

## Agenda – Petitions Committee

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Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 29 January 2019

Meeting time: 09.15

For further information contact:

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# Agenda Item 2.1

## **P-05-855 Small Business Rates Relief Review**

This petition was submitted by Endaf Cooke & Gavin Owen having collected 310 signatures.

### **Text of Petition**

We call on the Welsh Government to revise the small business rates relief system so that businesses with a rateable value of £10,000 or under should receive a 100% discount. Furthermore, any small businesses with a rateable value of between £10,000.01 and £20,000 receive a discount/relief on a tapered scale system of between 0 – 100%.

### **Additional Information**

Currently the small business rates relief in Wales, only offer 100% discount to any business with a rateable value of under £6000. Where as in England, small businesses with a rateable value of under £12,000 receive a 100% discount.

### **Assembly Constituency and Region**

- Arfon
- North Wales

## Petition: Small Business Rates Relief

Y Pwyllgor Deisebau | 29 Ionawr 2019

Petitions Committee | 29 January 2019

### Research Briefing:

Petition number:

Petition title: Small Business Rates Relief Review

Text of petition: We call on the Welsh Government to revise the small business rates relief system so that businesses with a rateable value of £10,000 or under should receive a 100% discount. Furthermore, any small businesses with a rateable value of between £10,000.01 and £20,000 receive a discount/relief on a tapered scale system of between 0 – 100%.

Currently the small business rates relief in Wales, only offer 100% discount to any business with a rateable value of under £6000. Where as in England, small businesses with a rateable value of under £12,000 receive a 100% discount.

### Background

[Business rates](#) (also known as non-domestic rates or NDR) have been fully devolved to Wales since April 2015. Business rates are a property tax paid on non-domestic properties and are the means by which businesses and other users of non-domestic property contribute towards the cost of local authority services.



113,100

113,100 non-domestic properties in Wales are liable for business rates



£1.05bn

£1.05 billion of Welsh Government expenditure will be financed by business rates in 2018-19, 6% of the Welsh Government's total budget

Sources: Valuation Office Agency, [Non-Domestic Rating: Stock of Properties and update of 2017 revaluation statistics](#) and Welsh Government, [Final Budget 2018-19](#)

Business rates are calculated by taking the Rateable Value of a property and multiplying it by the Business rates multiplier for the year in question. The Valuation Office Agency (VOA), which is independent of the Welsh Government, values properties for business rates and the Welsh Government sets the multiplier (which is linked to the Consumer Price Index (CPI)).

$$\text{Annual Business rates bill} = \left( \text{Rateable value of non-domestic property} \times \text{Multiplier (0.514 in 2018-19)} \right) - \text{Any reliefs the property is eligible for}$$

The Welsh Government is able to offer reliefs which can reduce a business rates bill. Any reliefs that the property is eligible for are subtracted from the liability in the final business rates bill.

## Welsh Government action

### Rate relief for small businesses

From April 2018, the Welsh Government has introduced a [permanent small business rate relief scheme](#). This exempts eligible business premises with a rateable value of up to £6,000 from paying business rates. Business premises with a rateable value of between £6,001 and £12,000 receive relief that is reduced on a taper; with the percentage of rate relief awarded decreasing by 1% for every £60 of rateable value over £6,000. Businesses with multiple premises will be able to receive relief on two properties per local authority.

There are a range of other initiatives by the Welsh Government and local authorities that can provide [relief to businesses](#):

- Small businesses who were in receipt of [transitional relief](#) following the 2017 business rates revaluation will continue to receive relief in 2018-19 and 2019-20.
- The Welsh Government offers a [High Street Rate Relief scheme](#), which provides relief to eligible high street premises such as shops, pubs and cafes with a rateable value of up to £50,000.

- In 2018–19 the Cabinet Secretary for Finance provided £1.3 million for local authorities to develop their own [discretionary rate relief schemes](#) to assist businesses within their local area that would benefit most from additional assistance.
- Local authorities [also have powers](#) to award additional discretionary rate relief of up to 100% to businesses within their area, although they are required to fully fund the costs of this.
- Local authorities are able to use their discretion to grant hardship relief of up to 100% to businesses within their area.
- The Welsh Government has also run a series of schemes to provide relief to new or expanding small businesses located in [Enterprise Zones](#). The latest scheme closed on 30 March 2018.

### UK Government relief

The [UK Government offers English rate payers relief](#) providing they meet certain criteria. Relief is available for small businesses, rural areas, charities and enterprise zones, certain discretionary and hardship reliefs are also offered by English councils.

Criteria for [Small Business rate relief](#) in England differs to Wales. The relief is available to properties valued at less than £15,000. Properties with a rateable value below £12,000 receive 100% relief, those with a rateable value of between £12,001 and £15,000 receive relief on a taper from 100% to 0%.

Relief is limited to one property, if a second property is acquired existing relief on the main property will continue to be available for 12 months. Relief for the main property is then available, providing none of the other properties have a rateable value above £2,899 and the total rateable value of all properties is less than £20,000 (or £28,000 in London).

England also operates a small business multiplier for properties with a rateable value below £51,000. This is lower than the standard multiplier. The small business multiplier is 48p and the standard multiplier is 49.3p from 1 April 2018 to 31 March 2019 (multiplier is higher in the City of London).

Correspondence from the Cabinet Secretary notes the differences between Wales and England:

The Welsh Government is committed to supporting businesses. The Small Business Rates Relief (SBRR) scheme in Wales is funded by the Welsh Government and the thresholds for relief are based on the make up of the Welsh tax-base and the proportion of small businesses in Wales, both of which are



considerably different to the position in England. The average rateable value in Wales is around £22,000; in England it is around £33,000. Also the scheme in England is partially funded through a higher multiplier for larger businesses. It is right that our rates and reliefs system should reflect these differences.

## Recent developments

The [UK Government Autumn budget](#) in October 2018 announced a [business rates Retail Discount](#) to support relief for high street premises. The relief was proposed for two years from April 2019. A separate business rate relief was announced for public lavatories of 100%. This is in addition to other English schemes. The Welsh Government will receive consequential funding in 2019–20 due to the UK Government announcement, however consequential funding for 2020–21 has not yet been quantified. In response to [questions in Plenary on November 2018](#), the Cabinet Secretary for Finance (Mark Drakeford), stated:

We don't need to mirror what is going on in England, because we already have a high street relief scheme here in Wales, which they don't have in England. We introduced it the year before last in discussion with the leader of Plaid Cymru, Adam Price, where we agreed on the joint parameters of the high street relief scheme in Wales. We've continued it this year. I hope, using the consequential for next year, that we will be able to make it more generous for businesses in Wales than we've been able to hitherto. We will design a scheme that meets the size, the distribution and the value of the non-domestic rates base in Wales, which is different to that in England, to make sure that the money goes to the places where it is most urgently needed.

Following this, on 10 December 2018, the Cabinet Secretary for Finance announced an extension to the [High Street Rate relief scheme](#). This applies to 2019–20 and would provide full relief for eligible properties up to £9,100 and support of up to £2,500 for properties valued up to £50,000. The Final budget 2019–20 states the Welsh Government intend to allocate the full UK consequential as a result of additional spending in England for rates relief: £23.6m non-domestic rates relief, to enhance high street rates relief scheme and £2.4m more for discretionary rates relief.

## Other Welsh Government developments

Recent developments in regard of business rates in Wales:

- The Cabinet Secretary for Finance (Mark Drakeford) issued a [written statement](#) in July 2018 regarding the date of the next revaluation (2021), this also included details on the Welsh Government's reform of local taxes.
- The Welsh Government published an [update on Local Government Finance Reform](#) in October 2018, which includes information on business rates.

- The Welsh Government issued a [written statement](#) in October 2018 regarding fraud and avoidance of non-domestic rates, which followed a [consultation](#) on that issue.
- As part of the Welsh Government [draft Budget 2019-20](#) it was announced that Registered Childcare Premises would receive 100% relief from 1 April 2019 (relief in place for 3 years until 31 March 2022).

The Petitions Committee of the Fourth Assembly considered petitions relating to business rates, including:

- P-04-609: Support Small Businesses – Support out High Streets ([January 2015](#))
- P-04-446: Business Rate Relief for Welsh Charity Shops ([January 2013 to July 2016](#))

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Mark Drakeford AC/AM  
Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref MD/00659/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
Government.Committee.Business@gov.wales

|| December 2018

*Dear David,*

Thank you for your letter of 26 November informing me of the petition from Endaf Cooke and Gavin Owen about a Small Business Rates Relief Review.

The Welsh Government is committed to supporting businesses. The Small Business Rates Relief (SBRR) scheme in Wales is funded by the Welsh Government and the thresholds for relief are based on the make up of the Welsh tax-base and the proportion of small businesses in Wales, both of which are considerably different to the position in England. The average rateable value in Wales is around £22,000; in England it is around £33,000. Also the scheme in England is partially funded through a higher multiplier for larger businesses. It is right that our rates and reliefs system should reflect these differences.

The Welsh Government's £100 million SBRR scheme supports around 70,000 ratepayers, with more than half paying no rates at all. This is quite different to England. Even with the enhanced scheme in England, only around a third of ratepayers do not pay any non-domestic rates.

I recently announced an extra £23.6 million to extend and enhance the High Street Relief scheme for a further year into 2019-20, helping shops, restaurants, cafes and pubs.

The enhanced scheme will go significantly further than in previous years, providing support to around 15,000 retailers in Wales with a rateable value up to £50,000 and reducing rates bills to zero for retail properties with a rateable value up to £9,100.

Local authorities will also be given an additional £2.4 million to provide discretionary rates relief for local businesses and other ratepayers where it would have the greatest impact. This funding will be provided to authorities through the local government settlement for 2019-20.

This extension to our High Street Rates Relief and the additional funding for discretionary rates relief, together with our permanent Small Business Rates Relief and other reliefs, combine to offer timely and targeted support for ratepayers across Wales.

I continue to examine options for longer term reform of local taxes and to develop our SBRR scheme to ensure it is targeted to best meet the needs of Wales. Our intention is to take a progressive, fair and transparent approach towards local taxation in Wales which continues to provide funding for vital local services.

*Jans Sweeney,*

*Mark.*

**Mark Drakeford AC/AM**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance

# Agenda Item 2.2

## **P-05-856 Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales (Lucy's Law)**

This petition was submitted by C.A.R.I.A.D., having collected 11,195 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to implement a ban on the sale of puppies by pet shops and all commercial third-party dealers.

A ban on third-party sale of puppies for profit has been named 'Lucy's Law' and its implementation in England was recently announced. Lucy's Law has huge public, media and cross-party support and we call on the National Assembly for Wales to urge the Welsh Government to deliver Lucy's Law for Wales as a matter of urgency.

Removing puppies for sale from their mum often creates sick, traumatised, dysfunctional dogs. Puppies should be seen with their mum in the place they were born. Transporting them to a different place for sale harms their welfare. Regulating commercial third-party puppy selling is ineffective in preventing harm and a ban is therefore necessary for the welfare of puppies.

Breeding dogs kept in puppy farms are hidden from public view and often suffer from years of physical and psychological trauma. Regulating commercial third-party puppy selling is ineffective in preventing harm to breeding dogs and a third-party ban on puppy selling is therefore necessary for the welfare of breeding dogs.

A ban on the third-party sale of puppies will have a positive impact on breeding dogs, ensuring their visibility and enabling the public to act on best practice advice to view the puppy with the mum where the puppy was born.

In addition, illegal, unlicensed puppy farmers and puppy smugglers currently use licensed third-parties to sell their puppies, making it possible for them to operate under the radar and without the health and welfare of breeding dogs and puppies able to be monitored by local authorities. Regulating commercial third-party puppy selling is ineffective in preventing illegal puppy farming and puppy smuggling and a third-party ban on puppy selling

is therefore necessary for the protection of dogs, puppies and the public as well as in the prevention of criminal activity.

There are no welfare advantages in selling puppies through commercial dealers. This practice only ensures breeding dogs are kept hidden from the public. As well as welfare concerns for animals, third-party sales create additional risks for public health and safety.

Puppy sales direct from reputable breeder or reputable rescue centre protects all parties through greater transparency and accountability. A ban on dealing in puppies for profit can only raise health and welfare standards for breeding dogs and puppies as well as providing greatly needed public protection.

The implementation of Lucy's Law in Wales is also vital if we are to address the damage that has been done to the reputation of Wales, which continues to be acknowledged as the puppy farming hub of the United Kingdom.

#### **Assembly Constituency and Region**

- Bridgend
- South Wales West

## P-05-856: Ban the sale of puppies by pet shops and all commercial third-party dealers in Wales

Y Pwyllgor Deisebau | 15 Ionawr 2019

Petitions Committee | 15 January 2019

### Research Briefing:

Petition number: P-05-856

Petition title: Ban the sale of puppies by pet shops and all commercial 3rd party dealers in Wales (Lucy's Law)

Text of petition:

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A ban on third-party sale of puppies for profit has been named 'Lucy's Law' and its implementation in England was recently announced. Lucy's Law has huge public, media and cross-party support and we call on the National Assembly for Wales to urge the Welsh Government to deliver Lucy's Law for Wales as a matter of urgency.

Removing puppies for sale from their mum often creates sick, traumatised, dysfunctional dogs. Puppies should be seen with their mum in the place they were born. Transporting them to a different place for sale harms their welfare. Regulating commercial third-party puppy selling is ineffective in preventing harm and a ban is therefore necessary for the welfare of puppies.

Breeding dogs kept in puppy farms are hidden from public view and often suffer from years of physical and psychological trauma. Regulating commercial third-party puppy selling is ineffective in preventing harm to breeding dogs and a third-party ban on puppy selling is therefore necessary for the welfare of breeding dogs.

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In addition, illegal, unlicensed puppy farmers and puppy smugglers currently use licensed third-parties to sell their puppies, making it possible for them to operate under the radar and without the health and welfare of breeding dogs and puppies able to be monitored by local authorities. Regulating commercial third-party puppy selling is ineffective in preventing illegal puppy farming and puppy smuggling and a third-party ban on puppy selling is therefore necessary for the protection of dogs, puppies and the public as well as in the prevention of criminal activity.

There are no welfare advantages in selling puppies through commercial dealers. This practice only ensures breeding dogs are kept hidden from the public. As well as welfare concerns for animals, third-party sales create additional risks for public health and safety.

Puppy sales direct from reputable breeder or reputable rescue centre protects all parties through greater transparency and accountability. A ban on dealing in puppies for profit can only raise health and welfare standards for breeding dogs and puppies as well as providing greatly needed public protection.

The implementation of Lucy's Law in Wales is also vital if we are to address the damage that has been done to the reputation of Wales, which continues to be acknowledged as the puppy farming hub of the United Kingdom.

Principal Petitioner: [C.A.R.I.A.D.](#)

## Background

The Welsh Government [has committed](#) to launching a 12 week consultation on banning third-party puppy and kitten sales on 22 February 2019. In August 2018 the Secretary of State for Environment, Food and Rural Affairs, Michael Gove, [announced](#) that a ban on third-party puppy and kitten sales will be introduced in England. The UK Government is currently analysing the responses to its recent consultation: [Banning commercial third-party sales of puppies and kittens in England](#). This briefing provides a background to the issues.

### Lucy's law

'[Lucy's law](#)' is the term adopted for a ban on the sale of puppies by pet shops and other third-party commercial dealers. This ban would mean that pet shops, pet dealers and other outlets and licensed sellers of puppies would be unable to sell these pets **unless they themselves have bred them**. This campaign is based on animal welfare grounds; a ban would prevent the removal of puppies for sale from their mother and the rest of the litter at a young age. The campaign also argues that third-party sales create additional risks for consumers and public health and safety (see petition text above). The campaign has been named Lucy's law after the rescue Cavalier King Charles spaniel called Lucy, who was heavily bred at a puppy farm with little regard for her welfare.



A ban goes beyond the Welsh and UK Government's current licencing regulations (which are detailed below).

In November 2016 the House of Commons Environment, Food and Rural Affairs (EFRA) Committee [published a report](#) into the welfare of domestic pets, which included a recommendation to ban third-party sales of puppies:

We recommend that the Government ban third party sales of dogs. Dogs should only be available from licensed, regulated breeders or approved rehoming organisations.

The [UK Government rejected](#) the recommendation in January 2017, referring to lack of clarity over enforcement and stating it supported "robust licensing" as an alternative solution. It stated that:

Given the demand for dogs there is a risk that a ban on third party sales would drive some sales underground, and welfare charities are already concerned about the number of good breeders. We note that a number of established welfare charities with experience and knowledge of the sector have advised against a ban on third party sales. We consider that such a ban has the potential to increase unlicensed breeding in addition to a rise in the sale and irresponsible distribution of puppies, and may be detrimental to our welfare objectives.

The UK Government subsequently introduced regulations, [The Animal Welfare \(Licensing of Activities Involving Animals\) \(England\) Regulations 2018](#), using powers under the *Animal Welfare Act 2006*. The regulations came into force in October 2018. They include a licensing regime for third-party puppy sales, not a ban.

In terms of a ban, on 14 December 2017, an [early day motion](#) was tabled in the House of Commons on Lucy's Law which gained 89 signatures.

In February 2018 Michael Gove [launched a call for evidence](#) on a third-party puppy sales ban. The consultation was England-only and received just over 300 responses. Around 70% of responses provided arguments in favour of a ban and less than 10% provided arguments against. Concerns were raised about third-party sales such as lack of socialisation, increased risk of disease and increased behavioural issues. Evidence was provided on the effect a ban would have on the pet industry and whether such a ban would improve animal welfare. There was also a view that the new licensing regulations should be allowed to bed in before additional action is taken. A number of organisations suggested that third-party sellers might seek to present themselves as rehoming charities in order to escape the ban.

In March 2018, the [Lucy's Law UK e-petition was launched](#) entitled 'Ban the sale of puppies by pet shops and all commercial 3rd party dealers'.

On 21 August Michael Gove [announced](#) that a ban on third-party puppy and kitten sales in England will be introduced to help drive up animal welfare standards. He said

A ban on third party sales will ensure the nation's much-loved pets get the right start in life. I pay tribute to the Lucy's Law campaign, spearheaded by Pup Aid, C.A.R.I.A.D., and Canine Action UK, who

have fought tirelessly for this step. People who have a complete disregard for pet welfare will no longer be able to profit from this miserable trade.

On 22 August the Department of Environment, Food and Rural Affairs (DEFRA) [published a consultation](#) on plans to introduce a ban on commercial third-party sales of puppies and kittens<sup>1</sup> in England. The consultation responses are being analysed.

## Welsh Government action

### Animal Welfare (Breeding of Dogs) (Wales) Regulations 2014

Animal welfare is devolved to Wales. The Welsh Government introduced [Animal Welfare \(Breeding of Dogs\) \(Wales\) Regulations 2014](#) with an aim to improve the standards of dog breeding in Wales. The Regulations came into force on 30 April 2015. The 2014 Regulations replace the [Breeding of Dogs Act 1973](#) in Wales and introduced stricter welfare criteria for dog breeding. The 2014 Regulations:

- require the licensing of breeders who keep three or more breeding bitches and either breed, sell, supply or advertise breeding or puppies for sale from their premises;
- introduce stricter welfare standards for breeding establishments;
- require breeders to adopt socialisation, enhancement and enrichment programmes for their animals; and
- create a minimum staff to adult dog ratio.

There are specific Model Licensing Conditions (MLCs) that have been developed by local government for use in Wales. The MLCs define the physical care required for breeding bitches and puppies and introduce new requirements around [socialisation](#) and [environmental enrichment](#), designed to help ensure that puppies are better prepared for life in a family setting.

### On-going concerns around dog breeding

Several animal welfare charities are concerned that the current regulations do not go far enough to protect the health and welfare of dogs and therefore advocate a ban. Some examples are the [RSPCA](#), [Kennel Club](#), [Dogs Trust](#), [Battersea Dogs and Cats Home](#), and [Mayhew rehoming centre](#).

### Welsh Government consultation on a ban

At the RSPCA Gala Dinner on 5 November 2018 the then Cabinet Secretary for Energy, Planning and Rural Affairs (now Minister for Environment, Energy and Rural Affairs), Lesley Griffiths,

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<sup>1</sup> Cat breeding, unlike dog breeding, is not currently regulated.

[announced](#) that a consultation will be launched in the New Year (2019) into the impact of banning the third-party sales of puppies and kittens.

The following week, on 13 November 2018, Lesley Griffiths made a [statement on animal welfare](#) in Plenary in which she re-iterated this commitment:

a number of colleagues have raised the issue of Lucy's law with me over the last few months. It is essential we address the root cause of any welfare concerns in changes to legislation. Last week, I announced we are undertaking a consultation early in the new year on this important issue.

## National Assembly for Wales action

Lesley Griffiths was questioned on Lucy's law [in a Climate Change, Environment and Rural Affairs \(CCERA\) Committee meeting on 4 October 2018](#). She said:

In relation to Lucy's law...I think we've seen far too much of that horrific practice. So, we've already introduced a number of animal welfare measures, and you referred to—. We've done it before England. I think they've caught us up in lots of respects. So, what I've asked officials to do is to look at this. I think there's a really robust campaign around Lucy's law, and I think it's something that I would want to do.

