

Environment and Sustainability Committee

Meeting Venue:
Committee Room 3 – Senedd

Meeting date:
26 September 2013

Meeting time:
09:30

Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales



For further information please contact:

Alun Davidson
Committee Clerk
029 2089 8639
ES.comm@wales.gov.uk

Agenda

1 Introductions, apologies and substitutions

2 Papers to note (Pages 1 – 6)
Minutes of the meetings held on 11, 17 and 24 July

Letter from the Minister for Natural Resources and Food – Actions arising from 24 July meeting (Pages 7 – 10)
E&S(4)-22-13 paper 1

Local Development Plans and Population/Household numbers – Response from the Minister for Housing and Regeneration (Pages 11 – 12)
E&S(4)-22-13 paper 2

3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 4, 5, 6 and 7 and from the meeting on 2 October

Private session

4 Sustainable Land Management – Consideration of consultation responses

5 Inquiry into energy policy and planning in Wales : Report follow-

up – Consideration of draft report

6 Common Agriculture Policy and Common Fisheries Policy (Page 13)

7 Inquiry into waste and resources – Consideration of terms of reference

Environment and Sustainability Committee

Meeting Venue: Committee Room 3 – Senedd

Meeting date: Thursday, 11 July 2013

Meeting time: 09:30 – 14:39

Cynulliad
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Wales

This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_400000_11_07_2013&t=0&l=en

http://www.senedd.tv/archiveplayer.jsf?v=en_400001_11_07_2013&t=0&l=en



Concise Minutes:

Assembly Members:

Dafydd Elis-Thomas (Chair)
Mick Antoniw
Russell George
Llyr Huws Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Witnesses:

Dilwar Ali, Petitioner – Support for the Control of Dogs (Wales)
Sarah Brown, Cardiff Council
Sally Burnell, British Veterinary Association
Kate Cassidy, Welsh Government
Andrew Charles, Welsh Government
Jeff Cuthbert AM, Minister for Communities and Tackling Poverty
Gavin Grant, RSPCA Cymru
Dave Joyce, CWU
Gareth Pritchard, ACPO Cymru
Dermot Ryan, Permanent Representation of Ireland to the

Committee Staff:

Alun Davidson (Clerk)
Catherine Hunt (Deputy Clerk)
Nia Seaton (Researcher)
Elfyn Henderson (Researcher)
Chloe Corbyn (Researcher)

TRANSCRIPT

View the [meeting transcript](#).

1 Introductions, apologies and substitutions

1.1 Apologies were received from Vaughan Gething due to his appointment as Deputy Minister in the Welsh Government.

2 Scrutiny of the Minister for Communities and Tackling Poverty

2.1 The Minister and officials responded to questions from members of the Committee.

3 State aids to fisheries and aquaculture – Discussion with Rhodri Glyn Thomas AM

3.1 Rhodri Glyn Thomas responded to questions from members of the Committee.

4 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for item 5

4.1 The Committee agreed the Motion.

5 Common Agricultural Policy and Common Fisheries Policy reform proposals – update

5.1 Dermot Ryan responded to questions from members of the Committee.

6 Control of dogs legislation – Round-table discussion

6.1 The witnesses responded to questions from members of the Committee.

7 Papers to note

7.1 The Committee noted the minutes.

Environment and Sustainability Committee

Meeting Venue: Committee Room 3 – Senedd

Meeting date: Wednesday, 17 July 2013

Meeting time: 09:30 – 12:35

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This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_400000_17_07_2013&t=0&l=en

Concise Minutes:

Assembly Members:

Russell George
Llyr Huws Gruffydd
Julie James
Julie Morgan
William Powell
Antoinette Sandbach
Joyce Watson

Witnesses:

Ed Bailey, NFU Cymru
Gareth Cunningham, RSPB Cymru
Dr Clare Eno, Natural Resources Wales
Sue Evans, Country Land and Business Association
Nick Fenwick, Farmers' Union of Wales
Brian Pawson, Natural Resources Wales
Jeremy Percy, New Under Ten Fishermen's Association
Joanne Sherwood, Natural Resources Wales
Euan Dunn, RSPB Cymru
Emma Hockridge, The Soil Association

Committee Staff:

Alun Davidson (Clerk)
Catherine Hunt (Deputy Clerk)
Nia Seaton (Researcher)

TRANSCRIPT

View the [meeting transcript](#).

1 Motion under Standing Order 17.22 to elect temporary Chair

1.1 William Powell was elected as temporary Chair.

2 Introductions, apologies and substitutions

2.1 Apologies were received from Dafydd Elis-Thomas and from Vaughan Gething due to his appointment as Deputy Minister in the Welsh Government.

3 Update on reforms to the Common Agricultural Policy – Round-table discussion

3.1 The witnesses responded to questions from members of the Committee.

3.2 Nick Fenwick agreed to provide a copy of the figures produced by Bangor University on income from wildlife tourism.

3.3 Nick Fenwick, Brian Pawson and Arfon Williams agreed to provide further information in writing on income foregone relating to agri-environment schemes.

