to the face of the Act.

Question 13. Can you provide an indication of the timescale within which the relevant subordinate legislation will be made and/or laid before the Senedd (subject to the Bill's passing and enactment).

Question 14. Can you provide information about the Welsh Government's planned programme for restating regulations under the Act (subject to the Bill's passing and enactment) and what the scheme of restatement will look like? For example, is the Government considering bringing forward fewer but longer sets of regulations?

Codification of Welsh Law

Question 15. Can you provide an update on the current proposed taxonomy for the Codification of Welsh Law.



Eich cyf/Your ref
Ein cyf/Our ref

To: Peredur Owen Griffiths MS
Chair Finance Committee
Senedd Cymru
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10 Hydref 2025

Annwyl Peredur

Financial implications of the Planning consolidation Bills

Thank you for your letter of 29 September 2025.

I note you are referring to the RIA for the Bills, however Standing Order 26C does not require such an assessment to be undertaken. Instead SO26C.9(vii) requires me to set out the “best estimates” for any additional expenditure. This is the basis for the preparation of Part 2 of the Explanatory Memorandum to the Bills.

Question 1: methodology used to estimate the transitional costs

Transitional costs were estimated using the best available data, including published datasets, staff pay rates (where available), and our experience in implementing previous Acts, in particular the Historic Environment (Wales) Act 2023 (“the 2023 Act”). Staff time against identified activities were multiplied by relevant pay rates to calculate costs.

For the costs attributed to the Welsh Government, these were calculated using the organisation’s standard average staff costs for each relevant grade for the 2025-26 financial year. These averages include all associated on-costs, such as employer’s National Insurance and pension contributions, ensuring the best estimate of staff costs involved in the identified transitional activities. The identification of the transitional activities and estimate of staff time were informed from experience in implementing previous Bills and direct engagement with teams in the Planning Directorate and Planning Environment Decisions Wales.

As set out in Part 2 of the Explanatory Memorandum, the costs identified for stakeholders primarily relate to their familiarisation with the new Acts and to make one-off updates to websites and documents to ensure they correctly reference this new legislation, should the Bills be passed and enacted. As the Bills do not change the substance or practical

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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

operation of the law, these transitional costs are primarily administrative in nature and reflect typical activities associated with consolidation of the law.

Planning authority costs were modelled using assumptions from the 2023 Act, where planning officers were considered equivalent to a Welsh Government Higher Executive Officer grade. Our analysis of local authority websites helped determine the extent of changes needed to those sites. Whilst consultation with a Planning Authority helped estimate the time required to update development management systems and templates, they also identified this work would be undertaken by a systems officer. This is understood to be an administrative role equivalent to a Welsh Government Executive Officer grade.

Planning consultant staff costs are commercially sensitive and not publicly available. Estimates for legal advisers were derived from the 2024 Annual Survey of Hours and Earnings (ASHE), with on-costs added. Prior experience with implementing other Bills together with engagement with colleagues with private sector experience within Government informed the estimates for staff time related to familiarisation with the new legislation.

For IT service providers, see paragraph 76 of the Explanatory Memorandum.

Question 2: input from planning authorities, planning consultants and private law firms

The cost estimates were informed by targeted engagement and sector-specific insights.

For planning authorities, direct engagement was undertaken with one authority to understand the requirements for updating IT systems, websites and decision notices. Their feedback, informed by the work they undertook associated with the commencement of the 2023 Act, contributed to the estimate that approximately four days of a systems officer's time would be needed to implement the necessary changes.

In relation to planning consultants, due to the diversity of consultancy models and commercial sensitivities, no direct engagement has taken place. Notwithstanding this, the approach taken is based on experience of implementing other planning and related legislation and with engagement with colleagues within Government who have previously worked in private practice.

For private law firms, input was gathered through engagement with colleagues who were on secondment to the Welsh Government from the private sector, helping to outline the process and time required for legal professionals to familiarise themselves with the legislation. Published data from the Law Society was also used to estimate the number of firms likely to be affected.

The approach set out above is considered both proportionate and appropriate in ensuring the requirements of Standing Order 26C.9(vii) are met.

Question 3: confidence in costs for Welsh Government

I am confident the cost estimates identified for the Welsh Government are robust and reflective of expected resource use. These estimates are grounded in actual staff pay data, established working patterns, and experience from implementing planning-related legislation and the implementation of the consolidation project resulting in the 2023 Act. This precedent has informed both the time estimates and the analysis of specific tasks required for implementation.

Question 4: assessment of cost savings

As noted above, an assessment of cost savings is not required under Standing Order 26C and has therefore not been undertaken. The anticipated benefits and savings relating to consolidation and codification more generally were considered as part of the Explanatory Memorandum to the Legislation (Wales) Bill in 2019.

I am copying this letter to the Legislation, Justice and Constitution Committee.

Yn gywir,



Julie James AS/MS

Y Cwnsler Cyffredinol a'r Gweinidog Cyflawni
Counsel General and Minister for Delivery

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