Christianne Glossop, Welsh Government's Chief Veterinary Officer, went on to say:

...it's about making sure we have our own rules that dovetail in with England so that we don't create this kind of perverse imbalance, and I think that's about working together. So, we're working very closely with our colleagues, in fact across the whole of the UK, because we know that puppies don't just come across the England-Wales border; we get puppies from Ireland and puppies from Scotland as well.

On 12 December 2018 there was a [short debate in Plenary](#) on Lucy's law. Andrew RT Davies, AM, highlighted the scale of poor animal welfare seen in dog breeding in Wales:

Regrettably, Wales is now renowned as a hotspot for some of these despicable practices, with a significant number of puppy farms situated in the counties of Carmarthenshire and Ceredigion. In fact, rural south-west Wales has the biggest concentration in the whole of the United Kingdom of commercial dog breeders, and it is a sadly widely known fact that it has been churning out puppies in terrible conditions.

He went on to say:

The enforcement of a ban is backed by numerous animal groups, such as the Dogs Trust and Cats Protection, and should prove far easier and far cheaper than a licensing system that is strangled with bureaucracy and a lack of resource.

Lesley Griffiths responded to the debate:

Nothing stops the movement of pets bred in Wales into other parts of the UK and vice versa. So, if we only looked at one step in the chain, I think it would really be a lost opportunity to make a very lasting and effective change. We must also ensure the welfare of animals at breeding establishments is not compromised as a result of any well-intended changes. The consultation process is absolutely key to this, and I don't want to pre-empt its outcome by discussing any detail of that today. The consultation

will seek views and ask for evidence to help us paint a full picture of the supply chain of puppies and kittens, where in the chain there are welfare concerns, and also how a change in policy or legislation could address those concerns.

... I don't want to discount any options available to us, and I've made it very clear I'm committed to addressing the concerns associated with third party sales. I absolutely stand by this and I can say today the 12-week consultation will be launched on 22 February...

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-856  
Ein cyf/Our ref LG/02363/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales

SeneddPetitions@assembly.wales

15 January 2019

Dear Dawid

Thank you for your letter of 26 November regarding Petition P-05-856 to Ban the sale of puppies by pet shops and all commercial third party dealers in Wales (Lucy's Law).

I note this petition was started by C.A.R.I.A.D in September 2018 and submitted in December. During my Oral Statement on 19 June, I announced how we intended to build upon the significant animal welfare improvements since the introduction of the Dog Breeding Regulations by investigating the potential banning of third party sales. I attended a C.A.R.I.A.D event held in the Senedd on 11 July, where I confirmed this work was ongoing and we are exploring how a ban could be implemented in Wales.

Welsh Government officials met with Linda Goodman, the founder of C.A.R.I.A.D on 8 November and she is fully aware of the forthcoming consultation.

It is absolutely essential we address the root cause of any welfare concerns in changes to legislation and I will launch a consultation on 22 February 2019.

Regards  
Lesley

**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs

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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.



Kayleigh Imperato  
Deputy Clerk  
Petitions Committee  
National Assembly for Wales  
2019

23<sup>rd</sup> January

Dear Ms Imperato,

C.A.R.I.A.D. welcomes the Committee's consideration of our e-Petition: Ban the sale of puppies by pet shops and all commercial 3<sup>rd</sup> party dealers in Wales (Lucy's Law), which was successful in collecting well over 11,000 signatures, and wish to bring to the attention of the Committee our concerns that, regardless of the response from the Cabinet Secretary to David John Rowland AM, it is imperative that this important petition be given time for debate.

This petition has received many thousands of signatures from the people of Wales, as well as considerable attention across both social and printed media. This is because the people of Wales are deeply concerned about puppy farming and puppy dealing in our country. We believe that the Welsh citizens who have taken the time to sign the petition deserve to see their concerns discussed in a public forum by Assembly Members democratically elected to represent them. Furthermore, how Wales now addresses this critical issue is also being closely observed by other parts of the United Kingdom as well as from overseas. It's fair to say that in terms of animal welfare, all eyes are on Wales at the moment.

Whilst the Cabinet Secretary has stated in her letter to David John Rowland AM that there have been significant animal welfare improvements since the introduction on 30<sup>th</sup> April 2015 of the Animal Welfare (Breeding of Dogs) (Wales) Regulations, C.A.R.I.A.D. must highlight that regrettably this has not materialised into significant improvements to the physical and psychological health or welfare of the vast majority of breeding dogs in commercial Welsh breeding establishments. Our field and first-hand evidence of rescues that take in these dogs once they are retired, provides a shocking and depressing visual

### **Care And Respect Includes All Dogs**

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**C.A.R.I.A.D.**

representation, through photos and videos, of the true state of affairs on the ground. This desperate situation is compounded by the considerable costs of veterinary treatment paid for by these rescues, in order to redress years of neglect and abuse suffered by these dogs, and in many cases their poor puppies as well.

C.A.R.I.A.D. recognises that there are, in addition to a ban, a number of areas where improvements to regulations, licensing, and enforcement are still required. A review of the Regulations is long overdue having initially been promised after 12 months of implementation, which became two years, then 3 years and will be 4 years by April 2019; during which time dogs and puppies have continued to suffer at the hands of both licensed and unlicensed puppy farmers and of course, their dealers. We would add that we have met with Welsh Government officials on several occasions and raised our concerns regarding this over the years, and the Cabinet Secretary has appeared to consistently dismiss them.

Just as the UK Government has already confirmed with the imminent implementation of Lucy's Law in England, whatever additional regulations are applied, there will not be any significant, tangible improvements to the lives of the breeding dogs in these establishments without the inclusion of a ban on the third party commercial selling of puppies (Lucy's Law) in Wales too. Without complete transparency in the breeding and selling process there can be no accountability, and these dogs will continue to be hidden away from public scrutiny and cruelly exploited, as long as puppy farmers are allowed to continue selling puppies away from their mothers, remotely through third party dealers.

C.A.R.I.A.D. very much welcomed the Cabinet Secretary's attendance at our popular and well-attended Lucy's Law Senedd event on 11<sup>th</sup> July 2018. Whilst we were encouraged to hear her speak of future improvements and how a ban might be introduced in Wales, we are also minded of the number of consultations drawn out over many years before the current breeding Regulations were finally introduced. We are concerned that issues surrounding Brexit, for example, could provide ample opportunity for the issue of puppy farming and puppy dealing to become relegated, and therefore suffer similar delays,

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which is another reason why we are pressing for this essential debate to happen at its earliest possible opportunity.

C.A.R.I.A.D. naturally welcomes the Government Consultation which is to be launched on 22<sup>nd</sup> February 2019 and is scheduled to run for a period of 12 weeks. We will be responding fully and comprehensively to it. However, such a Consultation by necessity will cover broader areas than those addressed specifically within the petition itself and as such we believe that despite the Consultation being announced just prior to the closing date for the petition, this does not negate the requirement for a debate in the Chamber on Lucy's Law.

Finally, C.A.R.I.A.D. would like to bring to the attention of the Committee the significance of local government support for this specific issue and that the majority of councils in Wales have already voted through their own motions of support for Lucy's Law including Carmarthenshire, Ceredigion, Pembrokeshire, Cardiff, Caerphilly, RCT, Torfaen, Vale of Glamorgan, Neath Port Talbot, Blaenau Gwent, Merthyr Tydfil, Conwy and Denbighshire, with Swansea and Powys voting on 24<sup>th</sup> January and Newport voting on 29<sup>th</sup> January 2019.

We think you'll agree with us that this is hugely significant, given that it is these same councils that are on the front line of legislative enforcement, and understand only too well why the introduction of Lucy's Law in particular will assist the work of their licensing officials and animal health officers. For the Councillors across Wales who have taken the time and effort to put forward motions of support at their meetings of full council, in our opinion it would be doing a great disservice to these Councillors and to all those who have voted, if this petition isn't debated ASAP.

C.A.R.I.A.D. once again thanks the Committee for their consideration of the concerns we've raised and look forward to hearing news of a positive decision regarding a debate on this important animal welfare issue for Wales.

Kind regards,

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Pack Page 58





Linda Goodman  
Founder/Director  
**C.A.R.I.A.D.**



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**Pack Page 59**

# Agenda Item 2.3

## **P-05-857 Create a National Task Force for Children's Mental Health**

This petition was submitted by The National Organisation for Children's Mental Health having collected 91 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to create a National Task Force to investigate which cultural, societal, and political factors may be contributing to the number of children in Wales experiencing poor mental health; and that this National Task Force:

- 1) Include in its membership: children; representatives from organisations working with children; representatives from all political parties represented in the National Assembly for Wales; academics involved in researching social policy, political science, culture, society, and economics;
- 2) Is chaired by the Children's Commissioner for Wales in post when this task force is created and that they should remain the Chair of the task force for its duration, should they agree to do so (regardless of whether they remain the Children's Commissioner for Wales for the duration of the life of the task force – except in exceptional circumstances);
- 3) Should be tasked with producing a report based upon its investigations that includes recommendations for the Welsh Government based upon its findings;
- 4) Should have all of its recommendations examined by the Welsh Government in consultation with this National Task Force, the National Assembly for Wales, and the residents of Wales (including children).

### **Additional Information**

The National Organisation for Children's Mental Health Ltd is a newly established social enterprise. Our objective is to support the development of a national culture that enables children to sustain excellent mental health by helping organisations working with and/or for them to create the best environment in which every child's mental health can flourish.

## **Assembly Constituency and Region**

- Vale of Glamorgan
- South Wales Central

## P-05-857 Create a National Taskforce for Children's Mental Health

Pwyllgor Deisebau | 29 Ionawr 2019  
Petitions Committee | 29 January 2019

### Research Briefing:

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#### P-05-857 Create a National Taskforce for Children's Mental Health

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- 3) Should be tasked with producing a report based upon its investigations that includes recommendations for the Welsh Government based upon its findings;
- 4) Should have all of its recommendations examined by the Welsh Government in consultation with this National Task Force, the National Assembly for Wales, and the residents of Wales (including children).

#### Additional information:

The National Organisation for Children's Mental Health Ltd is a newly established social enterprise. Our objective is to support the development of a national culture that enables children to sustain excellent mental health by helping organisations working with and/or for them to create the best environment in which every child's mental health can flourish.

## Background

On 14 January 2019, the Minister for Health and Social Services [announced](#) an additional £7.1 million to protect, improve and support the mental health of children and young people in Wales. The new investment will support the implementation of the Welsh Government's response to the recommendations made by the National Assembly's Children, Young People and Education Committee in its Mind over Matter report.

The National Assembly's Children, Young People and Education Committee published its report ['Mind over matter. A report on the step change needed in emotional and mental health support for children and young people in Wales'](#) in April 2018. In response to that report, which called for the emotional and mental well-being of children and young people to be a stated national priority, the Minister for Education and Minister for Health and Social Services announced in September 2018 [a Joint Ministerial Task and Finish Group](#) to advise the Welsh Government on what more it could do to accelerate the pace, and to achieve a whole system approach to children's health and wellbeing.

The Welsh Government's Joint Ministerial Task and Finish group is jointly chaired by the Minister for Education and Minister for Health and Social Services. It draws together a range of stakeholders, including the Children's Commissioner for Wales, and Chair of the Children, Young People and Education Committee, which comprises Assembly Members from all the political parties.

The Joint Ministerial Task and Finish Group is supported by a stakeholder reference group, made up of representatives from a broad range of agencies, as well as a youth stakeholder reference group, ensuring that children and young people have the opportunity to directly feed in their views to inform activity which directly impacts upon them.

The £7.1 million investment is in addition to the £1.4 million invested by the Welsh Government in a programme of [mental health in-reach support for schools](#) to strengthen the support from Child and Adolescent Mental Health Service (CAMHS) in schools in four pilot areas across Wales. The CAMHS in-reach pilots have a specific focus on consultation, liaison and advice and providing early identification and intervention.

The Children, Young People and Education Committee has publicly committed to following up progress with the Minister for Health and Social Services and Minister for Education in implementing the recommendations of its Mind over Matter report this year.

Vaughan Gething AC/AM  
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau  
Cymdeithasol  
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/03900/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

12 December 2018

Dear David,

Thank you for your letter of 26 November regarding Petition P-05-857 Creating National Task Force for Children's Mental Health from the National Organisation for Children's Mental Health.

The Welsh Government positioned mental health as one of the six national priorities within *Prosperity for All* and I fully recognise the importance of supporting the emotional well-being of our children and young people. Schools have a crucial role to play in identifying problems early and helping to provide children and young people with the tools to cope with the stresses of growing up.

In September 2017, the Cabinet Secretary for Education and I launched pilot projects in three areas to provide support from specialist mental health services in schools and to build relationships which extend from the classroom to those specialist services. The CAMHS in-reach pilots have a specific focus on consultation, liaison and advice and providing early identification and intervention.

Building on this activity and following publication of the report by the National Assembly's Children, Young People and Education Committee *Mind over Matter*: <https://www.assembly.wales/laid%20documents/cr-ld11522/cr-ld11522-e.pdf>, the Cabinet Secretary for Education and I reflected on what more we could do to accelerate the pace of change in this area, and achieve a whole school and system approach to health and well-being. Following this, we announced in September 2018 that we would convene a Joint Ministerial Task and Finish Group, which held its inaugural meeting in October, to advise us on how to progress this work. The group is jointly chaired by myself and the Cabinet Secretary for Education and draws together those working in education and health and the wider public and third sectors, including the Children's Commissioner for Wales.

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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.

The work of the group is in response to, and will be informed by, *Mind over Matter* which called for emotional and mental well-being and resilience to be a stated national priority and contained recommendations for how this could be taken forward.

The new group will explore how different activities already taking place can be brought together, highlight any gaps in provision and ensure energy and resources are targeted so they can have maximum benefit. It will look at the new curriculum being developed and consider issues such as staff training.

The group will be supported by a stakeholder reference group, to ensure the broad range of agencies with a role in delivering a whole school approach have a meaningful engagement in the work. Central to this will be ensuring that children and young people have the opportunity to directly feed in their views to inform activity which directly impacts upon them. In this respect we are currently recruiting young people to join a young person's forum, which will sit alongside and advise the Task and Finish Group on how best to take this agenda forward.

I hope this reassures you that improving the mental health and well-being of children and young people remains a priority and that we have established new arrangements to strengthen our joint working and increase the pace of this work.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V' and a long, sweeping tail.

**Vaughan Gething AC/AM**

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol  
Cabinet Secretary for Health and Social Services



22<sup>nd</sup> January 2019

Dear David Rowlands AM,

**Ref: Petition number P-05-857 calling for a National Task force for Children's Mental Health**

We would like to thank you and all the members of the Petitions Committee for considering this petition. Furthermore we would like to thank Vaughan Gething AM for his comprehensive response to your request for information in relation to the issues raised by the petition asking the National Assembly for Wales to urge the Welsh Government to create a National Task Force for Children's Mental Health. Additionally, we are very grateful for the support the petition received across Wales, with residents from every electoral region signing it. Below is our response to Vaughan Gething's letter dated 12<sup>th</sup> December 2018 in relation to the petition.

- 1) We commend the Welsh Government for including mental health as one of its priority areas in its *Prosperity for All* strategy, and thank Vaughan Gething AM for recognising the importance of supporting the emotional well-being of children and young people. However, with almost 25% (\*1) of young people having experienced suicidal thoughts we believe that the **commitments made within the strategy are insufficient to prevent the continuing prevalence of serious mental health issues among children and young people**. Placing a 'real and meaningful focus on well-being' (\*2) within the new curriculum and assessment arrangements is an important step as it could help develop the resilience of pupils, but it **fails to address the societal and cultural factors that are leading to the mental health issues being experienced by children and young people**. Furthermore, although ensuring 'teachers have the help and support they need to respond to children experiencing difficulties' (\*2) may improve the level of support provided to children and young people with mental health illnesses, this is not a preventative measure. Consequently, **this is a policy that will continue to incur escalating costs and utilise resources without reducing the number of young people experiencing difficulties with their mental health**.
- 2) We agree with Vaughan Gething AM that schools have a crucial role to play in identifying problems early and helping to provide children and young people with the tools to cope with the stresses of growing up. However, it is important to remember that **not all children and young people attend school**. We welcome the pilot projects launched by Vaughan Gething AM and the Cabinet Secretary for Education to build relationships which extend from the classroom to specialist mental health services. Nevertheless, **a National Task Force for children's mental health could provide a robust Wales specific evidence base and substantive, cost-efficient, long-term recommendations that, if implemented, could significantly reduce the number of children and young people requiring treatment for mental health problems**.
- 3) The *Mind over Matter* report referred to by Vaughan Gething AM is another important element in helping to create a culture where young people feel supported and not stigmatised if they are suffering with their mental health. Furthermore, the promotion of 'good mental health' (\*3) and improved signposting to services are welcomed by us. However, **with the number of referrals to children's mental health services having already doubled in Wales in recent years (\*2), such an approach is incomplete and insufficient; and may leave service users and providers frustrated by an ongoing deficiency in the level of support and resources available**.





- 4) The establishment of the Joint Ministerial Task and Finish Group announced by Vaughan Gething AM and the Cabinet Secretary for Education in September 2018 is an important response to the *Mind over Matter* report and fulfils **some** of the remit that a National Task Force for Children's Mental Health would encompass. We particularly welcome the Welsh Government's commitment to taking the opinions of children and young people into account during their work. Evolving this Task and Finish Group into the National Task Force that residents from every region in Wales have called for by signing our petition could support the ambition of the *Prosperity for All* strategy and **intensify the work currently being done as a consequence of the *Mind over Matter* report.**
- 5) If part of the £7 million to improve children and young people's mental health, announced by Vaughan Gething AM earlier this month, was used to expand the Task and Finish Group into the National Task Force proposed by the petition then this could **provide a comprehensive and extensive development of policies that build on the *Prosperity for All* strategy, the *Mind over Matter* report, the pilot projects, and the work-to date of the Task and Finish Group itself.**
- 6) Just as Wales has led the world in other areas of policy relating to children and young people – for example, by incorporating the UNCRC into domestic law and the passing of the Well-being of Future Generations (Wales) Act 2015 – a National Task Force for children's mental health as outlined in the petition would likewise demonstrate our determination as a country to create and sustain a culture in which every child and young person has the opportunity to thrive and fulfil their potential. By establishing this National Task Force, the Welsh Government **could transform the outcomes of a considerable number of children, young people and their families.** Furthermore, **this cross-party, cross-society approach could dramatically reduce the number of children and young people needing to access treatment for their mental health.** Consequently, **resources that are currently over-stretched would become available to provide a rehabilitated, augmented service to those in need of help and support in the future.**

I believe that the evidence above provides a balanced analysis that explains how a National Task Force for children's mental health could build upon and enhance the existing work of the Welsh Government in this area; and the significant impact that it could have on supporting the mental health and wellbeing of children and young people throughout Wales, particularly through the development of preventative measures. It is evident that Vaughan Gething AM and the Welsh Government take the issue of poor mental health among children and young people very seriously and have taken important and significant action to tackle the problems presented. We believe that a National Task Force for children's mental health would reinforce this commitment and provide a comprehensive strategy to further strengthen and increase the pace of work.

If any further input from me would assist you and/or the committee please do not hesitate to contact me at [contact@nocmh.com](mailto:contact@nocmh.com). I look forward to hearing the outcome of your considerations in relation to this petition.

Yours sincerely

*Geraint D. Evans*

Managing Director



- \*1 [https://youngminds.org.uk/find-help/feelings-and-symptoms/suicidal-feelings/?gclid=EAlalQobChMI6\\_OeuJSB4AIVC-DICh06dgKuEAAYAiAAEgJKRPD\\_BwE](https://youngminds.org.uk/find-help/feelings-and-symptoms/suicidal-feelings/?gclid=EAlalQobChMI6_OeuJSB4AIVC-DICh06dgKuEAAYAiAAEgJKRPD_BwE)
- \*2 <https://gov.wales/docs/strategies/170919-prosperity-for-all-en.pdf>
- \*3 <https://www.assembly.wales/laid%20documents/cr-ld11522/cr-ld11522-e.pdf>

# Agenda Item 2.4

## **P-05-860 Make Curriculum for Life Lessons Compulsory**

This petition was submitted by Emily Jones having collected 121 signatures online and 165 on paper, a total of 286 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to ensure that curriculum for life lessons are compulsory for secondary schools across Wales and that the content is reviewed annually by a board of elected young people.

### **Additional Information**

A curriculum for life would include topics such as; finance, sex and relationships, politics and basic living skills. Article 28 of the UNCRC states children have the right to an education. However, the current curriculum is failing to provide us with the life skills we need.

### **Assembly Constituency and Region**

- Pontypridd
- South Wales Central

# Make Curriculum for Life Lessons Compulsory

Y Pwyllgor Deisebau | 29 Ionawr 2019  
Petitions Committee | 29 January 2019

## Research Briefing:

Petition number: P-05-860

Petition title: Make Curriculum for Life Lessons Compulsory

Text of petition: We call on the National Assembly for Wales to ensure that curriculum for life lessons are compulsory for secondary schools across Wales and that the content is reviewed annually by a board of elected young people.

A curriculum for life would include topics such as; finance, sex and relationships, politics and basic living skills. Article 28 of the UNCRC states children have the right to an education. However, the current curriculum is failing to provide us with the life skills we need.