4 Update on reforms to the Common Fisheries Policy – Round-table discussion

4.1 The witnesses responded to questions from members of the Committee.

4.2 Jeremy Percy agreed to provide a copy of the note he produced for DEFRA on small scale fisheries.

5 Papers to note

Water policy in Wales – Letter from the Minister for Natural Resources and Food

5.1 The Committee noted the paper.

6 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 7, 8, 9 and 10

6.1 The Committee agreed the Motion.

6.2 The Committee agreed to consider the business scheduled for the private session by email.

Environment and Sustainability Committee

Meeting Venue: YFC Centre, Royal Welsh Show

Meeting date: Wednesday, 24 July 2013

Meeting time: 10:29 – 11:21

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National
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Wales



This meeting can be viewed on Senedd TV at:

http://www.senedd.tv/archiveplayer.jsf?v=en_800000_24_07_2013&t=0&l=en

Concise Minutes:

Royal Welsh Show

Assembly Members:

Dafydd Elis-Thomas (Chair)
Russell George
Llyr Huws Gruffydd
Julie Morgan
William Powell
Antoinette Sandbach
Keith Davies

Witnesses:

Alun Davies, Minister for Natural Resources and Food
Christianne Glossop, Chief Veterinary Officer, Welsh Government
Gary Haggaty, Welsh Government

Committee Staff:

Alun Davidson (Clerk)
Catherine Hunt (Deputy Clerk)
Nia Seaton (Researcher)
Elfyn Henderson (Researcher)

TRANSCRIPT

View the [meeting transcript](#).

1 Introductions, apologies and substitutions

- 1.1 Apologies were received from Julie James, Joyce Watson and Mick Antoniw.
- 1.2 Keith Davies attended as a substitute..

2 Scrutiny of the Minister for Natural Resources and Food – General scrutiny

- 2.1 The Minister agreed to write to the Committee in September with detail of his work on biodiversity indicators.
- 2.2 The Minister agreed to write to the Committee with information on food promotion.

Alun Davies AC / AM
Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref
Ein cyf/Our ref LF/AD-/0754/13

Lord Dafydd Elis-Thomas AM
Chair – Environment and
Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff CF99 1NA

7 August 2013

Royal Welsh Show 2013 – areas of questioning Control of dogs

Thank you for your letter of 15th July. I am responding specifically to the questions you raise in that letter on the control of dogs and to your request for a response by the 2nd August. You will appreciate that it was not possible to respond before the Committee met on the 24th July.

In responding, comments have been annotated against your questions as follows:

- "Paragraph 31 of the Legislative Consent Memorandum provides that it is the Welsh Government's view that the provisions of Part 7 of the Anti-social Behaviour, Crime and Policing Bill ("the Bill") are within the Assembly's competence. This does not appear to be a view shared by the UK Government (See paragraph 86 of the Explanatory Notes accompanying the Bill). Can you confirm:
- **a) Whether you have had any discussions with the UK Government in relation to the Assembly's competence to legislate in relation to Dangerous Dogs;"**

Yes, discussions have been held. In my view, the National Assembly has the necessary legislative competence to proceed with the policy that was outlined for our proposed Control of Dogs (Wales) Bill.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

*Wedi'i argraffu ar bapur wedi'i ailgylchu (100%)
paper*

English Enquiry Line 0845 010 3300
Llinell Ymholiadau Cymraeg 0845 010 4400
Correspondence: Alun.Davies@wales.gsi.gov.uk
Printed on 100% recycled

- **b) Whether the motion will seek consent in relation to Clause 99 of the Bill which has been drafted in response to the *Sandhu* judgment. Whilst the Memorandum refers to Section 7 of the Bill, no mention is made of section 99;**

I confirm the motion as tabled alongside the memorandum on 23 May already seeks consent in relation to all provisions contained in Part 7 of the Bill. However as you rightly say there is no specific reference to Clause 99 within the memorandum.

As you have said Clause 99 has been drafted in response to the Sandhu judgement which related to the rehoming of breeds of dogs prohibited under section 1 of the Dangerous Dogs Act 1991. The Clause sets out the test which the courts must apply when considering Orders for destruction following a conviction under the Act. I will be laying a revised memorandum to clarify that Clause 99 is one of the provisions in relation to which we are seeking consent.

- **c) Whether in your view the Assembly has the necessary competence to introduce an exemption in relation to a “householder case” such as is contained in Clause 98 (2) (b) of the Bill; and**

Yes, Clause 98(2)(b) falls within legislative competence of the Assembly in relation to subjects listed under headings 1 (Agriculture, forestry, animals, plants and rural development), 9 (Health and health services) and 15 (Social welfare).

- **d) Why you consider it appropriate to utilise the Bill rather than bringing forward separate legislation.**

As stated in my Written Statement of 2 May, the Welsh Government is committed to ensuring that out-of-control and dangerous dogs are dealt with effectively. We are committed to a statutory framework that will make it unlawful for dogs to be dangerously out-of-control on private premises. We are also committed to protection for assistance dogs, for example guide dogs and hearing dogs, as well as a statutory training and dog welfare regime.