## Current curriculum – Personal and Social Education (PSE)

PSE is a statutory curriculum requirement and forms part of the basic curriculum for all registered pupils at maintained schools who are of compulsory school age. Decisions on the precise content and model of delivery of a school PSE programme lie with head teachers and their governors, working with local authorities and other local partners. Schools use the [non-statutory PSE framework](#) (2008) to review and develop their PSE programmes. Teachers, headteachers and governing bodies of required maintained schools, colleges and other learning providers should base their personal and social education provision on this document.

The framework sets out the aims of PSE:

- develop learners' self-esteem and a sense of personal responsibility
- promote self-respect, respect for others and celebrate diversity
- equip learners to live safe, healthy lives
- prepare learners for the choices and opportunities of lifelong learning
- empower learners to participate in their schools and communities as active responsible citizens locally, nationally and globally
- foster positive attitudes and behaviour towards the principles of sustainable development and global citizenship

- prepare learners for the challenges, choices and responsibilities of work and adult life.

In her letter to the Committee, the Minister for Education states that a number of areas that are mentioned by the Petitioner, such as financial education and politics could be taught through PSE.

In relation to sex and relationships education, under the provisions of the [Education Act 2002](#) all maintained **secondary** schools are required to include, as part of the basic curriculum of the school, sex education for registered pupils.

Primary schools are not required to provide sex education as part of the basic curriculum, although they can do so at their own discretion. Parents have the right to withdraw their children from any element of sex education that is not part of the national curriculum.

## Professor Donaldson's Review of the National Curriculum

In March 2014, Huw Lewis, Minister for Education and Skills at the time, announced that Professor Graham Donaldson would be undertaking a review of the national curriculum in Wales. In his report on the curriculum, [Successful Futures](#) (February 2015), Professor Donaldson concluded:

Together the current national curriculum and assessment arrangements **no longer meet the needs** of the children and young people of Wales. The **case for fundamental change** is powerful. [my emphasis]

The Welsh Government has adopted the following **four purposes** of the new curriculum as recommended by Professor Donaldson. They are that all children and young people completing their schooling will be:

- Ambitious, capable learners who are ready to learn throughout their lives.
- Enterprising, creative contributors who are ready to play a full part in life and work.
- **Ethical, informed citizens who are ready to be citizens of Wales and the world.**
- Healthy, confident individuals who are ready to lead fulfilling lives as valued members of society.

The intention is that new curriculum will have more emphasis on equipping young people for life.

Professor Donaldson suggested that the curriculum should be arranged around six Areas of Learning and Experience (AoLEs). These have been subsequently set out in the Welsh Government's [Curriculum for Wales: Curriculum for Life](#) are:

- Expressive Arts
- Health and Well-being
- Humanities
- Languages, Literacy and Communication
- Mathematics and Numeracy

- Science and Technology.

The statutory introduction of the new curriculum will be in September 2022. The new curriculum will initially only be introduced in primary schools and Year 7 in September 2022, before rolling into year 8 for 2023, year 9 in 2024, and so on as the cohort moves through.

Before its statutory introduction, the new curriculum will be available for schools to feed-back, test and refine from April 2019, before a final version is published for school to access from January 2020.

In response to [Informing the future of the sex and relationships curriculum in Wales](#) (December 2017), the report of the Sex and Relationships Education Expert Panel, the Minister for Education has confirmed that Relationship and Sexuality Education will be part of the new curriculum.

## Petition in the Fourth Assembly

In June 2015, the Petitions Committee of the Fourth Assembly considered a petition calling for statutory Sex and Relationships Education ([P-04-636](#)). The main focus of the petition related to providing education relating to lesbian, gay, bisexual and trans issues. At that time, the then Minister for Education and Skills, Huw Lewis, advised the Committee that the current curriculum is flexible to allow for the teaching of these issues and that the recently announced new curriculum would allow for meaningful engagement with schools and other partners. The Petition was closed in September 2015.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Kirsty Williams AC/AM  
Y Gweinidog Addysg  
Minister for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-860  
Ein cyf/Our ref KW/02719/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
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[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

19 December 2018

Dear David

Thank you for your letter dated 4<sup>th</sup> December, in which you request my views on the issues raised in *Petition P-95-860 Make Curriculum for Life Lessons Compulsory*. Specifically you refer to the issues it raises such as finance, sex and relationships, politics and basic living skills.

### **Existing curriculum**

#### **Sex and Relationships Education**

Personal and Social Development, Well-being and Cultural Diversity is one of the areas of learning in the Foundation Phase for learners aged 3-7. Children learn about themselves, their relationships with other children and adults both within and beyond the family. Personal and Social Education (PSE) forms part of the curriculum for all registered pupils aged 7 to 16 in maintained schools. It prepares learners to be personally and socially effective by providing learning experiences in which they can develop and apply skills, explore personal attitudes and values, and acquire appropriate knowledge and understanding. The PSE framework is intended to help schools in planning their PSE programme to ensure a broad, balanced and holistic approach. Schools have the flexibility to select appropriate topics from the PSE framework as contexts for learning. It is the responsibility of schools to plan and deliver a broad, balanced programme to meet the needs of their learners. Schools can work with specialist organisations on aspects of PSE provision.

#### **Financial Education**

The PSE Framework allows learners to develop an understanding of the role and importance of money. This allows learners to understand their role and responsibilities as

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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.

consumers and to cultivate a financial capability which enables them to make effective economic judgements and decisions. At Key Stage 2, learners are given opportunities to understand the importance of looking after their money and the benefits of regular saving. At Key Stage 3, learners are given opportunities to understand the economic and ethical consequences of personal financial decision-making as a consumer, considering schemes such as Fairtrade. At Key Stage 4, learners are given opportunities to learn about their rights as consumers and their responsibilities in terms of managing a budget, the importance of planning for their financial futures and how to access financial advice. Finally, at post-16, learners are given opportunities to evaluate financial advice, take personal responsibility for financial planning and manage personal finances effectively. Financial education is not just taught through PSE; it has been part of the school curriculum in Wales since 2008 and through the 'Manage money' element, has been a statutory requirement in the National Literacy and Numeracy Framework (LNF) for 5 to 14 year-olds since September 2013.

### **Politics**

There are opportunities for learners to explore politics in the current curriculum through the Welsh Baccalaureate and PSE. The 'Active Citizenship' theme within PSE allows learners to develop their knowledge on politics, employment and their rights in a democratic society which reflects the United Nations Convention on the Rights of the Child. They also develop a practical understanding of their rights and of the links between political decisions and their own lives.

### **New curriculum**

The new curriculum has four purposes at its heart and these purposes are the starting point for all decisions on the content and experiences developed as part of the new curriculum and assessment arrangements. They are designed to underpin all teaching and learning in Wales.

The purposes of the curriculum in Wales are that children and young people should develop as:

- Ambitious, capable learners ready to learn throughout their lives
- Enterprising, creative contributors ready to play a full part in life and work
- Ethical, informed citizens of Wales and the world
- Healthy confident individuals ready to lead fulfilling lives as valued members of society.

The new curriculum will provide wide and authentic opportunities for specific topics that you mention.

### **Relationships and Sexuality Education**

Relationships and Sexuality Education will be a part of the new curriculum for ages 3-16. This is in response to recommendations by the SRE Expert Panel chaired by Professor Emma Renold from Cardiff University which published their recommendations in December 2017.

RSE in the new curriculum is being developed within an inter-disciplinary and whole school approach, as recommended by the expert panel. Pioneer schools, who are developing the new curriculum for Wales, have been working with experts (including Professor Renold) to embed learning regarding RSE within the breadth of the new curriculum.



## Financial Literacy

Finance, or financial literacy, is addressed in more than one AoLE. One of the four purposes of the new curriculum is to support learners to be healthy confident individuals who have the skills and knowledge to manage everyday life as independently as they can. *Successful Futures* discusses the importance of financial capability within the Mathematics and Numeracy AoLE, emphasising the importance of learners: “*gaining the knowledge and skills to manage personal finance now and in the future*”. Financial literacy also has relevance for the Health and Well-being and Humanities AoLEs. As such, elements of financial literacy will sit across multiple AoLEs supporting a cross disciplinary and holistic approach.

## Politics

Having an understanding about politics is fundamental to becoming ‘ethical, informed citizens of Wales and the world’ The Humanities Area of Learning and Experience aims to give learners an understanding of historical, geographical, political, economic and societal issues and provides opportunities to develop and engage in informed discussions about ethics, beliefs, religion and spirituality.

## Life skills

The new curriculum also recognises the importance of ensuring that children and young people develop a range of ‘wider skills’ considered necessary for modern life and work. One of the recommendations from *Successful Futures* states that ‘...wider skills should be embedded within the Areas of Learning and Experience’ It stresses that wider skills should be taught from the start of schooling rather than Year 10 as is the case presently. These wider skills comprise:-

- Critical thinking and problem solving
- Planning and organising
- Creativity and innovation
- Personal effectiveness

Preparing learners for the world of work is an important element of the new curriculum. All pioneer groups are considering the manner in which their AoLE can support the aim of learners becoming ‘enterprising, creative contributors, ready to play a full part in life and work.’

In broad terms, the following principles have been agreed:

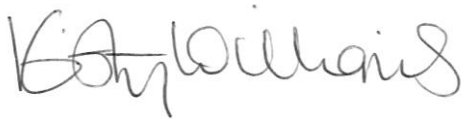
- Health and Well-being AoLE to address the reference made to ‘work-related learning and experience’ in *Successful Futures* in terms of life skills e.g. resilience, grit, curiosity. There will also naturally be overlap with other AoLEs.
- Every AoLE should draw on opportunities to make links between their What Matters statements and the world of work. This will be done through effective embedding of the wider skills and cross-curriculum responsibilities and by drawing attention to key knowledge, skills and experiences essential to develop careers related to the AoLE.
- Additional guidance will be needed for schools to deliver this element appropriately. There are certain aspects of Careers and the World of Work that goes beyond what will be delivered through the AoLE e.g. career and academic choices, work experience, careers advice etc.

A White Paper will be published early in the new year seeking views on the legislative proposals to support the new curriculum and assessment arrangements. These proposals will support the recommendations set out in *Successful Futures* that all learners should receive a broad and balanced curriculum designed to meet the four purposes, encapsulating the notion of entitlement to receive education and experiences across all the six Areas of Learning and Experience throughout the period of statutory education. Beyond this, *Successful Futures* has challenged us to re-think our approach to the curriculum, it makes it clear that a high degree of prescription and detail at a national level

inhibits “*the flow and progression in children and young people’s learning and progression*”. As such, we need to ensure that the new curriculum does not provide a comprehensive list of detailed content which would quickly become complicated and overcrowded. The curriculum must allow professionals the flexibility to choose the specific content which meets the needs of their learners in their specific context. Likewise, this flexibility will allow professionals the autonomy to consider issues such as those that have been raised here.

We will be engaging with young people during the feedback and co-construction process.

Yours sincerely

A handwritten signature in black ink, appearing to read "Kirsty Williams". The signature is written in a cursive, flowing style.

**Kirsty Williams AC/AM**  
Y Gweinidog Addysg  
Minister for Education

# Agenda Item 2.5

## **P-05-861 Make political education a compulsory element of the new national curriculum**

This petition was submitted by Kaiesha Ceryn Page having collected 117 signatures.

### **Text of Petition**

Education should provide young people with the skills and tools that will ensure that they become valued and engaged citizens of the country.

Despite the vast advances that have been made by social media and fast-paced news cycles, young people often view politics as a taboo subject, seen as something that is not for the likes of them.

We believe that young people should leave education with a comprehensive understanding of political institutions within the United Kingdom. The Electoral Reform Society report recommended that four key aspects should be taught in school – the parties, democracy, the role of institutions and campaigning.

At present, the Welsh Government has a unique opportunity to lead the way on this matter as it is currently developing its first national curriculum. As one of its four key concepts, the new curriculum aims to produce citizens that are "ethical and informed". It therefore stands to reason that political education should be an essential part of this.

The development of this curriculum provides a unique opportunity for the Welsh Government to revolutionise how it educates its young people, providing citizens that will become the leaders of the future.

### **Assembly Constituency and Region**

- Rhondda
- South Wales Central

## Political education

Y Pwyllgor Deisebau | 29 Ionawr 2019  
Petitions Committee | 29 January 2019

### Research Briefing:

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Petition number: P-05-861

Petition title: Make political education a compulsory element of the new national curriculum.

Text of petition: Education should provide young people with the skills and tools that will ensure that they become valued and engaged citizens of the country. Despite the vast advances that have been made by social media and fast-paced news cycles, young people often view politics as a taboo subject, seen as something that is not for the likes of them.

We believe that young people should leave education with a comprehensive understanding of political institutions within the United Kingdom. The Electoral Reform Society report recommended that four key aspects should be taught in school – the parties, democracy, the role of institutions and campaigning.

At present, the Welsh Government has a unique opportunity to lead the way on this matter as it is currently developing its first national curriculum. As one of its four key concepts, the new curriculum aims to produce citizens that are "ethical and informed". It therefore stands to reason that political education should be an essential part of this.

The development of this curriculum provides a unique opportunity for the Welsh Government to revolutionise how it educates its young people, providing citizens that will become the leaders of the future.

#### 1. Current curriculum

Currently, the school curriculum for Wales provides opportunities for young people to understand the principles and system of democracy, including how young people can influence decision making. Schools mostly cover these topics through personal and social education (PSE) and focus on developing 'Active Citizenship', which is one of the five themes within the Welsh Government's non-statutory [PSE framework for 7 to 19-year-olds-Wales](#) (2008).

PSE is a statutory curriculum requirement and forms part of the basic curriculum for all registered pupils at maintained schools who are of compulsory school age. Decisions on the precise content and model of delivery of a school PSE programme lie with head teachers and their governors, working with local authorities and other local partners.

Within the 'Active Citizenship' element of the PSE framework, learners should 'Develop a practical understanding of their rights and of the **links between political decisions and their own lives**'.

At Key Stage 2, learners should be given opportunities to understand '**the importance of democratic decision-making**'. At Key Stage 3, learners should be given opportunities to understand:

- the principles of democracy in Wales, the UK and the EU;
- how representatives, e.g. School Councils, Youth Forums, Funky Dragon, Councillors, AMs, MPs, MEPs, are elected and understand their roles
- how young people can have their views listened to and influence decision-making.

At Key Stage 4, learners should be given the opportunities to understand '**the importance of participating in democratic elections** and the links between political decisions and their own lives'.

The [Education Act 1996](#) requires headteachers, governing bodies and local authorities to **ensure pupils receive balanced views if being taught about democracy and politics**. Section 406 of the Education Act 1996 requires local authorities, governing bodies and head teachers to forbid junior pupils from pursuing partisan political activities at the school. It also forbids the promotion of partisan political views in the teaching of any subject to any pupil. Where activities take place away from the school premises junior pupils are not allowed to take part if they have been arranged by any member of staff in a school or anyone acting on behalf of the school.

## **2. New Curriculum for Wales (to be introduced from September 2022)**

The Welsh Government, working with the education profession, is developing a new curriculum following Professor Graham Donaldson's independent review of curriculum and assessment arrangements and his subsequent report, [Successful Futures](#) (February 2015).

The Welsh Government has adopted the following **four purposes** of the new curriculum as recommended by Professor Donaldson. They are that all children and young people completing their schooling will be:

- Ambitious, capable learners who are ready to learn throughout their lives.
- Enterprising, creative contributors who are ready to play a full part in life and work.
- Ethical, informed citizens who are ready to be citizens of Wales and the world.

- Healthy, confident individuals who are ready to lead fulfilling lives as valued members of society.

The Welsh Government has also adopted the **six Areas of Learning and Experience** recommended by Professor Donaldson:

- Expressive Arts
- **Health and Well-being**
- **Humanities**
- Languages, Literacy and Communication
- Mathematics and Numeracy
- Science and Technology

The statutory introduction of the new curriculum will be in September 2022. The new curriculum will initially only be introduced in primary schools and Year 7 in September 2022, before rolling into year 8 for 2023, year 9 in 2024, and so on as the cohort moves through.

Before its statutory introduction, the new curriculum will be available for schools to feed-back, test and refine **from April 2019**, before a final version is published for school to access from January 2020.

Pioneer schools are collaborating with the Welsh Government, regional education consortia and experts and advisers through **six Working Groups** – one for each of the new Areas of Learning and Experience. These groups have produced **‘What Matters?’ statements** setting out the latest thinking on curriculum content and key topics.

In their [‘What Matters?’ statement](#), published in December 2017, the Humanities AoLE Working Group identified the following amongst the purposes of this area of the curriculum:

Through understanding and respecting different beliefs and **understanding how to exercise their democratic rights and responsibilities**, pupils will become ethical, informed citizens.

By **developing personal stances** on matters of faith, spirituality, sustainability and social inclusion they will become healthy, confident individuals, ready to lead fulfilling lives as valued members of society.

The group’s statement also proposes that:

Pupils will:

- understand historical, geographical, **political**, economic, religious and societal concepts.
- explore their environment to further develop their sense of place and well-being.
- engage in learning experiences about rights, values, ethics, beliefs, religion, philosophy and spirituality.
- consider, explore and **make informed choices** regarding sustainability and the impact of their actions.

- positively contribute to their community and critically engage with local, national and global issues to become a responsible citizen of Wales and the wider world.

### 3. Expert Panel on Electoral Reform

The report of the Expert Panel on Electoral Reform, [A Parliament that works for Wales](#) (November 2017), in relation to lowering the voting age, said that to ensure that young people are encouraged and supported to exercise their right to vote, any reduction in the minimum voting age should be accompanied by appropriate, effective and non-partisan political and citizenship education. The Panel recommended that:

The citizenship education put in place to accompany any reduction in the minimum voting age must:

- i Recognise the diversity of settings within which 16- and 17-year-olds may receive education and training, to ensure that those outside traditional school settings are also supported and encouraged to exercise their vote;
- ii Go beyond simply outlining democratic structures and formal processes, to engage and inform young people about the issues which matter to them;
- iii Ensure that young people have opportunities to learn about a full range of political opinions in a non-partisan way;
- iv Be delivered by teachers and educators who have themselves received high quality training in order to ensure that citizenship education is taken seriously, and to avoid both political bias and the perception of political bias;
- v Be subject to review after a suitable period to ensure its design and delivery met its objectives.

The Minister for Education states in her letter to the Committee that she met the then Cabinet Secretary for Local Government and Public Services, Alun Davies and the National Assembly's Llywydd to discuss how to support the Draft Local Government and Elections Bill which intends to lower the voting age in local government elections to 16, and the recommendation of the Expert Panel on Electoral Reform. She said that she will be making a statement on this 'in the new year' (2019).

### 4. Electoral Reform Society, 'Our Voices Heard'

The Electoral Reform Society Cymru co-ordinated a project, [Our Voices Heard](#) in 2018. This sought the views of nearly 200 young people on political education. A list of seven proposals were presented to the Minister for Education in November 2018. These were:

- Statutory lessons on the basics of democracy;
- A independent 'toolbox' to help teachers deliver these sessions in an engaging and non-partisan way;
- The need for time to discuss and debate current affairs in the school day;
- Closer contact between schools and elected politicians;

- A national mock election, running at the same time as the Assembly elections, where young people would be able to ‘practice’ voting and discuss their local candidates;
- The need for ‘real life’ lessons like paying bills, registering to vote and information on taxes to be taught;
- An online resource being made available at election time to give better insight into the candidates standing.

The Minister said in her letter to the Committee that she would be formally responding ‘early in the new year’.

## 5. Petition in the Fourth Assembly

In November 2013, the Petitions Committee considered a petition **calling for political science to made compulsory (P-04-516)** as part of the curriculum in schools. The Committee sought the views of the Minister for Education and Skills who responded (January 2014) setting out the current position and that the curriculum was to be reviewed, The Minister [wrote to the Committee again in March 2014](#) setting out how politics was being delivered through the Welsh Baccalaureate at that time. Following the publication of Professor Donaldson’s Report, the Minister for Education and Skills wrote to the Committee setting out the ways in which stakeholders will be able to contribute to the development of the new curriculum and the petition was closed on 13 September 2016.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Kirsty Williams AC/AM  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-861  
Ein cyf/Our ref KW/02720/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

12 December 2018

Dear David

Thank you for your letter of 05 December in relation to Petition P-05-861 'Make political education a compulsory element of the new national curriculum'.

It is essential that we listen to the opinions and perspectives of our young people, to understand what matters to them and to ensure that our next generation of voters are equipped to participate in democracy.

Schools are already encouraged to deliver a broad education, including political awareness and there are opportunities for learners to explore politics in the current curriculum through the Welsh Baccalaureate and personal and social education (PSE). The 'Active Citizenship' theme within PSE allows learners to develop their knowledge on politics, employment and their rights in a democratic society which reflects the United Nations Convention on the Rights of the Child. They also develop a practical understanding of their rights and of the links between political decisions and their own lives.

I recently spoke about this topic to young people at the 'Our Voices Heard' event where I was grateful to receive the Electoral Reform Society report from young people in Wales. I am currently considering the recommendations and will be formally responding early in the new year.

As the petitioner mentioned, Welsh Government is currently developing a new curriculum in Wales, taking forward the recommendations of *Successful Futures*, an independent review of Curriculum and Assessment Arrangements by Professor Graham Donaldson. The curriculum is being designed with four purposes at its heart. One of which is, supporting all young people to develop as ethical, informed citizens of Wales and the world, who understand and exercise their human and democratic responsibilities and rights.

Bae Caerdydd • Cardiff Bay  
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[Correspondence.Kirsty.Williams@gov.wales](mailto:Correspondence.Kirsty.Williams@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.

The four purposes are central to all decisions made in respect of the new curriculum and these will be reflected in the What Matters statements for each of the AoLEs.

The Humanities AoLE will incorporate learning regarding citizenship and politics. Pioneers recognise the importance of ensuring learners develop the knowledge, skills and experiences to participate effectively in their local communities and within democratic processes. The AoLE currently includes strands to support learners’:

- Media literacy
- Critical thinking
- Understanding the different structures and systems for governance in Wales
- Understanding of political concepts
- Understanding of their democratic rights and responsibilities (which of course includes voting rights)

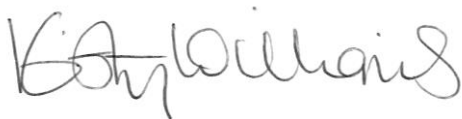
*Successful Futures* has challenged us to re-think our approach to the curriculum. It makes it clear that a high degree of prescription and detail at a national level inhibits “the flow and progression in children and young people’s learning”. As such, we need to ensure that the new curriculum does not provide a comprehensive list of detailed content which would quickly become complicated and overcrowded. The curriculum must allow professionals the flexibility to choose the specific content which meets the needs of their learners in their specific context.

Our Draft Local Government and Elections Bill, due to be introduced to the Assembly in the new year, will contain provision to extend the voting right in local government elections to 16 and 17 year olds. The Assembly Commission have also indicated an intention to introduce legislation that will similarly reduce the voting age in Welsh Assembly elections to 16.

On 21 November, I met with the Cabinet Secretary for Local Government and Public Services, and the Llywydd of the National Assembly to discuss how to support the legislation, and the recommendation of the Expert Panel on Electoral Reform; *to ensure that young people hear political views from across the spectrum, and are equipped to make up their own minds about how to exercise their democratic right.*

I will be making a formal statement on how this work will be taken forward in the new year.

Yours sincerely



**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

**P-05-861 Make political education a compulsory element of the new national curriculum – Correspondence from the petitioner to the Committee, 23.01.19**

“The Minister for Education is making massive strides for young people in Wales and continuously makes reforms that are undoubtedly in the interest in young people. I’m sure that we will continue to see this throughout her tenure of the position and we are all excited to see the eventual curriculum.

I welcome her understanding of the issue at hand and am excited to see the Minister’s response to the ERS report.

Political education is a needed and yet overlooked subject but I feel that it’s inclusion is vital to producing young people that are able to engage within our country. I believe that it should be offered as a standalone, consistent subject but not one that has to be taught every week. From the age of 9/10, young people should be introduced to the basics of politics and should leave education understanding how our democracy works. They should be given the chance to visit the institutions of the UK. There are multiple benefits to be gained from such a comprehensive political education.

I welcome the Minister’s comments but encourage that Wales leads the way by introducing a comprehensive and cohesive political education component to the new curriculum.”

Kay

# Agenda Item 3.1

## P-05-778 Protect the Razor Clams on Llanfairfechan Beach

This petition was submitted by Vanessa L Dye and was first considered by the Committee in December 2017, having collected 459 signatures.

### Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to:

- commission a research study to ascertain the state of the health of the razor clam beds and their viability as a long term natural resource, and put in place a moratorium for fishing of razor clams until the research can report its findings;
- ratify a 'closed' season for the harvesting of razor clams aligned to the spawning season i.e. May to September;
- draw up regulations in addition to the minimum landing size of 10cm to include set quotas that individuals are allowed to take; and
- bring forward legislation and regulations to protect the razor clams on Llanfairfechan beach.

"The mass harvesting of razor clams on Llanfairfechan beach has been a matter of concern for many residents and conservationists for a number of years." (Ref: letter to Cabinet Secretary Lesley Griffiths AM from Janet Finch Saunders AM 28th July 2017.

Currently the only regulatory control on razor clams is that they must have a legal minimum landing size of 10cm, and there are checks relating to the control of clams ending in the food chain. Many residents are concerned about the apparent lack of procedures and/or regulations governing the taking of razor clams particularly in respect of designating a 'closed' season during spawning, quotas allowed, and the need for research evidence to be conducted on the razor clams to ascertain the impact on the local environment and ecosystem.

Since 2013 it has been noted by several sources that razor clams are being harvested in great numbers from Llanfairfechan beach. Evidence to support this claim has been documented on numerous occasions on social media. A recent request on the Llanfairfechan Noticeboard for any pictures or video

footage of those gathering the razor clams clearly shows that there are large numbers of people involved in this activity. The gathering of the razor clams generally takes place after a high tide.

### **Additional information**

Just to provide some historic background about this issue. In 2013 the harvesting activity was brought to light by the Weekly News newspaper by Tom Davidson when it was noted that there was “A gang of more than 100 people harvesting huge amounts of razor clams.....” There were also concerns that illegal workers were being exploited and that the clams were being fished for commercial purposes. At the time, one resident said “they had seen similar scenes involving an increasing number of gatherers over the last few weeks. Residents are angry at the sheer number of harvesters with fears the local habitat could be damaged irreparably, with hundreds of clams taken off the beach regularly.” Whilst fears about the gatherers being used as part of modern slavery and the shellfish ending up in the food chain have been allayed by the ongoing efforts of the police and Food Standards Agency. The environmental consequences of this sustained and systematic removal of razor clams remains a major issue, which may impact on the other marine and bird life within the area, along with causing possible changes in the density of sand on the beach. There are some fears regarding the sand being unstable in places and people unfamiliar with the beach could easily get into difficulties e.g. some gatherers harvest the clams some distance away from the safety of the land. It has been quite disempowering and frustrating for ordinary citizens to watch the pillaging of an environmental resource and question why organisations who's remit is to protect the environment appear to be hamstrung because of the lack of appropriate procedures/laws. This is surprising given that Llanfairfechan beach is designated as a Special Scientific Interest (SSSI), Special Protection Area (SPA) and Special Area of Conservation (SAC). 2013. Surely there must be regulations within these bodies of knowledge to tap into as a source to protect this imbalance in such an ecosystem?

### **Assembly Constituency and Region**

- Aberconwy
- North Wales

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-778  
Ein cyf/Our ref LG/05032/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

Government.Committee.Business@gov.wales

8 January 2019

Dear David

Thank you for your letter of 19 December, regarding Petition P-05-778 Protect the Razor Clams on Llanfairfechan Beach.

Following a review of the ecology and biology of razor clams in Wales which was received in March this year my officers conducted an intertidal survey at Llanfairfechan over the summer. The survey found three razor clam species present each of which has different ecological, stock assessment and management requirements. As a result, more work than originally anticipated will be required to conduct accurate stock assessments and develop suitable fishery management techniques.

To ensure that the razor clams remain protected until completion of the work, my officials have taken the decision to extend the closure of the recreational razor clam fishery at Llanfairfechan and Penmaenmawr for a further 12 months until midnight 31 December 2019.

Regards  
Lesley

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs

Bae Caerdydd • Cardiff Bay  
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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.

Pack Page 89

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.

# Agenda Item 3.2

## P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales

This petition was submitted by the Brecon and Radnor Branch of the Campaign for the Protection of Rural Wales having collected 2,469 signatures online and 2,098 on paper, a total of 4,567 signatures.

### Text of Petition

We the undersigned call on the Welsh Assembly to urge the Welsh Government to take long-term strategic action to ensure that the poultry product industry is environmentally sustainable through effective delivery of the Environment (Wales) Act, Conservation of Habitats and Species Regulations 2017, the Well-Being of Future Generations Act and the Water Framework Directive (WFD).

Powerful agricultural drivers reinforced by BREXIT are increasing intensive egg & poultry production. The WG is ignoring the devastating environmental consequences for biodiversity, soil and water quality and avian and human disease. The public is vocal about poultry welfare but largely ignorant of the environmental impact of intensive poultry farming units (IPUs). "Free-range" egg units with concentrations of up to 2,500 birds/Ha are a particular risk (NRW report 218: Powys Poultry Pilot Study & INI nitrogen alerts 6/17).

Steep-sided valleys, high rainfall causing heavy nutrient run-off and populations of rare natural species make much of rural Wales wholly unsuitable for the current explosion of IPUs. After a decline from 1990, ammonia emissions have been increasing since 2010 (NAEI 2017 report for DEFRA). Critical loads of ammonia and nitrogen deposition (estimated thresholds for unacceptable damage to plant diversity) are far exceeded at some European & UK protected sites, Local Nature Reserves and Ancient Woodland. Excess phosphates threaten our watercourses (Wye & Usk Foundation 2017).

In failing to act on the evidence, WG, Natural Resources Wales (NRW) and Powys County Council (PCC) are neglecting the duty to "maintain and enhance biodiversity" (Environment Act Sec 6).

*The WG must use its powers to control the industry:*

1. *Provide proper resources for NRW to do urgent research, regulate and monitor IPU's and give better planning help to Local Planning Authorities (LPAs).*
2. *Issue planning policy and guidance to LPAs to improve decisions, ensure cumulative impacts are considered and monitor and enforce planning conditions.*
3. *Make the industry contribute towards the costs of regulation and monitoring and hold it to account for breach of environmental responsibility.*
4. *Publish transparent public reports on progress.*

### **Additional information**

Our evidence is from Powys but our petition applies to all Wales.

Chair Diane McCrea confirms that NRW is shamefully under-resourced (BBC 14/12/17). NRW assesses impacts of IPU applications on European and UK nature sites and issues permits for IPU's over 40,000 birds. Improved NRW guidance (April 2017) covers cumulative impacts but assessment methods fail to prevent development where existing critical loads are exceeded.

The LPA assesses proper description of outdoor ranges and impacts on water quality, air quality, Local Nature Reserves, Ancient Woodland, landscape, residential amenity and local traffic.

LPAs lack the skills and resources for these responsibilities. PCC does not consider the cumulative impact of applications, together with all neighbouring IPU's, on the natural environment, landscape or rural residents. Schedule 2 Environmental Impact Assessment should ensure assessment of cumulative impacts but fails in practice. PCC is reluctant to award EIA status because the WG can overturn the decision (see P/2016/0608 & P/2017/0007).

CPRW has data on intensive poultry planning applications in Powys since 2011. In the last 30 months, there have been 99 APPLICATIONS involving over 3 MILLION BIRDS, of which 72 are for free-range eggs. Of the 99, only 10 have EIA status: 65 applications have been approved and ONLY ONE HAS BEEN REFUSED.



We have evidence of developments approved without contour or outdoor range mapping, close to nature reserves (71m), vulnerable ancient woodlands (adjacent) watercourses (10m) and residents (50m). Residents suffer health risks from flies, airborne ammonia, poultry dust, traffic-generated particulates and offensive smells. Environmental stakeholder and public objections are ignored, rare plant species are dying, disease risks are increasing and watercourses are failing WFD standards.

ENOUGH IS ENOUGH: A unique set of POWYS IPU DATA including applications, interactive map, hot-spot map and animated chronological IPU growth display can be viewed at <http://www.brecon-and-radnor-cprw.wales>.

### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales



Ein cyf/Our ref LG/02037/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CF99 1NA  
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13

December 2018

Dear David

Thank you for your letter of 10 October, regarding Petition P-05-815 Control Rapidly Expanding Intensive Poultry Industry in Wales.

A full understanding of environmental impacts is required by Local Planning Authorities when determining planning applications if they are to make robust decisions about appropriate locations for intensive poultry units. The Chief Planner's letter to Local Planning Authorities of June 2018 reminded them of their responsibilities.

I am aware research by Natural Resources Wales has identified concerns about the extent of impacts from Ammonia around poultry units of less than 40,000 birds, which is why we are giving further consideration to how Local Planning Authorities consider the cumulative impact of new development on sensitive habitats, particularly during the preparation of Local Development Plans. The work will involve a range of stakeholders and will take place during 2019. In the meantime, Authorities are able to exercise their own judgement when determining applications, drawing on the guidance of Natural Resources Wales or buying in expert advice where this is not available in-house.

The recently published Edition 10 of Planning Policy Wales sets a strong framework for future planning decisions on poultry units, supporting strong rural economies while minimising resource use and respecting environmental limits.

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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.

My officials continue to work with Natural Resources Wales to keep the issue of Environmental Permit thresholds under review. Until further evidence suggests lowering the Environmental Permit threshold is the most efficient way of improving environmental outcomes for poultry units I do not intend to propose any amendments.

The current thresholds are in line with European regulations. In light of the potential impact of Brexit on domestic agriculture and trade flows, there is a need to ensure opportunities are available to Welsh producers and processors to capitalise on the latent demand for eggs and poultry meat. Poultry farm businesses and their supply chains play an important role in us achieving the Well-being of Future Generations (Wales) Act 2015 goal of a prosperous Wales through providing valuable jobs in rural communities. Restricting growth at this time may be counterproductive when the poultry sector can play an important role in helping the agriculture industry become more resilient and market focussed.

My proposal announced last month to introduce regulatory measures to tackle agricultural pollution, is an acknowledgment our agricultural sector must respect environmental limits. We will also continue to use levers such as the Sustainable Production Grant to promote industry best practice.

I am content, given the regulatory framework currently in place, for further development to take place while research furthers our understanding of these issues. I will give careful consideration to any recommendations which emerge which could improve current practice.



**Lesley Griffiths AC/AM**

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig  
Cabinet Secretary for Energy, Planning and Rural Affairs



**BRECON AND RADNOR  
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**21<sup>st</sup> January 2019**

**BRB-CPRW Petition to the Welsh Assembly.**  
**Control Rapidly Expanding Intensive Poultry Industry in Wales**

**LESLIE GRIFFITHS RESPONSE to The Petitions Committee dated 13/12/18**

At the outset, we would like the Committee to know that BRB-CPRW members live in farming communities and are aware of the crucial role of farming and sympathetic to the predicament of farmer neighbours. We are keen to promote understanding of the relationship between farming and our environment. As evidence of our commitment: in October 2018 BRB-CPRW held a publicly acclaimed seminar day - "Down to Earth" - on the future of Welsh soils. Representatives from Welsh Government, Aberystwyth University Institute of Biological, Environmental and Rural Sciences, Farming Connect, Welsh Woodland Trust, Welsh Wild-life Trusts, and local Nuffield Scholar-farmers all gave their time for free to make presentations and join in public discussions.

We believe that in the current Welsh Government, responsibility for this issue is divided between two ministers: Leslie Griffiths and Julie James.

**Leslie Griffiths, Minister for Environment, Energy and Rural Affairs,**

Responsibilities: agriculture and the agri-food sector

also:

other rural affairs, biodiversity, the Nature Recovery Plan, Natural Resources Management, oversight of the Environment(Wales) Act and NRW, protection of wild-life in Wales, water and air pollution.

**Julie James, Minister for Housing and Local Government,**

Responsibilities : all aspects of planning policy

We hope our responses will be directed to both Ministers and we trust Julie James will be briefed on the planning aspects of our petition.

Much of the information we have submitted already is pertinent to Leslie Griffiths' letter of 13/12/18. We note that the Minister has not addressed many issues we raised, including the failure of LPAs to change behaviour as a result of the CPO letter. Among other issues not addressed are:

- The disturbing statistics we presented for Powys
- The urgent need for dedicated research for which NRW does not have resources
- The "planning gap" between internationally and nationally designated assets and everything else in our countryside which comprises the overwhelming majority of our remaining biodiversity
- The fate of Wales' ancient woodland
- The predicament of neighbours. We are not aware of any application being refused to protect neighbouring amenity.

We respond to the letter by paragraph number and will respect the Committee's wish to avoid repetition of information already before it.

## Para. 2

We agree LPAs should fully understand environmental impacts when determining planning decisions. Reference to the Chief Planning Officers letter (12/6/18) was also made in the Minister's letter of 3/7/18. We stated that we have seen no evidence that either the spirit or the advice in this welcome letter is being heeded in Powys in IPU planning application outcomes. This situation has still not changed.

In fact, our Powys LPA decisions are becoming less transparent. Planning objections are no longer posted on the Planning Website unless they are from Statutory Consultees and so objections from environmental stakeholder organisations, the informed public which includes scientific experts and close neighbours with knowledge of local conditions do not reach the public domain. For most Powys residents, to view a planning file takes half a day including a two hour return journey, only possible for those who have no day-time job, who also own a car and can drive and afford the fuel. This means that public responses are only seen by the planning officer who decides the vast majority of applications under delegated powers. Planning Committee members are vanishingly unlikely to request and peruse case files and so they will rely on the brief selective summary of issues raised in the Officer's Report in support of the Planning decision. This is not democracy.

## Para. 3

While LDPs are important, they are a long-term tool and many, including Powys LDP, were adopted just before the CPO letter. This is precisely why it is so important to pursue other urgent action on the impact of new development on sensitive habitats through regulatory systems and planning decisions

In principle, we welcome the further consideration to how LPAs consider the cumulative impact of new development on sensitive habitats. The Minister says the work will involve "*a range of stakeholders*". We would be interested to know how environmental organisations and rural residents are represented among the stakeholders. Having devoted a great deal of time researching into Intensive Poultry Units in the Planning system in Powys (where they are the most numerous and densely clustered in the whole of Wales), **we would very much welcome using our experience to contribute to this work.**

The Minister repeats the CPO letter in saying LPAs are able exercise their own judgement drawing on NRW guidance and buying in expert advice. We have already pointed out, in detail, that if NRW does not raise an objection within NRW's limited remit, LPAs do not exercise their duties to consider further environmental impacts for which they are responsible under the Environment (Wales) Act.

## Para. 4

BRB-CPRW commented extensively on the draft PPW10. While PPW 10, in one part or another, does mention most of the elements which should be considered, we cannot agree that **in practice** this provides "*a strong framework*" for making decisions in the case of intensive poultry units.

The Minister mentions three important, difficult and mutually incompatible issues to balance in the case of intensive poultry units, "*strong rural economies*", "*minimising resource use*" and "*respecting environmental limits*". These are all very general and complex issues.

In terms of the Well-Being of Future Generations Act, the income for the applicant contributes to "*a prosperous Wales*" for a few but a less prosperous Wales for others employed or self-employed in the local tourist industry or those who cannot move away from overwhelming odours and other disturbance because their homes are devalued. The resource and transport environmental costs are considerable but these are not taken into account. Much feedstuff production involves local habitat destruction and import from abroad at huge environmental cost - this is not "*a globally responsible Wales*". The impacts on soils, water, and plant biodiversity (on which the biodiversity of lower organisms, pollinators etc. depends) are preventing "*a resilient Wales*" and allowing the short term needs of present generations to degrade soils, water, air, biodiversity and landscapes for future generations. The loss of amenity for neighbours who suffer from odour, traffic, noise and industrial buildings in the open countryside does not make for "*a Wales of cohesive communities*".

**In practice**, LPA planning decisions are made about individual applications and so they balance financial benefits to one farming family against the environmental impacts and the amenity and health of neighbours. The benefits to one farming family virtually always wins the day. **LPAs are either not willing or not sufficiently well-informed or not confident enough about Developer's appeals or legal challenge to give sufficient weight to other factors.**

**Para. 5 and Para. 8**

These say much the same thing. We have provided ample evidence of the uncontrolled expansion of IPUs in our area and we still believe that urgent action is required. We are increasingly hearing the same pleas from other parts of Wales.

The minister says the issue of environmental permits will be kept under review and she is awaiting further evidence but meanwhile she is happy with the current situation

Rural residents, many Mid-wales politicians and all those concerned about the future of Wales' environment are **not** happy. This is reflected in recent questions to the new First Minister in the Welsh Assembly (below).

We want to know what kind of evidence is being collected and who is collecting it in order to determine the most efficient way of improving environmental outcomes. We want to know with what urgency this is being done. While we are waiting, more and more units are being approved and we are seeing some new units of unprecedented size. Irreversible damage is being done to our ecosystems and the quality of rural life. We are asking for the cumulative impacts of ammonia emissions and nitrogen deposition to be fully addressed in the planning system.

**Para. 6**

We appreciate the challenges of the current economic uncertainties but the shorter term goal of "*a prosperous Wales*" must be balanced by the longer term goal of "*a resilient Wales*". Minister Leslie Griffiths is also responsible for biodiversity, natural resources and the Environment(Wales)Act.

**Para 7.**

We welcome the Minister's Statement on regulation of Agricultural Pollution (14/11/18) but we have yet to see what measures will be taken. We hope they will be enforceable and effective in dealing with agricultural pollution from intensive livestock units and will secure proper control of excess manure spreading. The Minister will be aware that UK levels of ammonia rose by 3.2% from 2015 – 2016 (further rise since is unknown). Most of this comes from agricultural livestock waste and that this month the UK government has announced new measures to control manuring methods. We would welcome clarification of whether and how this will be carried forward in Wales.