I gave careful consideration to how these objectives could best be achieved so that our children, families and communities are better protected. I am also committed to the long term cultural change which cannot be achieved by legislation alone but will address the root causes of the problem by promoting responsible dog ownership.

Our discussions with enforcement authorities and third sector organisations in Wales indicated that enforcers would far prefer to act on an interventionist basis and prevent both fatal incidents and/or compromising the welfare of a dog. In addition the amendments to the Dangerous Dogs Act 1991, which we had set out in our draft Bill, are now being taken forward in the draft Home Office Anti-social Behaviour, Crime and Policing Bill.

I reviewed the provisions of the draft Anti-social Behaviour, Crime and Policing Bill published by the Home Office and, whilst I accept many of the criticisms made of this draft bill, I nevertheless believe that it may provide a useful vehicle to fulfil our ambitions. The Anti-social Behaviour, Crime and Policing Bill has now been introduced to Parliament, and I will continue to work in partnership with the UK Government on this issue to ensure we achieve a seamless approach to dog control across England and Wales (given that dogs and their owners travel across borders) and continue to emphasise the importance of:

- the dog welfare aspects of proper dog control;
- the responsibilities of dog ownership; and
- the value of producing guidance on these issues that can be utilised in both Wales and England.

As part of working closely with the UK Government, a meeting was held in Cardiff on 22 July 2013 between officials from the Welsh Government, Home Office and DEFRA, a small group of local authority representatives from England and Wales, the Association of Chief Police Officers (ACPO) lead on dangerous dogs and some police force members from Wales and England. This meeting was chaired by a Welsh Government official and its purpose was to ensure the guidance being developed for enforcers is shaped appropriately and will be fit for purpose in both England and Wales.

In the meantime I have retained the option of introducing a Welsh Bill.

I hope you find these responses helpful.

The image shows two handwritten signatures in black ink. The top signature is a cursive name that appears to be 'Gofin'. The bottom signature is a cursive name that appears to be 'Alun'.

Alun Davies AC / AM
Y Gweinidog Cyfoeth Naturiol a Bwyd
Minister for Natural Resources and Food



Carl Sargeant AC / AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

Ein cyf/Our ref MB/CS/3772/13

Lord Dafydd Elis -Thomas, AM
Chair - Environment & Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

13 September 2013

Dear Dafydd

Environment and Sustainability Committee Local Development Plans – Population and Household Forecasts

Thank you for your letter dated 6 August regarding the Environment and Sustainability Committee's recommendations into the use of population and household forecasts in the preparation of Local Development Plans (LDPs).

I was particularly heartened with your key conclusion that it is practically feasible for local planning authorities (LPAs) in Wales to produce their own population and household forecasts. Confirmation of this point from the committee validates the existing policy approach set out in Planning Policy Wales (PPW) that LPAs can indeed deviate from our latest population and household projections where their evidence indicates otherwise. The critical point is to ensure that the evidence is credible and robust. To assist LPAs in their deliberations regarding housing provision in LDPs, the Welsh Government has made the model and data underpinning the latest projections available to all LPAs across Wales.

In response to the two specific recommendations from the committee, both are linked to work currently underway, notably how cross boundary planning issues will be dealt with through the proposed Planning Reform Bill (Recommendation 1) and potential variations on how population and household projections are considered (Recommendation 2).

With regard to Recommendation 1, a Consultation Paper and Draft Planning Reform Bill are due to be published later this year, based on a raft of evidence, including that of the Independent Advisory Group (IAG) Report. The IAG Report did indeed conclude that a wider approach than the current LDP process should be considered to better address cross boundary issues, such as identifying housing provision both collectively and on an individual LPA basis. This will be one of several issues addressed in following draft Bill and, consultation paper. I will report back to the committee how current concerns are proposed to be addressed towards the end of 2014, as indicated in your letter.

Secondly, Recommendation 2 does raise issues beyond my portfolio. Jane Hutt AM, Minister for Finance, has responsibility for publication of population and household projections for Wales. There have been fifteen LDP public hearing sessions where questions surrounding the components of population and household modelling have come under scrutiny, mirroring evidence presented to the committee. Officials from Planning Division and Welsh Government statisticians who produce the population and household projections for Wales are acutely aware of these issues, specifically the time span regarding specific data sets used in the methodology.

Local authority Population Projections for Wales (2011-based) were published on 23 July 2013. Following consideration from a technical working group these are based on data on births, deaths and migration in the 5 year period up to mid-2011. Variant projections (2011-based) are due to be published in late September. These will include a variant based on longer time trends for migration.

The technical group comprising both sets of officials and experts from LPAs will continue to consider the most statistically prudent way to move forward in the future. It is vital that any proposals are statistically robust and I will, as you have indicated in your letter, report the outcome of this technical analysis to the committee by the end of 2014.

A handwritten signature in blue ink that reads "Carl Sargeant". The signature is written in a cursive style with a large, sweeping initial 'C'.

Carl Sargeant AC / AM
Y Gweinidog Tai ac Adfywio
Minister for Housing and Regeneration

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