**THE WAY FORWARD**

**We are grateful to the Petitions Committee for considering our petition and eliciting responses from the Minister and NRW. We now ask the petitions committee to consider whether they agree that the Minister's letter addresses the Chair's request:**

**David J Rowlands AM** 09:44:02

160 So, if we move on to possible actions. The committee could write to the Cabinet Secretary for Energy, Planning and Rural Affairs to raise the issues highlighted by NRW and the petitioners and ask: for her response to the suggestion that current requirements for local planning authorities to carry out environmental assessment of applications for units of under 40,000 bird places are insufficient to protect habitats and the environment; whether the Welsh Government intends to reconsider the thresholds in future, as suggested by NRW; for her response to concerns over the capacity and expertise with local planning authorities to adequately carry out environmental assessments required; and in light of the above, whether she considers that there are grounds to curb further expansion of this sector whilst further research is conducted, and controls designed. Are we happy with that or are there any additional—

**Mike Hedges AM** 09:44:56

161 I just think that, depending on the answers, we still ought to hold the possibility of asking the environment Secretary in to discuss it.

If they agree with us that it does not address the the public concern and urgency of the problem, we request that we put our case to the two Ministers concerned either at a Petitions Committee Meeting or some alternative arrangement.

We also request that the “*range of stakeholders*” doing the work in 2019 (how LPAs consider the cumulative impact of new development on sensitive habitats) be clarified and that the rural public and environmental NGOs be represented to ensure public accountability. BRB-CPRW would welcome the opportunity to participate (Para 3)

We would also like clarification of welsh plans with respect to the recent UK Government announcements about control of manure management (Para 7)

## Appendix

[Questions to the First Minister, 08 January 2019](#)

### **Planning Applications for Intensive Poultry Units**

**2. Russell George:** Will the First Minister make a statement on the development of guidance to support local authorities in assessing planning applications for intensive poultry units?

**The First Minister:** I thank the Member for that question. 'Planning Policy Wales', technical advice notes and the development management manual, all provide guidance and support in the assessment of such planning applications. A working group, including Powys County Council, is meeting to develop any necessary specific guidance in relation to intensive poultry units.

**Russell George:** Can I thank you for your answer, First Minister, and wish you a happy new year and every success in your new role? I did raise this with the previous Cabinet Secretary for planning, in regard to IPUs, and I had an answer that was entirely satisfactory, because the then Cabinet Secretary confirmed to me that the chief planning officer would write to all local planning authorities offering that guidance, and I was pleased with that. Can I now suggest that Welsh Government officials, Natural Resources Wales and officials from the Welsh Local Government Association and local planning authorities do convene a meeting together, to discuss how this new guidance is implemented in practice, because there are overlapping factors, such as air pollution, water pollution and manure management plans? When I've spoken to NRW, they have certainly said that they would welcome such a meeting as well. Is this something that you would consider?

**The First Minister:** I thank the Member for that supplementary question and for his introductory remarks. I've seen the letter that was sent as a result of his previous discussion with my colleague Lesley Griffiths. And he will have seen that, in that letter, it ends by inviting interested parties to come forward to take part in the more detailed work, to see whether specific guidance is necessary in relation to intensive poultry units. I'm pleased to be able to tell him that two groups have been established as a result. The first, an intensive agriculture health working group, has already met, and that involves Public Health Wales and NRW, together with the Welsh Government. That will inform the work of a second group, which will look at the overall approach of planning authorities in dealing with the sorts of matters that Russell George has identified in terms of nitrate pollution, odorous emissions and the cumulative impact of those things. That second group will meet with the intention of publishing a new guidance note in these matters by the end of this calendar year.

**Llyr Gruffydd:** I'm pleased to hear what the First Minister has said. Of course, there is an economic question here too, because, although there are planning and environmental implications, what we have seen is an explosion in the number of units of this kind that have developed across Wales. We may not be far off the point where we are over-producing. And while it is right that we encourage farmers to diversify, we must ensure that any growth that we see in the sector is sustainable growth. So, may I ask what assessment the Government has made of the sustainability of this substantial and sudden growth in this sector, and what is your intention in terms of encouraging farmers to diversify in directions that bring the most benefits to the rural economy but also benefits that will continue for many years to come?

**The First Minister:** May I thank Llyr Gruffydd for the question? Of course, I acknowledge the fact that we have seen a growth in the number of people working in this field. And it is an important part of the rural economy. Currently, what I have seen is that those people working in the field are succeeding, and that is why we've seen many more

people submitting planning applications. The Government's challenge, and the challenge for local authorities, is to strike a balance between the economy, and those people working in this field, and local people. That is why we have established a new group, to be clear that we can protect local people when this type of employment is introduced and also that we protect the economy and the jobs created in this field.

**Joyce Watson:** A number of constituents from Powys have written to me raising concerns regarding the number of poultry units that have been granted planning permission in recent years. And I do think, and I am pleased to hear, that it's time that we did look at assessing the overall impact of poultry farming and how it affects the environment and also the local communities. First Minister, I'm pleased to hear that the Welsh Government is considering developing a comprehensive plan and guidance for local authorities that are charged with the issuing of these licences. I would like them to take account of the accumulative impact on the local community and the environment, as well as the welfare of the animals that are being raised in these intensive units. So, what we need really here is a comprehensive package that covers each and every single element. In my opinion, we can't go on as we are and things really have to change. We have seen the poisoning of rivers as a consequence of some of these having planning permission and all the spill-off going into those rivers. So, I look forward to the report and I look forward also to the changes that it will bring about.

**The First Minister:** Well, I thank Joyce Watson for that question. She will know that, as a result of the concerns that she and other Members have raised here in recent times about the growing number of applications and granted applications for development in the poultry sector, action has already been taken to make sure, for example, that larger intensive units are closely regulated by Natural Resources Wales in accordance with the requirements of the industrial emissions directive. 'Planning Policy Wales', which was published by Lesley Griffiths in December, drew particular attention to the need for local authorities to, as Joyce Watson suggested, make sure that the cumulative impact of such developments—cumulative in the sense that they create a number of different environmental challenges, but cumulative in the sense that a growing number of them close by has an additional impact on local communities—is taken into account. But, as Joyce Watson says, there is a series of strands of regulation that need to be drawn together here not simply in the environmental field, but in animal welfare as well, and that's why the result of a chief planner's letter to local authorities and others is the work that I set out in answer to Russell George's original supplementary question.

(end)



# Agenda Item 3.3

## P-05-837 Green Energy for the Wellbeing of Future Generations in Wales

This petition was submitted by Welsh Anti Nuclear Alliance, having collected 1,028 signatures online and 288 signatures on paper, a total of 1,316 signatories.

### Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to invest in green renewable energy sources thus reducing the need for fossil fuels and nuclear energy in Wales. More specifically to

- Support emerging low carbon technologies that could put Wales at the forefront of renewable energies and help to slow - down climate change; and
- Invest in energy sources that do not leave a legacy of radioactive waste, spoil heaps and damage to health and the environment.

We applaud the establishment of the "Wellbeing of Future Generations Act (Wales) 2015", as it offers a huge opportunity to make long-lasting, positive changes for current and future generations particularly around clean energy.

We agree with the Energy Statement by Lesley Griffiths 6/12/2016 when she said the Assembly has 3 priorities. First, we will reduce the amount of energy we use in Wales. Second, we will reduce our reliance on energy generated from fossil fuels. Third, we will actively manage the transition to a low-carbon economy. However a reduction in nuclear should be included as it's not renewable or a low-carbon option.

### Additional Information

Nuclear power stations rely on Uranium to operate and considerable amounts of carbon are released in the mining, milling and separation of the Uranium from the ore and then it has to be transported. Current estimates for Uranium say reserves will last 50 - 70 years and the higher the demand the more and more poor ores will have to be processed. This will lead to a CO2 balance for atomic power, which gets worse and worse over time (J. W. Storm van Leeuwen and P. Smith, 'Nuclear Power: The Energy Balance', [www.stormsmith.nl](http://www.stormsmith.nl).)

"Nuclear energy is not renewable and Earth's uranium would eventually deplete meaning that we are effectively depriving our future generations from using that in new and maybe less harmful ways in the future." (Sophie Howe – Future Generations Commissioner for Wales 2018 when supporting the Swansea Tidal Lagoon)

"Claims that nuclear power is a 'low carbon' energy source fall apart under scrutiny. Far from coming in at six grams of CO2 per unit of electricity for Hinkley C, as the Climate Change Committee believes, the true figure is probably well above 50 grams – breaching the CCC's recommended limit for new sources of power generation beyond 2030." (Professor Keith Barnham <https://theecologist.org/2015/feb/05/false-solution-nuclear-power-not-low-carbon>)

#### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales



Ein cyf/Our ref LG/02446/18

David John Rowlands AM  
Chair of the Petitions Committee

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

9 January 2019

Dear David John Rowlands AM

Thank you for your letter of 7 December, regarding the Petition P-05-837: Green Energy for the Wellbeing of Future Generations in Wales. I welcome the additional information provided by the petitioner.

Energy is a key economic imperative underpinning our aims for a secure and prosperous Wales by delivering secure and affordable low carbon energy. The recent Intergovernmental Panel on Climate Change (IPCC) report suggests renewables will need to provide 70-85% of electricity if we are to limit global warming to 1.5 degrees. The IPCC report suggests a renewables led system, supported by nuclear and fossil fuels, with carbon capture and storage. Carbon capture and storage would allow gas to generate around eight per cent of electricity world wide, to provide a flexible base load and ensure supplies are secure. I have asked the UK Committee on Climate Change for advice on what the IPCC report means for our targets and future carbon budgets.

Decarbonising the energy system requires a transformation in the ways we use and generate energy. In order to accommodate more low carbon generation, the system will need to become 'smarter' and more flexible to match generation and demand on a more local basis.

Nuclear projects, including new build, operation & maintenance and decommissioning, can bring a boost to the Welsh economy, in terms of direct and indirect employment, and contracted jobs in the wider supply chain. If we are to host the Wylfa Newydd project then we must aim to maximise the economic and social benefits. We cannot overlook the fact this project could present a once in a lifetime opportunity for the North Wales Region, having real economic transformation potential by utilising our existing nuclear capability and skilled workforce to deliver high value jobs now and for future generations.

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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.

## **Renewable Baseload Alternatives**

We recently published this year's [Energy Generation in Wales report](#). In 2017, Wales generated an estimated 32.5 TWh of electricity, more than twice what we consume, making Wales a significant exporter of electricity. The equivalent of 48% of Wales's electricity consumption was met by renewables, against our target of 70% by 2030. Despite this positive position, a significant proportion of the electricity generated in Wales, 78%, was from the combustion of fossil fuels. Wales hosts 19% of the UK's gas fired electricity generation, a key factor in the recent increase in emissions from the power sector. If we are to achieve our Environment Act commitments, and in line with the IPCC report, it is clear fossil fuel generation must significantly reduce and generation from renewables significantly increase.

Electricity demand is likely to increase as both transport and heating become electrified. Renewable electricity generation must continue to increase to meet this demand. The intermittent nature of renewables and the need to respond to the large peaks in heat demand in winter months require additional changes to the energy system to provide greater flexibility. New innovative technologies and mechanisms will be an important part of the low carbon transition. However, we should not put all our faith in new, yet-to-be developed approaches to overcome the challenges in decarbonising the energy system.

Energy storage can be part of the solution to these challenges. We are seeing an increasing number of battery storage systems installed alongside solar PV, allowing households and small businesses to generate, store and consume their own electricity. At a larger scale, current battery storage technology is mainly used for maintaining the frequency of the grid, rather than for back up power. Wales hosts two of the UK's largest pumped hydro storage schemes at Dinorwig and Ffestiniog, providing energy storage to help meet peak loads and balance. We are yet to see an energy storage project which provides large scale power output over the long term. Energy storage can enable better use of intermittent renewable energy. However, dispatchable power which can flexibly increase or decrease output is also needed. The IPCC suggests modern gas turbines, with carbon capture and storage, are going to be needed to provide reliable baseload energy out to 2050.

## **Electricity Costs**

Onshore wind is already the lowest cost large scale form of renewable energy and is on a trajectory to becoming commercially viable within just a few years. If we are to limit the impact on energy bills from new energy generation, we need to invest in least cost low carbon technologies such as solar and wind. I released a public statement in 2017 in support of onshore wind and solar, which was developed in partnership with a broad range of Welsh organisations. The position reflects a collective view of the economic, social and environmental benefits from enabling the continued deployment of onshore wind and solar developments.

I expect all new projects coming forward should include an element of local ownership. I believe this will retain wealth in Wales, provide real benefit to communities and offers an opportunity for local people to become shareholders in energy projects. Earlier this year we published a call for evidence on achieving our local ownership target of 1GW of locally owned renewable energy by 2030. The call for evidence gave stakeholders the opportunity to comment on our targets and local ownership definition and to provide evidence on what is needed to meet the target. A summary of the responses and workshop report is available [here](#).

The recent publications from the Institute of Welsh Affairs Re-energising Wales project provide a useful insight into what our energy system may look like in the future. We have worked with IWA to ensure the Re-energising Wales work is well informed and to link it with our work on developing carbon budgets and supporting energy targets. The IWA's work highlights the opportunities which could be available from investment in energy efficiency and renewables across Wales and in the Swansea Bay area, and the need for a consistent policy framework to unlock the opportunity. I look forward to the release of the delivery plan.

### **How Welsh Government could improve and increase investment in renewable / energy saving technologies across Wales**

The new Welsh Government Energy Service (WGES) provides support to public sector organisations and communities to help them generate benefit for Wales from our transition to a low carbon energy economy. The service is the main vehicle for delivering the support needed to bring a range of Wales owned projects to fruition. The service provides technical feasibility, delivery, commercial, procurement and project management support. WGES integrates our existing Local Energy Service and Green Growth Wales support services, recognising the inter-connected nature of the future energy system and the ability of the public sector and communities to work together for common benefit.

We are taking action across a number of other policy areas to help to deliver a low carbon economy. I have detailed some of them below. This is not an exhaustive list, but demonstrates the cross Government actions we are taking to achieve our decarbonisation and energy targets:

**Planning** - new policy proposals in Planning Policy Wales include a requirement for local planning authorities to set local targets for the generation of renewable energy in their development plans. I have set out a preference for renewable and low carbon energy sources and generation over fossil fuel extraction through proposing an energy hierarchy in the revised PPW. Our WGES is also providing support for regional energy mapping and modelling, to support integrated energy planning at a strategic level. The National Development Framework (NDF), to be published for consultation next year, gives us the opportunity to set out national development management policies for renewable energy and identify where in Wales will be the most suitable for new large-scale wind and solar developments.

**Permitted Development Rights** – earlier this year we consulted on extending permitted development rights for some micro-generation equipment. This included proposals for small scale, low risk hydropower and non-domestic rooftop solar. The Minister for Housing and Local Government is currently considering the responses received and will publish a response early in 2019 with accompanying new secondary legislation.

**Building regulations** - Part L of the building regulations (conservation of fuel and power) is currently being reviewed to increase the energy efficiency of new homes and deliver as a minimum nearly-zero energy (NZE) standards. I will consider imposing more stringent standards if NZE does not meet our energy ambitions.

The Innovative Housing Programme aims to create demonstrator schemes to help inform us about the type of homes we should support in the future. The programme seeks to stimulate the design and delivery of new quality, energy efficient and affordable homes to tackle the pressing housing need, fuel poverty and help carbon reduction targets.

**Energy Efficiency** - Wales has some of the oldest and least thermally efficient building stock in Europe. Therefore, it takes more energy to keep our homes warm and this drives up energy bills and carbon emissions. The Welsh Government Warm Homes programme takes a whole house approach to improving the energy efficiency of properties, making them more efficient and cheaper to heat. The programme is designed to lever in additional funding from other sources such as the Energy Company Obligation (ECO) and EU funding. I am working jointly with the Minister for Housing and Local Government to develop achievable proposals for decarbonising existing buildings. The size of the challenge is large but there are also huge opportunities, for example to create jobs and training opportunities in our poorest communities.

An Advisory Group on the Decarbonisation of Homes in Wales was established in May 2018 to provide Welsh Ministers with advice on the development of a long term programme of action to deliver on its commitment to reduce the carbon emissions of homes in Wales. The Group is led by Chris Jofeh, Global Buildings Retrofit Leader at Arup, and comprises representatives from all the key stakeholders who will help us deliver this programme. It will not just consider the carbon challenge but also fuel poverty and related housing quality issues.

The Advisory Group will draw on research undertaken by the Welsh School of Architecture at Cardiff University looking at evidence of what works in decarbonisation terms by housing construction types. Early findings support the need to make homes as energy efficient as possible through a fabric first approach. Technology solutions can then be applied to those homes in order to directly address the decarbonisation of heating.

**Electric Vehicles** - we have committed £2 million of funding for electric charging points. The funding will be used to help create a publicly accessible national network of rapid charging points. The focus will be on locations on/near our strategic road network, with a particular emphasis on North-South and East-West journeys. We are also working with SP Energy Networks, who have recently been awarded funding for a major project to explore the distribution grid requirements for up-scaled electric vehicle charging, which will be delivered in North Wales and set the context for this work across the UK. We will be working with others to ensure the learning from this work is used across Wales.

**Oil and Gas Licensing** - we held a consultation over the summer on a future policy for petroleum extraction in Wales, in preparation for Welsh Ministers acquiring responsibility for onshore oil & gas licensing. I made a statement in Plenary in December which sets out our policy clearly in this area. We are fully responsible for onshore petroleum extraction and our policy prevents fracking from happening in Wales. We will not undertake new licensing rounds, preventing further areas of Wales being open to petroleum extraction.

**Energy Planning** - I have committed funding towards the work agreed with Plaid Cymru in relation to an Energy Atlas. Identifying renewable resource is just one step in bringing forward new generation. Local energy planning will be needed to ensure we meet 2030 targets and we are working with regional development initiatives to support them in maximising strategic thinking on energy as a key part of their work.

**Energy Company for Wales** - we delivered a series of events in March 2017 to initiate a stakeholder conversation about the potential for an energy company for Wales. The events created a clear consensus around the risks, challenges and tensions inherent in Welsh Government setting up and running an energy supply company which would heavily outweigh the potential benefits of doing so. However, there may be other areas where a not for profit energy body may be helpful, where a clear purpose can be demonstrated to deliver benefits commensurate with the necessary level of investment and we will continue to consider this in future.

In relation to the debate on the development of, and support for, green energy, I have had two debates recently on similar topics. The transcript of these debates can be found on the National Assembly for Wales website ([24 October - Climate Change](#) & [20 November - low carbon energy system for Wales](#)).

Decarbonisation presents a significant challenge and energy is one of the areas where we can make a significant impact. The actions Welsh Government is taking are broad, demonstrate our commitment to the challenge and indicate there is no one single solution or technology which can guarantee delivery of our carbon and energy targets.

Yours sincerely

A handwritten signature in black ink that reads "Lesley Griffiths". The signature is written in a cursive style with a large, sweeping 'L' and 'G'.

**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



PO Box 90. Llandrindod Wells. Powys LD1 9BP

January 22nd 2019

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Fao Mr David Rowlands AM  
Chair National Assembly for Wales Petitions Committee

Dear Mr Rowlands

**Petition P-05-837 “Green Energy for the Wellbeing of Future Generations in Wales ”**

Thank you for forwarding a copy of the letter dated January 9<sup>th</sup> from Lesley Griffiths AM responding to our Paper on Renewable Energy submitted to your Committee on November 27<sup>th</sup> 2018. You will recall that our Paper was submitted to outline our views on how the support and investment in renewable technologies provided by Welsh Government could be improved or increased. The response from the Minister is very positive and we applaud the work that is ongoing in Wales but suggest much more could be done to ensure we meet our climate change targets.

According to the latest research we have 12 years to act on climate change before it “passes the point of no return”. We are at an important crossroads in terms of energy generation and Wales could lead the way in showing how we can provide a reliable energy supply with 100% renewable energy sources and flexible carbon neutral back up - without fossil fuels, nuclear power, or gambling on the promise of future technology. The suspension of work at Wylfa Newydd provides a welcome boost to this scenario.

In terms of our Petition we would like your Committee to consider the following issues in the context of climate change at your next Meeting :

1. Climate change is the most important issue facing us today and we have to step up our actions. We need to invest more in low carbon renewable technologies NOW – we cannot afford to wait. Wylfa Newydd has been a costly distraction from addressing climate change.
2. In light of the postponement of Wylfa Newydd we should ensure that the sums of money allocated to this costly distraction are made available to further develop a job intensive conservation and renewable energy programme for Wales. Communities and local authorities have a major role to play in such a regeneration programme.

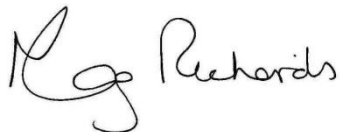


3. According to The Minister's Letter Wales already generates twice as much energy as it consumes so is a major exporter of electricity. We urge the Welsh Government to take this opportunity to revise its energy strategy, take control and ensure the financial resources, expertise and opportunities available are re-invested into renewable energy programmes that directly benefit the people of Wales. Westminster has visibly failed in making good choices whilst holding the energy portfolio.
4. Wales is currently free of nuclear power generation lets keep it that way .

I recall that at your November 27<sup>th</sup> meeting one of your committee members mentioned the need for a debate on energy matters. There are so many good examples in Wales showing how we can provide green energy for the wellbeing of future generations. We would be very happy to set up and publicise a presentation to your Committee and /or a wider audience, showing how renewable energy is the only way forward for Wales.

Thank you for your support on this matter and we look forward to hearing from you in due course

Yours sincerely



Mag Richards – Secretariat to the Welsh Anti Nuclear Alliance

#### **Additional points to note**

- Nuclear power generation is not low carbon .
- Arguments that nuclear and fossil fuel plants are needed for baseload energy are no longer viable
- Guaranteed prices for Wylfa Newydd's electricity made to Hitachi were £75 per megawatt hour for 35 years, prices awarded to EDF for Hinkley C electricity are £92.50 whilst the price of offshore wind is falling and currently stands at £57.50 (Greg Clarke Jan 2019)

# Agenda Item 3.4

## **P-05-839 Adopt WHO guidelines for air pollution into Welsh law and introduce a new Clean Air Act for Wales**

This petition was submitted by the British Heart Foundation Cymru, having collected 688 signatures.

### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to adopt WHO guidelines for air pollution into Welsh law, and to introduce a new Clean Air Act for Wales.

Current legal air quality limits for Wales do not protect health. The EU limits which are observed by UK and Welsh Governments are the same as the World Health Organisation's recommended upper guideline limits for nitrogen dioxide (NO<sub>2</sub>), but are less stringent than the WHO's threshold for other health-harmful pollutants such as fine particulate matter (PM<sub>2.5</sub>).

British Heart Foundation Cymru is calling on the Welsh Government to adopt WHO guidelines into Welsh law, introducing a new Clean Air Act for Wales which will tackle the major sources of air pollution and ensure that everyone from government and local government, to business and the general public are working together to tackle this urgent health crisis.

### **Additional Information**

BHF funded research first proved that short and long-term exposure to poor air quality can aggravate and cause serious cardiovascular problems. Our research established a clear link between cardiovascular disease and exposure to PM<sub>2.5</sub> and ultrafine particles; and that inhalation of fine particles can increase the risk of a heart attack or stroke in vulnerable groups within 24 hours.

Public Health Wales estimated that, in 2017, air pollution contributed to 2,000 early deaths in Wales. Whilst the Welsh Government has been ordered to tackle illegal levels of nitrogen dioxide, there is still no plan to tackle particulate matter and very little detail on how the Government will improve monitoring of pollutants across Wales.

A new Clean Air Act for Wales will:

- Ensure that WHO guidelines on air pollution are observed by Welsh law;
- Introduce charging Clean Air Zones in areas which are in breach or close to the limits for nitrogen dioxide and particulate matter and ring-fence the funds for further improvements to air quality;
- Ensure that infrastructure and technology is in place to facilitate increased uptake of Ultra Low Emissions Vehicles and public transport;
- Invest in improved monitoring of pollution across Wales, and ensure that information on the risks to health is available to vulnerable groups;
- Increase public awareness of the impact of domestic woodburning and the steps which can be taken to minimise this.

#### **Assembly Constituency and Region**

- Cardiff Central
- South Wales Central

Lesley Griffiths AC/AM  
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref LG/05014/18

David John Rowlands AM  
Chair - Petitions Committee  
National Assembly for Wales  
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Dear David

18

December 2018

Thank you for your letter of 29 November regarding Petition P-05-839, in which the British Heart Foundation Cymru is calling for the adoption of World Health Organisation (WHO) guidelines into Welsh law and the introduction of a new Clean Air Act for Wales. I am responding as this matter now falls within my portfolio.

I would like to reaffirm the Welsh Government's commitment to improving air quality in Wales. As set out in the response to you of 22 October from the previous Minister for Environment, this summer the Welsh Government established a Clean Air Programme. The aim of the Programme is to reduce the burden of poor air on human health and the natural environment, and also the requirement to comply with European and domestic legislative obligations. This is an ambitious programme which aims to address not just the emission and impacts of nitrogen dioxide, but all harmful air pollutants.

We must meet our legal obligations as a priority but I also recognise that air quality improvement in Wales must reach beyond this in order to protect and improve health and wellbeing in the longer-term. At the heart of the programme is the importance of coherent action. Action needs to be taken where it is needed the most, based on robust evidence in relation to all airborne pollutants. As part of the Welsh Government's actions to tackle levels of nitrogen dioxide along roads where statutory limits are exceeded, we have also required Local Authorities to consider levels of particulate matter when deciding on two or more equally effective measures.

My views on the British Heart Foundation Cymru's response to the previous Minister for Environment's letter of 22 October are set out below.

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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.

Pack Page 111

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.

## Ensuring WHO guidelines are observed by Welsh law

The WHO has recommended ultimate concentration levels of particulate matter for PM<sub>10</sub> and PM<sub>2.5</sub>. They are half the current EU limits and the WHO recognises the challenge in reducing population exposures to particulate matter, recommending a phased approach.

Guideline values recommended by WHO acknowledge when formulating policy targets, governments should consider their own local circumstances carefully before adopting the guidelines directly as legally based standards. Sources of particulate matter comprise of local primary emissions direct to the atmosphere and secondary particles formed by chemical reactions in the air. Particulate can also travel large distances over national boundaries, with impacts occurring far from the original source. My officials are considering the WHO guideline levels along with existing evidence across Wales to assess the practical aspects of achieving improvements in ambient concentrations. Any future targets need to be underpinned by evidence in the context of Wales to ensure they deliver the most effective change, supporting the delivery of our well-being goals.

## Clean Air Zones

I believe Local Authorities should have the flexibility to determine the most appropriate response to meet local air quality needs. There must be a balance to ensure Local Authorities have a choice of actions to enable delivery of desired outcomes. However it is important to have a level of national consistency, which is achieved through a guidance framework. A Clean Air Zone may not always be the most appropriate means of achieving air quality improvements, for example outside of urban areas where no alternative routes are available.

I do not currently intend to place a requirement on Local Authorities to introduce a Clean Air Zone, whether charging or otherwise. However, as part of our development of a Clean Air Plan for Wales, my officials will work with stakeholders to consider the opportunities presented by Clean Air Zones and how they may be integrated with wider Government policies. Although there are currently no proposals to introduce a Clean Air Zone in any part of Wales, I would expect Local Authorities to assess their potential where it is evident that action is required to achieve reduced pollution levels and an improvement in public health.

The draft Clean Air Zone Framework for Wales recognises potential opportunities associated with charging an entry fee for non-compliant vehicles. For example, it can help fund public transport improvements and encourage active travel, whilst reducing the number of polluting vehicles entering the zone. Caerphilly County Borough Council and Cardiff Council are currently modelling the potential for charging Clean Air Zones to bring forward compliance with nitrogen dioxide limit values. Should a charging Clean Air Zone be identified as the best option in either case, I will issue a further direction requiring their introduction in the soonest time possible.

I would like to clarify Clean Air Zones aim to reduce all types of air pollution, including, but not restricted to, nitrogen dioxide and particulate matter. The draft Clean Air Zone Framework for Wales acknowledges this. Traffic management within a Clean Air Zone will need to include action to reduce the overall volume of traffic and also to reduce the pollution emitted by remaining vehicles by restricting access to only the least polluting.

## ULEV funding

The draft budget 2019-20 published in October, is the third budget of the fifth Assembly and falls within the final year of the UK Government's current Spending Review settlement. This draft budget sets the Welsh Government's revenue budget for the period to 2019-20 and the capital budget until 2020-21.

The UK Government has said it will carry out a new Spending Review in 2019. We do not know yet the timing of the Spending Review, the period for which it will set budgets and what impact this will have on the Welsh Government's budget in the future.

We have successfully made the case for extra capital from central budgets for the establishment of the Active Travel Fund. This is in addition to funding the Welsh Government makes available annually through the Local Transport Fund, Safe Routes in Communities and Road Safety Grant.

The Active Travel Fund will see an additional £60 million allocated to active travel schemes across Wales over this and the coming two financial years, with £10 million in 2018-19, £20 million in 2019-20 and £30 million in 2020-21. Whilst it is not yet at the level that you would like to see, it represents a significant increase, which has to be considered against the context that we also fund active travel improvements from our £5 million Safe Routes in Communities Grant, the £31 million Local Transport Fund and the £4 million Road Safety Grant.

In 2018/19, we have already allocated close to £30 million for active travel improvements, most recently with the allocation to schemes benefiting from additional Local Transport Funding this year.

## Air quality monitoring

Resources aimed at tackling poor air quality need to be targeted effectively and the type and level of assessment, including the number and location of monitoring stations, needs to be proportionate to the likely risk. Human exposure to air pollution occurs in many places. This can include in the home, at school, at workplaces and whilst travelling, where individuals will be exposed to other sources of pollution. Human exposure assessment is a developing field which is important for the management of public health protection. We will keep developments under review and welcome the active involvement of stakeholders to capitalise on potential development opportunities.

Information on monitored levels of air quality across Wales is available on the *Air Quality in Wales* website (<https://airquality.gov.wales/>). This includes monitored levels at Hafod-yr-ynys. The website also provides an air pollution forecast tool and related public health advice.

Ensuring the national approach to assessing air quality across Wales is right is an important aspect of the work being undertaken to underpin the Clean Air Programme and future Government policy. The Evidence, Innovation and Improvement Project will help to do this, complementing existing evidence on airborne pollution with timely and more local evidence where it is needed, to enable better targeted actions and policies in Wales. This may be supported by the deployment of mobile monitors and modelling, if it is appropriate. The work will aim to enhance collaboration between stakeholders to help drive and evaluate air pollution reduction interventions, enabling a long-term and prevention focused approach across Wales. I want to maintain and enhance the assessment of air quality across Wales to enable positive improvements including through a combination of mapping, monitoring and modelling, as appropriate.

## Domestic wood burning

I am aware of Defra's consultation on cleaner domestic burning of solid fuel and wood. My officials continue to work closely with Defra as we develop our own Welsh policy in this area.

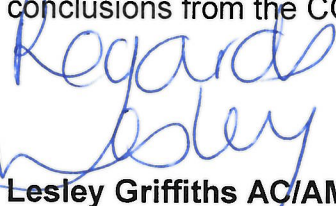
Since my previous correspondence, I have asked my officials to convene a Task and Finish group, made up of key stakeholders, to oversee work in this important area. The first meeting is planned to be held in January 2019. I have clarified the focus of initial meetings must be on identifying a package of early intervention measures which have the potential to considerably reduce pollution and improve air quality. This may (and is likely to) include a restriction on the sale of wet wood and a prohibition on the sale of house coal, amongst other things. I want the group to consider any and all options in relation to pollution from domestic burning and I am not ruling anything out at this stage.

I agree more information needs to be made available to the public about the impact of domestic burning. We need to raise awareness and prevent the burning of dirty fuels. In addition, we must educate people on the correct way to burn and more generally in the use of their appliance to ensure burning is efficient and less polluting. The need to encourage regular maintenance of such equipment is also important to achieve efficient burning. My officials have met with representatives of Hetas, Woodsure, the Stove Industry Alliance and the Guild of Chimney Sweeps to discuss how, in the short term, we can support and promote existing dedicated campaigns intended to raise awareness with consumers and offer advice on reducing pollution. This will be done in addition to communications and awareness raising communications developed by the Welsh Government. Success in this area is dependent on improved public awareness and action taken to burn more efficiently, economically and considerately.

The Welsh Government's Warm Homes Programme Arbed scheme has previously worked in collaboration with gas distributors to connect off grid properties in Wales to the gas distribution network. Under the Welsh Government Warm Homes Programme, proposals for schemes under Arbed 3, the area based fuel poverty scheme, are being developed. In taking forward these schemes, we are keen to work with industry to explore opportunities to extend the gas distribution network and access alternative technologies.

Any measures delivered under the Warm Homes Programme are and will continue to be based on a whole house assessment. This ensures the right measure is installed for individual properties.

I welcome the further views and continued interest from the British Heart Foundation Cymru in improved air quality for Wales. I can assure you we will take account of their policy aspirations as we develop our future clean air policy. This includes consideration of the conclusions from the COMEAP report into air pollution and cardiovascular disease.



**Lesley Griffiths AC/AM**

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig  
Minister for Environment, Energy and Rural Affairs



## British Heart Foundation Cymru Petition

Response to Minister's Letter to the Petitions Committee of 18 December.

1. BHF Cymru is pleased to read your comments and commitment to cleaning up air in Wales, and your vision for the Clean Air Programme. You will be aware that as part of Healthy Air Cymru, BHF Cymru has met with your officials and we are very pleased to be a part of future conversations in which we can assist them in assessing measures and helping to implement measures in this programme.
2. We are aware that the new First Minister committed to a Clean Air Act in his manifesto, and that he is keen to develop realistic alternatives to car travel.
3. We acknowledge that the WHO guidelines may be difficult to meet in certain areas of the country, as acknowledged by the former First Minister in Plenary a number of times last year. However, we would hope that in formulating policy and any Bill, that the aim to reach these more stringent standards, which are much lower than the current EU limits, would be an area the Welsh Government could lead the way on within the UK.
4. With regards to Clean Air Zones, we have noted that this may not be the most effective option for every polluted area in our consultation responses, however we do hope that in the final publication of the framework, *charging* clean air zones will be recommended as the most effective model when introduced, as evidence shows that behaviour is most likely to change as a result of this type of intervention.
5. We are pleased to hear about the Evidence, Innovation and Improvement Project to enhance and improve monitoring of air pollution. We would be pleased to assist this work if appropriate.
6. In the area of domestic woodburning and we are very encouraged to note that early intervention methods are likely to include a restriction on the sale of wet wood and house coal. Again, in this area, if BHF Cymru can assist your Task and Finish group, we would be happy to work with them to look at evidence and evaluate further measures, including communicating with the public about the dangers of burning dirty fuels.
7. Since your letter, the UK Government's Clean Air Strategy has been published. We were pleased to see that the strategy mentions working with devolved governments on the forthcoming National Air Pollution Control Programme for



publication this year. We look forward to the joined up approach which will help to combat air pollution across Wales and the whole of the UK.

I would like to thank the Minister for your response and I wait to hear further from the Petitions' Committee.

Emma Henwood  
Policy and Public Affairs Manager  
BHF Cymru

23 January 2019

# Agenda Item 3.5

## **P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools e.g. GCSE Psychology**

This petition was submitted by Chris Evans and was first considered by the Committee in November 2017, having collected 652 signatures online.

### **Text of Petition**

I call upon the National Assembly for Wales to urge the Welsh Government to prevent Qualifications Wales (QW) from continuing to discriminate against Welsh-medium learners, and ensure linguistic equality in terms of school curriculum.

In 2015, the WJEC decided to drop GCSE Psychology because candidate numbers were relatively small (37 centres – 5 of which were Welsh medium with 144 Welsh medium applicants each year). Because of this, an invitation was extended by Qualifications Wales to the English Awarding Bodies; AQA, OCR, Pearson-Edexcel, to offer this subject, and others e.g. Economics, in Wales.

Unfortunately, and astoundingly, there was no pressure to offer these subjects in Welsh. Qualifications Wales' response to this is to say that the English Boards would refuse to offer subjects in Wales altogether if they were forced to offer a Welsh language option, and that they seek to ensure 'the widest choice of subjects to learners in Wales' (QW Newsletter, December 2016).

'The widest choice of subjects to learners in Wales' .... unless you are following a Welsh medium education! In September, there will be no year 10 Psychology GCSE course running in my school for the first time since 2009, while the English-medium school a few miles away, start a new GCSE Psychology course in English through AQA. The only reason that I can't offer this subject is because we teach through Welsh. There are four other Welsh centres in the same position.

Psychologists need to be able discuss their subject in Welsh. By depriving Welsh medium pupils of the opportunity to study Psychology GCSE through Welsh, we will lose 144 students per year who would have had the potential of contributing to Psychology – as a teacher, lecturer, therapist, researcher etc. in Welsh with confidence because the relevant terminology familiar to them.

**Additional information:**

144 candidates sat the unit 2 Psychology WJEC GCSE paper in Welsh to finish the course in 2015, with 5 centres teaching it, so there is the potential for significant numbers, not just a handful. I have arranged that three experienced Psychology examiners are available to work for any English Board, so that translation of candidate's scripts (solutions) would not be needed, just the translation of the paper itself.

The only English Board that even considered the application to provide a Welsh paper (from myself, not QW), was Pearson, but in the end they refused, saying it 'would require Welsh speakers at every level of the production of the papers'. This is nonsense because that doesn't even happen in the WJEC, where the Chief Examiner and the Subject Officer don't speak Welsh!

I don't blame the English Boards, because why should they go to the trouble when they don't have to? Qualifications Wales is to blame for their limp policy, which does not protect the rights of Welsh-medium learners. Surely it would have been possible to create an element of competition between the English Boards by giving priority to those open to the idea of offering a Welsh option, but they did not attempt to do this at all.

This is totally unacceptable in the modern Wales. If English Awarding Bodies are allowed to offer subjects in Wales, it must be made clear that they need to offer a Welsh paper when there is a reasonable request to do so.

**Assembly Constituency and Region**

- Wrexham
- North Wales

Kirsty Williams AC/AM  
Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-783  
Ein cyf/Our ref KW/02687/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA

[Government.Committee.Business@gov.wales](mailto:Government.Committee.Business@gov.wales)

11 December 2018

Dear David

Thank you for your letter received on 29 November about the petition Ensuring equality for Welsh Medium schools and the parity between provision in English and Welsh.

With regard to current Welsh-medium education planning, all local authorities must prepare and submit Welsh in Education Strategic Plans (WESPs) to Welsh Government which detail how they plan and implement Welsh-medium education within their locality. How they must undertake this planning is outlined in the *Welsh in Education Strategic Plans and Assessing Demand (Wales) Regulations 2013*, which is currently being reviewed.

The aim is to lay amended regulations before Assembly in 2019. This review of the regulations is driven by the ambition set out in the Welsh Government's Welsh language Strategy, *Cymraeg 2050: A million Welsh speakers*. The expansion of Welsh-medium education will be crucial if we are to meet the 1 million Welsh speakers target by 2050. The proposed amendments to the regulations should lead to increased provision of Welsh-medium education in line with specific targets set in the *Cymraeg 2050* strategy.

The local curriculum should primarily be determined by learner interest and demand. Schools and colleges should be providing opportunities which are in the best interests of their learners and we would expect them to use their professional judgement in how this is provided. Due to operational challenges faced by schools, it is not always viable to run all the courses on offer.

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Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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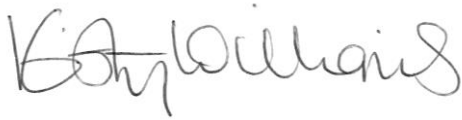
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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.

Looking to the future, equal rights for both languages is central to the planning for the new curriculum for Wales. Let me reassure you that the specific needs of Welsh medium teaching and learning are being fully considered as the arrangements for the new curriculum structure, including assessment arrangements, are developed.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Kirsty Williams'.

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



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20/12/2018

Dear Chair,

**Petition P-05-783 Ensuring Equality of Curriculum for Welsh Medium Schools e.g. GCSE Psychology**

Thank you for the letter regarding the above petition. As you are aware, several GCSE and A level subjects in Wales have insufficient entrants to make it viable for examination boards to develop qualifications specifically for Wales. These qualifications often exist in England, where the larger number of learners makes it financially viable. Qualifications Wales 'designate' some of these qualifications so as to make them available for learners in Wales. Qualifications Wales do not make it a prerequisite that examination boards must offer the 'designated' qualifications through the medium of Welsh. According to Qualifications Wales, this decision was made in order to offer learners in Wales the broadest range of subjects to study. To make it a prerequisite that examination boards must offer qualifications through the medium of Welsh might mean these boards would no longer desire for their qualifications to be designated for learners in Wales (presumably for financial and practical reasons).

Despite the above rationale, as a matter of general principle, qualifications in Wales should be offered through the medium of Welsh and English. The desire to offer learners in Wales the broadest range of qualifications should not be achieved at the expense of equality of opportunity to learners in Welsh medium education.

Although Qualifications Wales does not require examination boards in England to offer designated qualifications through the medium of Welsh, they have requested that these boards declare their intentions in terms of offering Welsh medium assessments in the future. In a letter to all schools and colleges in Wales on the 7<sup>th</sup> of December 2016, Qualifications Wales explain the 'designation' process, and outlines the examination

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Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

boards' intentions with regards to offering their qualifications through the medium of Welsh.<sup>1</sup> The letter outlines the following:

- AQA: they do not intend to offer GCSE and A level qualifications to learners in Wales.<sup>2</sup>
- OCR: they will offer GCSE and A level qualifications to learners in Wales, but they do not intend to offer these through the medium of Welsh.
- Pearson: they will offer GCSE and A level qualifications to learners in Wales, and if there is a demand and it is deemed operationally viable to do so, they will offer assessments through the medium of Welsh.
- Eduqas (WJEC): they will offer GCSE and A level qualifications to learners in Wales and intend to offer these through the medium of Welsh upon demand.

The letter also lists the GCSE and A level qualifications that are offered by the various examination bodies in England, and states which subjects have been studied through the medium of Welsh in the past.

It seems that the case of GCSE Psychology is unique with respect to the fact that a Welsh medium qualification has existed previously, that there exists a demand from learners for a Welsh medium qualification, and that there exists provision for the subject in several Welsh medium schools. Although OCR and Pearson do offer their GCSE Psychology qualification for learners in Wales, they do not intend to offer it through the medium of Welsh. This means that Welsh medium schools, unlike English and bilingual medium schools, cannot offer GCSE Psychology to their pupils.

According to the information included in your letter, there is a significant demand for a GCSE Psychology qualification through the medium of Welsh. For example, in 2015 5 centres in Wales offered the subject in Welsh, and there was a total of a 144 entrants through the medium of Welsh. This represents a significant number of pupils who could specialise in the subject, and potentially go on to work and provide Welsh medium services in the field. The 2011 census data<sup>3</sup> indicates that only 16.7% of psychologists have the ability to speak Welsh, which is lower than the percentage of Welsh speakers in Wales. It is possible that this figure will decrease further if learners in Wales do not have the opportunity to specialise in the subject through the medium of Welsh, and also that a significant proportion of fluent Welsh speakers (those in Welsh medium education) are not given an opportunity to study the subject in the first place.

As a long term solution I believe it is necessary to place an absolute requirement on examination boards that offer qualifications in Wales to do so through the medium of

<sup>1</sup> <https://qualificationswales.org/media/2225/diweddariad-i-ysgolion-ar-tgau-a-safon-uwch-071216.pdf>

<sup>2</sup> It seems this decision was reached based on the fact that Qualifications Wales could not give AQA unequivocal assurance that they would not be required to offer designated qualifications through the medium of Welsh in the future.

<sup>3</sup> SB 25/2016, <https://gov.wales/docs/statistics/2016/160622-workforce-welsh-language-support-primary-care-aneurin-bevan-en.pdf>



Comisiynydd y  
Gymraeg  
Welsh Language  
Commissioner

Welsh and English. Qualifications Wales has already committed to making such a requirement a precondition for contracting the work of developing the new qualifications that will accompany the new curriculum for Wales.<sup>4</sup>

In the meantime, a more immediate solution should be sought with respect to GCSE Psychology. I am aware that Qualifications Wales has already been in discussion with examination boards in England regarding developing GCSE Psychology through the medium of Welsh, but that no practical solution was found.<sup>5</sup> I suggest reopening these discussions to gain a fuller understanding of the reasons why Pearson is unwilling to offer the qualification through the medium of Welsh. Pearson have stated their willingness to offer assessments through the medium of Welsh in those subjects where there has been demand in the past, and where it is deemed operationally viable to offer such provision in the future. It would be helpful to understand why Pearson do not deem it operationally viable to offer the qualification through the medium of Welsh, and whether they could be encouraged to reconsider. In this context, it might be worth exploring the potential of using the grants that Qualifications Wales offers for the purpose of developing and supporting qualifications through the medium of Welsh.

Yours sincerely,

**Dyfan Sion**  
Strategic Director  
Welsh Language Commissioner

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<sup>4</sup> See <https://qualificationswales.org/cymraeg/cyhoeddiadau/letter-to-ros-on-curriculum-and-qualification-reform/>

<sup>5</sup> <http://www.senedd.cynulliad.cymru/documents/s78521/19.07.18%20Prif%20Weithredwr%20Cymwysterau%20Cymru%20at%20y%20Cadeisydd.pdf>





# Agenda Item 3.6

## **P-05-793 Hi speed broadband to Llangenny village**

This petition was submitted by Llangenny Village residents and was first considered by the Committee in January 2018, having collected 72 signatures.

### **Text of Petition**

We, the residents of Llangenny village in Powys call upon the National Assembly for Wales to ensure that Welsh Government manage their contract for hi speed broadband in Wales with BT in such a way that Llangenny village is connected to hi speed by 31st December 2017.

### **Additional information**

At present residents in our village experience regular loss of service or speeds as low as 0.01Mb/s. Several residents run businesses or voluntary organisations from home and need hi speed broadband. The current service is completely unacceptable.

### **Assembly Constituency and Region**

- Brecon and Radnorshire
- Mid and West Wales

Julie James AC/AM  
Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref JJ/01041/18

David John Rowlands AM  
Chair - Petitions committee.

Government.Committee.Business@gov.wales

30 November 2018

Dear David

Thank you for your letter of 15 November regarding Petition P-05-793 and the availability of fast broadband to Llangenny village.

I can confirm Powys falls within Lot 2, for which the tender exercise is still ongoing. I aim to announce the successful bidder as soon as the process allows.

My statement regarding the first premises being connected by the end of 2019 does refer to those included in Lots 1 and 3, however, we will do our very best to ensure that Lot 2 is working to a similar timetable, that said I cannot confirm any details until the delivery partner has been chosen and announced.

Once the grant agreement has been awarded, my officials will work with the successful delivery partner to identify the exact premises which will benefit from the rollout. A new online presence is being prepared for the suite of interventions needed to roll out faster broadband across Wales. Constituents will be able to check online whether their premises are scheduled to be completed under the project or if another intervention would be more suitable. This facility will be available over the coming months.

Financial assistance continues to be available to homes and businesses to secure a superfast broadband connection via the Access Broadband Cymru (ABC) scheme. Further information regarding the scheme can be obtained by calling 0300 025 8887 or emailing [broadband@gov.wales](mailto:broadband@gov.wales).

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@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.

In addition, support may be available from the UK Government's Gigabit Broadband Voucher Scheme. Gigabit vouchers can be used by small businesses and the local communities surrounding them to contribute to the installation cost of a gigabit capable connection. Businesses can claim up to £2,500 against the cost of connection either individually or as part of a group project. Residents can benefit from the scheme with a voucher worth £500 as part of a group project. Further information is available at <https://gigabitvoucher.culture.gov.uk/>

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AC/AM**

Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip

# Agenda Item 3.7

## **P-05-824 Newtown Brimmon Oak Bypass**

This petition was submitted by Mervyn Lloyd Jones having collected 402 signatures.

### **Text of Petition**

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to consider our proposal to officially name the much needed, & historic, new road section of the A483, the 'Newtown Brimmon Oak bypass'.

In recognition of the enormously positive publicity and attention that one of the most significant 'Natural Monuments' of Montgomeryshire, namely the Brimmon Oak, has brought to Newtown, to the region and to Wales.

Firstly becoming 'Welsh Tree of the year', followed by winning the title of 'UK Tree of the year' shown on national TV , and ultimately, in being awarded second place in the highly prestigious European Tree of the year contest (2017) in a much reported ceremony in the EU Parliament Brussels. We feel that this culturally significant ancient Welsh Oak tree that has now become known throughout Wales, the UK & indeed around the globe be honoured in this ultimately fitting manner.

### **Assembly Constituency and Region**

- Montgomeryshire
- Mid and West Wales



**Adrian Jervis,**  
Pennaeth Prifffyrdd, Trafnidiaeth ac Ailgylchu  
(Dros Dro)  
Acting Head of Highways, Transport &  
Recycling

**Prifffyrdd, Trafnidiaeth & Ailgylchu  
Highways, Transport & Recycling  
Cyngor Sir Powys County Council  
Neuadd y Sir/County Hall  
Llandrindod Wells, Powys, LD1 5LG**

David J Rowlands AC/AM  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

*Os yn galw gofynnwch am / If calling please ask for:*

**Enw / Name:** Adrian Jervis  
**Ffôn / Tel :** 01597 826659  
**Ffacs / Fax :**  
**Llythyru electronig / Email :** ajervis@powys.gov.uk  
**Eich cyf / Your Ref :**  
**Ein cyf / Our Ref :** HTR/  
**Dyddiad / Date:** 07/01/2019

Dear Mr Rowlands

### **Petition P-05-824 Newtown Brimmon Oak Bypass**

Powys County Council do not support recognising the 'Brimmon Oak' in road names and signage associated with the new Newtown Bypass. It is felt that the ancient tree was sympathetically protected in response to some local interest, but that it does not rank amongst other local historic features to be heralded so significantly.

Yours sincerely,

Adrian Jervis

**Acting Head of Service  
For Highways, Transport, and Recycling**

**P-05-824 Newtown Brimmon Oak Bypass – Correspondence from the Petitioner to the Committee, 23.01.19**

Dear Mr Rowland's

Disappointed to read Adrian Jervis response to naming the bypass ...Newtown Brimmon Oak Bypass ,but not surprised ,back in 2015 I applied to the same council to put a TPO on the tree but was refused this protection ,the tree then was crowned Welsh tree of the year in 2016 and in the same year was crowned UK Tree Of The Year and in 2017 was runner up for European Tree of the year and is now recognized in the top list of most important trees in the UK recently. We the family have a letter from Her Majesty the Queen thanking our family on saving the magnificent Brimmon Oak Tree and being involved in the protection and conservation of ancient trees in this country .I appreciate it would be a brave decision to name a road after a tree and you would put Wales on the map for that decision just like the tree has. I have also attached a photo of The Brimmon Oak, can you please show the committee.

Kind Regards

Mervyn Jones



# Agenda Item 3.8

## **P-05-797 Ensure access to the cystic fibrosis medicine, Orkambi, as a matter of urgency**

This petition was submitted by Rhian Barrance and was considered by the Committee for the first time in January 2018, having collected 5,717 signatures online.

### **Text of Petition**

We call on the National Assembly for Wales to call for a resolution to ongoing negotiations between NHS Wales, the All Wales Medicines Strategy Group, the Welsh Health and Specialised Services Committee and Vertex Pharmaceuticals regarding access to the cystic fibrosis medicine, Orkambi, as a matter of the utmost urgency.

### **Additional Information**

418 people in Wales have cystic fibrosis (CF). CF is a life-shortening, inherited disorder. The median age at death for a person with CF in 2016 was just 31 years of age. CF is caused by mutations in the CFTR gene which result in the build-up of thick, sticky mucus in the lungs and other organs. Gradually, this build up causes chronic lung infections and progressive lung damage. The treatment burden for a person with CF is high and daily life can be a struggle.

Orkambi is a precision medicine that 40% of people in the UK with CF could benefit from. While conventional CF treatments target the symptoms, precision medicines tackle the underlying genetic mutations that cause the condition. Though Orkambi is not a cure, it has been found to slow decline in lung function – the most common cause of death for people with CF – by 42%.

In July 2016, the National Institute of Clinical Excellence (NICE) recognised Orkambi as an ‘important treatment.’ They were, however, unable to recommend the drug for use within the NHS on grounds of cost effectiveness and a lack of long-term data.

In June 2017, the Cystic Fibrosis Trust organised a day of national protest at the Senedd, Stormont, Holyrood, Downing Street and online to demand an



end to the deadlock. Since the protests, the Welsh Health and Specialised Services Committee (WHSSC) have presented the All Wales Medicines Strategy Group (AWMSG) with the portfolio approach developed by the drug's manufacturer, Vertex Pharmaceuticals.

We call on the National Assembly for Wales to call for a resolution to these ongoing negotiations between NHS Wales, the AWMSG, WHSSC and Vertex Pharmaceuticals as a matter of the utmost urgency. It is essential that a fair and sustainable method of reimbursement is found for Orkambi and for the exciting pipeline of future treatments.

People in Wales have been waiting too long for this transformative drug. They deserve better.

#### **Assembly Constituency and Region**

- Cardiff West
- South Wales Central

David J Rowlands AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff, CF99 1NA

14 January 2019

Dear Mr Rowlands,

**Petition P-05-797 Ensure access to cystic fibrosis medicine, Orkambi, as a matter of urgency**

Thank you for your letter of 7 December 2018 regarding the aforementioned petition.

We have been in discussion with the All Wales Therapeutics and Toxicology Centre (AWTTC) which advises the All Wales Medicines Strategy Group (AWMSG), to find a solution to make our cystic fibrosis medicines available in Wales.

As a next step, we have a discussion with the AWTTC on 23<sup>rd</sup> January to scope out how we could make submissions for Orkambi (lumacaftor/ivacaftor) and Symkevi (tezacaftor/ivacaftor) to be used in combination with ivacaftor.

Whilst we cannot provide a precise indication of the timescales involved, we can assure you that we are working to expedite our discussions.

As you may know, there are several challenges in the way that standard cost-effectiveness processes assess the value of these types of precision medicines for severe rare genetic conditions. Innovative life-extending medicines that are used to treat chronic conditions for the lifetime of the patient – and for which the full health benefits are accrued over a lifetime – are substantially undervalued when evaluated under the standard methodologies used by NICE in England. We hope that we can discuss with officials in Wales how we can engage constructively on these issues, as we have recently been able to do in Scotland.

Following productive discussions with the Scottish Government, we will submit Orkambi (lumacaftor/ivacaftor) and Symkevi (tezacaftor/ivacaftor) to be used in combination with ivacaftor to the Scottish Medicines Consortium (SMC) for appraisal. If accepted by the SMC for use on the NHS in Scotland, eligible patients in Scotland should have access to these medicines this year. The SMC's orphan medicines process provides important flexibility for evaluating precision medicines. While the SMC considers its recommendation, Vertex and the Scottish Government have reached an agreement that

clinicians could apply for access for lumacaftor/ivacaftor and tezacaftor/ivacaftor in combination with ivacaftor for eligible patients via the Peer Approved Clinical System (PACS) Tier 2 process at a confidential discount. We hope that we can explore a similar agreement in Wales.

It is worth noting that, while we continue to seek full access to our medicines in Wales, Vertex has provided Orkambi (lumacaftor/ivacaftor) at no cost to 25 patients in Wales because of serious medical need.

We will provide further updates to the Committee in due course.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'MAOL', with a stylized flourish at the end.

Michael Oliver  
UK Country Manager  
Vertex Pharmaceuticals

David J Rowlands  
Chair  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA

22 January 2019

Dear Mr Rowlands,

The Cystic Fibrosis Trust is encouraged that a meeting has been scheduled between Vertex Pharmaceuticals and the AWTTTC. We hope that this will set the foundations for productive talks for an agreement to be reached that will enable people with cystic fibrosis in Wales to access new precision medicines.

Given the urgency of this matter, in the context of continuing deterioration of the health of people with CF in Wales who are eligible for these medicines and the more than three years of delay, an interim agreement must be implemented to ensure that immediate access can be provided while consideration continues. We are ready to support the Welsh Government in any way we can, and reiterate our willingness to advise the Welsh Government on how the UK CF Registry can support reimbursement decision making, as we recently were able to with the Scottish Government, where a pricing agreement has now been struck, allowing immediate access, and Vertex have committed to resubmitting to the Scottish Medicines Consortium.

Will the Committee make a further suggestion to the Cabinet Secretary to consider and agree a method of interim access as a matter of urgency now that these talks have resumed?

Yours sincerely,

David Ramsden  
**Chief Executive**

## Agenda Item 3.9

### **P-05-842 Give young people a voice when commissioning local services in Wales**

This petition was submitted by the Changing Minds Campaign Group, having collected 1,387 signatures online and 2,865 on paper, a total of 4,252 signatures.

#### **Text of Petition**

We call on the National Assembly for Wales to urge the Welsh Government to acknowledge that the current level of young persons' participation in the commissioning of services does not allow for the inclusion of marginalised groups. We request a review of the policies and guidance in place and a recommendation that new guidelines are mandatory for services commissioned to work with young people.

Every young person in Wales needs to be able to share their voice and experience in a way that is meaningful to them, to shape the services that are available to support them. We are asking for your support to promote changes to achieve this goal. As young people we must be able to share our thoughts and views on the projects that we need in our area.

Currently, only youth councils/ forums are consulted- which is not representative of those who struggle to attend such forums such as those 1 in 5 young adults who have a diagnosable mental health disorder. There needs to be a platform for those young people who may not be able to participate in the current schemes due to their mental health to share their opinions on services and projects that are directly affecting them. We are a group of young people that have been involved in the Changing Minds Project coordinated by Newport Mind, which is due to lose funding in November of this year. Because of this we have been learning about the commissioning process, which has led to this petition being created and to our wider #changeit campaign. Direct inclusion of young people with mental health issues in the commissioning process will allow for greater tailoring of service provisions and improve confidence in the services amongst the targeted demographic.

“Involvement in this project enabled me to really understand the concerns of young people and the issues they face. Without these concerns being raised

and included from the inception of any policy which affects them, any initiative affecting young people will be flawed".

### **Additional Information**

The Children's Rights Approach in Wales by the Children's Commissioner for Wales outlines a framework for embedding children's rights within services working with young people. These are guidelines and thus non-binding. Based on the United Nations Convention for the Rights of the Child (UNCRC) Article 12 outlines the right of children to be involved within policies creation and implementation; particularly those which affect their demographic. The Children's Commissioner for Wales Annual Report for the 2016/2017 year (the Report) specifically highlights the Commissioner's wish to see greater integration of young people within the commissioning process. The current guidelines for youth participation in Wales are, amongst other sources, contained within the Children and Young People's Participation in Wales Good Practice Guide 2016. The seven 'Core Standards' contained within the Guide are excellent starting steps. We feel that the non-mandatory nature of these standards and approaches, although partly met within some authorities in Wales, are insufficient for ensuring accountability for all services working with young people. We seek to ensure that young people from marginalised groups have a voice in the decision making processes as well as ensuring that service provision for young people all over Wales are of a similarly excellent standard. Our petition is in line with Recommendation 10 of the Mind over Matter report that highlights the current levels of provision of mental health services for young people, and compliments the work by the Together for Children and Young People Programme. Without change to the current guidelines, young people across Wales will continue to be marginalised. Specifically, those with mental health issues or additional needs who may not be able to take part in the current – and limited – youth participation initiatives will continue to find it difficult to voice their opinions.

### **Assembly Constituency and Region**

- Newport West
- South Wales East

By virtue of paragraph(s) vi of Standing Order 17.42

Document is Restricted

10 January 2019

Dear Chair

**Petition P-05-842 Give young people a voice when commissioning local services in Wales**

Thank you for your letter dated 19<sup>th</sup> December 2018, regarding the above named petition.

I note the contents of the petition with interest and that your request is for my views on the following:

- "Current practices in relation to ensuring young people are able to participate in and inform the commissioning of local services; and
- Whether the Rights of Children and Young Persons (Wales) Measure 2011 is effective in ensuring the participation of young people when commissioning local services."

In this letter I discuss commissioning of services within the broader context of implementing a children's rights approach in public services. This is because commissioning should sit within a broader commitment to the involvement of young people, and accountability to them. Commissioning will be more effective if there is a strong foundation of participation practices within a public service organisation, including regular consultation and involvement in decision-making.

The petition refers to my guide "*The Right Way: A Children's Rights Approach in Wales*".<sup>1</sup> This guide sets out the five principles of taking a children's rights approach and is relevant and applicable to all public services. The guide contains examples of where children have been trained as Young Commissioners, directly influencing decisions on how money is spent on commissioned services relevant to them, and in workshops used for setting a local authority's annual budget.

These examples are designed to illustrate how the principles of a children's rights approach can be actioned in reality. Whilst there will be other examples of good practice in relation to involving young people, empowering them and facilitating their participation in commissioning services across Wales, I do not believe that such practice is replicated in every local authority, health board or other public body. I have been working with a range of public bodies including health boards, police forces and Police and Crime Commissioners, museums, sports and arts organisations in order to improve this situation. I am also currently working with two Public Services Boards in order to help them incorporate a children's rights approach into their work, with the expectation that they will act as demonstrator bodies in their regions.

I have also prepared a separate guide for schools on taking a Children's Rights Approach in all of their policies and interactions with pupils.<sup>2</sup> My spotlight report into wheelchair access in schools, published last year, gives examples of how a children's rights approach can be applied to that particular topic.<sup>3</sup>

As noted in the petition however, these documents are just guides and are not binding on public services. I have been pleased with the level of active and considered engagement from a wide range of

services with this work and the pace of change in some organisations, but I am unable to compel organisations to follow this approach. A number of health boards are now working on children's rights

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<sup>1</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2017/04/The-Right-Way.pdf>

<sup>2</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2017/05/The-Right-Way-Education.pdf>

<sup>3</sup> <https://www.childcomwales.org.uk/wp-content/uploads/2018/03/Full-Lives-Equal-Access.pdf>



charters and forming children and young people's panels or boards to directly influence their work but this would not be guaranteed in every health board area.

I would also expect the Welsh Government, as the largest public body in Wales, to embed this children's rights approach into elements of their own work, and this could be an effective model from which other public services and local governments could learn. The Welsh Government has begun to do this, for example their 2018 Compliance Report prepared under the Children's Scheme 2014 was structured under the five principles.

Cases that come in to my office's Investigation and Advice service can often be in relation to public service changes or closures, with concerns raised that any public consultation has not involved children and young people sufficiently. This can even be the case for clearly relevant services such as schools, parks and youth services. Whilst my officers will provide advice on questions that can be asked such as how children's rights, equalities and the Well-being of Future Generations (Wales) Act 2015 have been taken into consideration, public bodies are not under any duty to produce a children's rights impact assessment. This is even the case for bodies that have expressly incorporated the United Nations Convention on the Rights of the Child (UNCRC) into their policies.

The Rights of Children and Young Persons (Wales) Measure 2011 places a duty of due regard to the UNCRC on Welsh Ministers, but crucially this does not extend to wider public bodies. Although laws, policies and guidance that come from the Government will be subject to a due regard consideration, there is no direct requirement on public bodies to have regard to the UNCRC when making their own decisions. There are duties under the Social Services and Well-being (Wales) Act 2014 and Additional Learning Needs and Education Tribunal (Wales) Act 2018 that apply to public bodies *when exercising their functions* under those two pieces of legislation, but this does not extend to everything that those bodies decide upon or provide.

It is for this reason that I believe that there should be further incorporation of the UNCRC, to extend to all public bodies in Wales. The Human Rights Act 1998 applies to all public bodies and requires them to act compatibly with the rights contained within the Act. If they do not do so, an individual or group can directly challenge decisions or processes that are not compatible, and will be entitled to a suitable remedy if a breach is found to have taken place. In order to make children's rights a reality in their everyday lives, further incorporation will be necessary to require public bodies to act compatibly, rather than the current position that only requires "due regard" to rights as one consideration, and only applies to Ministers.

Under section 12 of the Children and Families Measure (Wales) 2010<sup>4</sup> every local authority "must make such arrangements as it considers suitable to promote and facilitate participation by children in decisions of the authority which might affect them." The information about how they do this must be published and kept up to date, but the way in which this is done is not prescribed. Often this will be a youth forum or range of fora for different ages. Every school in Wales is also required to have a school council, so there are opportunities to feed information through engagement at a school level to the local youth forum.

It would be beneficial for more schools and local youth fora to make these direct links to enable school council members also to participate in decision making within the local authority. There are also opportunities for school councils and other young people to link in to their Community Councils in order to enable shared decision making in the local community.

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<sup>4</sup> <https://www.legislation.gov.uk/mwa/2010/1/section/12>

In relation to *Mind over Matter*, which is referred to in the Petition, we sit on the Joint Ministerial Advisory Group and we have encouraged Ministers to broaden out their proposals for youth participation and engagement. It is welcome that there is currently active recruitment for a youth stakeholder group to feed into and inform work in this area, but I have also encouraged the Minister to look at other options for participation and engagement alongside this, to ensure a wide range of views can be captured. It is important that decisions made for children about provision and services that affect their daily lives is informed by their views and experiences. Provided information is shared clearly and in an appropriate format, children enjoy inputting into matters that will significantly affect them. Very often children will come up with alternative solutions that adults may never have considered, or ideas that they would really value that adults may not have realised were so important to them. Having involved young people in commissioning research from external organisations in my own office I can vouch that children bring added value to the process.

I have also considered the letter from the Cabinet Secretary for Health and Social Services dated 21<sup>st</sup> November 2018 in relation to this petition, which states *"We work closely with the Children's Commissioner for Wales, whose key role is ensuring that children and young people have their voices heard, their concerns raised and have someone to safeguard their rights at a national level."*

The principal aim of my work as set out in legislation is to safeguard and promote the rights and welfare of children in Wales, with regard to the UNCRC. In doing so I take account of the views of children and young people, as well as those who care for and about them, and these inform my submissions to inquiries, consultations, meetings and the reports that I prepare. It is important to me that children and young people have their voices heard and listened to, but liaising with me and my office should not be seen by any public body as a substitute for seeking children's view directly.

Young Wales also play an important part in advising Government on their work, as noted in the Cabinet Secretary's letter. The links between county level groups, school groups and individuals need to be strong in order to ensure that consultations and information is shared as widely as possible, allowing a range of young people to engage. Methods, timing and content of consultations are also important factors; it would not be sufficient to say that an all age consultation is publically available and therefore accessible to children, if the language and contents are not suitable and all of the face to face sessions take place at times or in places that make it difficult for children and young people to attend for example.

The National Participation Standards<sup>5</sup> set out clear expectations on children's rights and entitlements, and what children can expect from services. However, these are not mandatory either and require organisations to commit to following them. I hope that the new kitemark approval system may assist in promoting the importance of adopting these standards. I believe that the Welsh Government could also adopt these more overtly in their work to ensure that others follow their lead on this.

It is important also that young people's contributions are recognised and to ensure that participants receive feedback about their involvement and how they have influenced decisions. Without this young people (like adults) can feel that their participation is tokenistic and there is a risk they can be dissuaded from active participation in the future.

The commencement of the Youth Parliament or Senedd Ieuencid next month will be another important milestone for ensuring that children's voices are directly heard and acted upon, and I look forward to seeing how the scrutiny arrangements will operate to ensure maximum impact of their work.

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<sup>5</sup> [http://youngwales.wales/images/ParticipationStandards\\_Poster\\_9.pdf](http://youngwales.wales/images/ParticipationStandards_Poster_9.pdf)

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**Comisiynydd Plant Cymru**  
**Children's Commissioner for Wales**  
Sally Holland

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Finally, I have recently concluded a national consultation to inform my three year strategic priorities from April 2019, which will take me to the end of my appointed term as Commissioner. I am pleased to say that over 10,000 children and young people engaged with this consultation, as well as over 1,000 adults, and I am currently working on my three year strategy and work plan for 2019-20 on the basis of those responses. Participation mechanisms and opportunities is one area that has arisen from that consultation and therefore an area I believe will require greater focus to ensure meaningful engagement with a wide range of children across Wales. I anticipate that there will be a piece of project work for my office on this topic as part of that three year strategy, which will be published in March 2019.

Yours sincerely



Sally Holland  
Children's Commissioner for Wales



Dear Chair,

We acknowledge the letter from Sally Holland, Children's Commissioner for Wales dated 10 January 2019 and thank her for her response.

While the letter does outline the range of initiatives and projects running from – or through – the Commissioner's office, we wish to highlight the letter's acknowledgement of the lack of a mandatory requirement for young people to be involved in the commissioning process for services for young people, which is the main thrust of the Petition.

To reiterate the objective of the Petition, we wish to see a mandatory requirement for young people to be engaged in the commissioning process for services for young people. The letter from the Commissioner serves to corroborate the fact that there is a distinct gap in this area which the Petition seeks to address.

We once again thank the Committee for their continued debate and investigation surrounding our Petition.

Many thanks again,

The #Changeit Campaign Team



# Agenda Item 3.10

**P-05-806 We call for all premises in Wales to be awarded an Access Certificate number similar to the Food Hygiene Certificate.**

This petition was submitted by Bridgend Coalition of Disabled People having collected 2,391 signatures.

## **Text of Petition**

We are calling for the Welsh Government to bring in an "Access Certificate" showing numbers from zero to five along the lines of the Food Hygiene Certificate. All buildings used by the public such as shops, food outlets, sports clubs, pubs and offices as well as public transport services should be assessed on how wheelchair accessible they are, as well as how easy it is for someone with a sensory impairment or learning disability to use.

We want all premises to be given a number which they could then display to show how disabled friendly their premises are. We hope that those who achieve high ratings will possibly persuade other nearby premises to improve access and get a high rating themselves.

When Food Hygiene Certificates were first introduced in Wales they were not mandatory, but later became so. Since the introduction of the Food Hygiene Certificate we believe food standards have vastly improved and premises with a high number use the certificate with pride. We believe premises will make a bigger effort to improve access and services for the disabled community if a similar Certificate was introduced for access. We believe the introduction of such a certificate will hugely improve services for disabled shoppers and those who want to go out for a drink, a meal or to use public transport, facilities most take for granted.

To achieve a five rating a premises will not just need to be wheelchair accessible but be fully inclusive for those with visual and hearing impairments, and possibly have staff understanding to those with learning impairments.

Having a restaurant with a braille menu or staff able to use sign language can make a huge difference and give someone a far easier and less stressful experience when doing everyday things most take for granted.

One idea may be, as well as having the Five to Zero rating to have extra symbols underneath to show if a premises has full wheelchair access, an accessible toilet, info in braille, staff who can use sign language and autism friendly.

We feel that this will result in big improvements. Many food outlets compete with each other to get a higher rating and we hope this will be the same with Access Certificate.

### **Assembly Constituency and Region**

- Bridgend
- South Wales West

Julie James AC/AM  
Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-806  
Ein cyf/Our ref JJ/01139/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA  
Government.Committee.Business@gov.wales

13 December 2018

Dear David

Thank you for your letter of 13 November setting out further information on the petition from Bridgend Coalition of Disabled People (P-05-806) regarding access certificates for premises in Wales.

As I indicated in my previous letter of 8 March 2018, I am supportive of the principles behind this proposal and my officials will consider the additional information you have provided in more detail in the New Year. This will include consideration of how we best consult and engage with disabled people and their representatives, including the petitioners, on how such a scheme might be taken forward. Consideration will also be given to whether any funding can be made available for a pilot, potentially as part of our new Framework 'Action on Disability: The Right to Independent Living' which is currently out for consultation until 18th January.

With regards to the concerns you raise about the enforcement of the Equality Act 2010 in relation to the accessibility of premises, I note that you have already written to the Equality and Human Rights Commission (EHRC) about this matter. It is the role of the Commission to encourage equality and diversity, eliminate unlawful discrimination, and protect and promote the human rights of everyone in Britain. The Commission uses a range of powers to do so, including providing advice and guidance to individuals, employers and other organisations, reviewing the effectiveness of the law and taking legal enforcement action to clarify the law and address significant breaches of rights.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@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.

The EHRC in Wales has undertaken an extensive review this year of compliance with the public sector equality duty and I understand they will be reporting on their findings in the near future. I have already had discussions about this with the Wales Commissioner, June Milligan, and my officials will be working with the EHRC to consider what further action is needed to strengthen the regulations and improve performance in this area. I have also asked officials to commission wider work to scope a range of options to strengthen the overall equalities and human rights framework in Wales. This will be taken forward as a priority in the New Year and Assembly Members will be kept informed of progress.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AC/AM**  
Arweinydd y Tŷ a'r Prif Chwip  
Leader of the House and Chief Whip



Chairperson, David J Rowlands AM  
Petitions Committee  
National Assembly for Wales  
CF99 1NA.

[SeneddPetitions@Assembly.Wales](mailto:SeneddPetitions@Assembly.Wales)

December 18, 2018

Dear David J Rowlands AM,

**Petition P-05-806: We call for all premises in Wales to be awarded an Access Certificate Number similar to the Food Hygiene Certificate**

Many thanks for your letter dated November 2.

We warmly welcome the Committee's consideration of the petition calling for all premises in Wales to be awarded an Access Certificate Number similar to the Food Hygiene Certificate. We consider this an interesting proposal and we would welcome further exploration being carried out into how this would operate in practice, with a voluntary scheme being one potential option.

Having fully accessible buildings is a central tenet of disabled people's right to Independent Living. The Welsh Government's current consultation on its revised Framework for Action on Independent Living<sup>1</sup> is a key opportunity for progress to be made towards this aim. The Commission will be highlighting this matter during the consultation process and the Committee may wish to consider making representation to the Welsh Government too. It will be necessary for the Welsh Government to consider its legislative competence in relation to equality and the built environment, with the Equality Act 2010 being UK legislation.

---

Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Bloc 1, Cainc D, Adeiladau Llywodraeth, Heol Santes Agnes, Caerdydd, CF14 4YJ

Block 1, Spur D, Government Buildings, St Agnes Road, Cardiff, CF14 4YJ

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[www.equalityhumanrights.com](http://www.equalityhumanrights.com)

Thank you for raising with us concerns expressed during your evidence sessions that the Equality Act 2010 provisions in relation to access to buildings and, more broadly, access to services, are not being adhered to.

As you may be aware, the UK Parliament's Women's and Equality Committee is currently undertaking an Inquiry into 'Enforcing the Equality Act: the law and the role of the EHRC'<sup>ii</sup>. This inquiry is looking at similar points that you have highlighted and, in response, the Commission has raised concerns about how difficult it is for individuals to understand their rights under the Equality Act 2010 and to access tribunals and courts to seek redress. Below we outline our key concerns that we have shared with the Women's and Equality Committee.

### **Compliance with the Equality Act 2010**

Enforcement of equality rights in Great Britain is principally based on legal action brought by individuals. The Commission has called on the UK Government to take urgent action to address the serious and ongoing failings in access to justice.

As long as enforcement of equality rights is based on civil litigation, the accessibility of the justice system is undermined by:

- Lack of awareness of equality rights, compounded by limits on access to early legal advice introduced by the Legal Aid, Sentencing and Punishment of Offenders Act 2012 (LASPO);
- The complexity and expense of litigation and inadequate remedies, which can be prohibitive for individuals enforcing their EA 2010 rights, or create strong disincentives to bringing a claim;
- Cuts to legal aid, particularly in England and Wales, including barriers posed by the operation of the mandatory telephone gateway;
- Failure to make reasonable adjustments in the court system;
- Lack of data and information sharing, including about the protected characteristics of court users, which results in an unclear picture of court users and how many EA 2010 claims are brought in the county and sheriff courts.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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You may wish to refer to our full submission<sup>iii</sup> for further detail and our recommendations to overcome these concerns.

## **The Commission's role**

The Commission was established by Parliament with a broad remit and the expectation that it would act as a strategic enforcer of equality law. It is important to understand that the Commission was not established, and has never been resourced, to support large numbers of individual discrimination cases or high-volume enforcement activity.

As a strategic enforcer, the Commission focuses on how it can achieve improvements to law, policy and practice by using all the powers at its disposal in a coordinated way. Our compliance and enforcement activity consists of a spectrum of activities aimed at ensuring compliance with the law, from providing information and advice to individuals and organisations on equality law to undertaking litigation and enforcement action using formal enforcement powers.

In order to maximise our effectiveness as a strategic enforcer, the Commission has called for improvements to our powers to gather intelligence to inform our enforcement. In particular, we seek the return of the telephone helpline offering advice to the public on discrimination and human rights (which we previously held before the UK Government passed its operation to the Equality Advisory Support Service). The helpline is a vital tool to support the Commission to connect with people in Great Britain at a grassroots level, understand their experience of discrimination and take action where appropriate. Using the intelligence and data provided by the service, we would be able to take targeted action to support more people to resolve complaints, as well as to challenge systemic discrimination.

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

Bloc 1, Cainc D, Adeiladau Llywodraeth, Heol Santes Agnes, Caerdydd, CF14 4YJ

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## The Commission's Strategic Plan 2019 - 2022

The Commission's Draft Strategic Plan for 2019 – 2022<sup>iv</sup> includes a priority aim for public transport and the built environment to be accessible to disabled and older people so as to support their economic and social inclusion.

We would welcome any views the Committee may have to inform the development of our Strategic Plan 2019 - 2022, as well as on enforcement of the Equality Act 2010, towards the aim of further protecting and promoting the rights of disabled people in Wales.

If you require any further information to inform your consideration of the petition, please let us know.

Yours sincerely,



**Ruth Coombs**

Head of Wales

Equality and Human Rights Commission

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<sup>i</sup> Action on Disability consultation: <https://beta.gov.wales/action-disability-right-independent-living>

<sup>ii</sup> Enforcing the Equality Act: the law and the role of the EHRC:  
<https://www.parliament.uk/business/committees/committees-a-z/commons-select/women-and-equalities-committee/news-parliament-2017/enforcing-the-equality-act-launch-17-19/>

<sup>iii</sup> Available under October 2018: <https://www.equalityhumanrights.com/en/legal-responses/consultation-responses>

<sup>iv</sup> Equality and Human Rights Commission Draft Strategic Plan 2019 -2022 consultation:  
<https://www.equalityhumanrights.com/en/publication-download/draft-strategic-plan-2019-2022>. Survey available:  
<https://www.equalityhumanrights.com/en/our-work-have-your-say>

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Bydd y Comisiwn yn croesawu gohebiaeth yn y Gymraeg a'r Saesneg.

The Commission welcomes correspondence in Welsh or English.

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# Agenda Item 3.11

## **P-05-843 More Third party rights in planning appeals**

This petition was submitted by Emma Eynon, having collected 59 signatures.

### **Text of Petition**

We, the undersigned, call on the Welsh Government to introduce legislation which will grant more rights for third parties to appeal on planning decisions. Currently, even those who are directly affected by planning approvals are considered as third parties to applications and have little or no rights to appeal or even to input into planning conditions. The judicial review process is aimed at developers and the time limit of six weeks to submit such an application is not suitable for community action groups. Third parties should have the same rights as a developer to appeal in planning decisions and should not have to send all communications through the elected ward member.

### **Assembly Constituency and Region**

- Neath
- South Wales West

Julie James AC/AM  
Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-843  
Ein cyf/Our ref JJ/05003/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
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Government.Committee.Business@gov.wales

20 December 2018

Dear David,

Thank you for your letter of 31 October, regarding Petition P-05-843 - More Third party rights in planning appeals.

Current arrangements for publicising planning applications are proportional to the scale of the development. Direct neighbour notifications are useful when planning impacts are limited in extent, such as householder applications where the main impacts are overlooking and over shadowing. For larger applications, the identification of individuals affected by proposals becomes more difficult.

The law requires Local Planning Authorities to identify how the public interest is affected by proposals. While the Courts have ruled individual circumstances can be part of the public interest, this has limits to its application and there would be practical limits to detailed assessment of impacts on individuals before the task would become unmanageable.

The same principle is relevant to the identification of impacts for the purpose of publicity. Comments are welcomed from anyone regarding how the public interest would be affected by a development proposal but it is unrealistic to expect Local Planning Authorities to identify every single possible impact someone might experience, for the purpose of writing to them.

The current publicity arrangements rely to a great extent on word of mouth to advertise proposals. While this may mean some individuals remain unaware of proposals, the planning system is based on the principle elected members are there to represent their interests and interpret how the wider public interest is affected.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@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.

Decision notices issued by Local Planning Authorities are sent directly to applicants and contain information relevant to them. It is therefore not appropriate to include information to assist third parties. It is however important to ensure the public is able to access information on this issue. An internet search for the term 'challenge planning decision' will return relevant information from an England perspective. I will therefore ensure the Welsh Government website holds clear information for the public to understand how to challenge planning decisions through the Courts and encourage Local Planning Authorities to do the same.

The time limit on seeking Judicial Review is there to protect those who rely on the decisions made by Local Government. The Courts is a reserved matter so it is a matter for the UK Government to determine the timescales related to submitting legal challenges.

Community Action Groups have the same rights to contribute their views as any other member of the public. It is for each Local Planning Authority to decide how it will interact with community groups. Many Authorities allow public speaking at their committee meetings.

Consideration should always be given to the planning issues which arise which affect vulnerable people. It is for the decision maker in each individual case to decide what weight to give each material consideration, including those raised by Community Action Groups.

I agree greater engagement at pre-application stage is required. My officials are currently working with the Royal Society of Architects in Wales and the Royal Town Planning Institute Cymru to look at how the pre-application stage could work better.

I reiterate my comments about third party rights of appeal given in my last letter. While the Group disagrees with the conclusions of their elected members in this case they have the opportunity not to re-elect them in future.

Yours sincerely,




**Julie James AC/AM**


Y Gweinidog Tai a Llywodraeth Leol  
Minister for Housing and Local Government

Our ref: MA/NB

Ask for: Matthew Aplin

 01656 644218

Date: 7 December 2018

 matthew.aplin  
@ombudsman-wales.org.uk

David Rowlands AM  
Chair, Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
CARDIFF  
CF99 1NA

**By Email Only**  
seneddpetitions@assembly.wales

Dear David Rowlands AM

### **Third Party Rights in Planning Appeals**

Thank you for your letter of 2 November 2018 regarding third party rights in planning appeals.

As Public Services Ombudsman for Wales, I have two roles. The first is to investigate complaints made by members of the public who believe they have suffered hardship or injustice through maladministration or service failure on the part of a body in my jurisdiction. The second is to consider complaints alleging that members of local authorities have breached their Code of Conduct. I am responding in connection with the first role.

I welcome any initiative to increase the voice/strengthen the rights of members of the public in relation to decisions of public bodies which may impact upon their amenity/way of life. However, although we have received a number of complaints where a complainant has alleged insufficient weight has been given to the representations of third parties, the evidence has not always supported this assertion.

Page 1 of 2



The Committee will no doubt be aware that the matter of third party rights of appeal was considered, and rejected, by the Independent Advisory Group to the Welsh Government in 2012, and did not feature in the subsequent legislation.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Nick Bennett', with a large, sweeping flourish above the name.

Nick Bennett  
**Ombudsman**



## **RE: CALL FOR IMMEDIATE REVIEW OF THIRD PARTY RIGHTS IN PLANNING APPEALS**

Dear Committee,

I appreciate this opportunity to respond on this petition and would urge you to take this forward for further discussion and potential action in the Welsh Assembly. As per my initial letter, the legislation as it stands today was considered adequate at the time that the last amendment to third party rights was put forward for a vote. This petition indicates that the current process simply **does not work**.

In response to the comments by the Minister for Housing and Local Government, Julie James, I would just like to point out how clearly the system is geared to serve only the applicant in planning cases. We are asking for more legislation to involve **DIRECTLY AFFECTED RESIDENTS** whose very lives are changed in these kinds of decisions. The comments from Ms James, reference the **rights of the 'public'** which is very different.

Again, I must use our own small villages of Blaengwrach and Cwmgwrach as an example of why these rights are so sorely needed. Please find attached, a copy of the letter I have recently sent to our Head of Planning, on which I have had no response or acknowledgement. This regards a change to submitted plans intended to meet a pre-commencement planning condition for a newly approved petrol station to be built at the **only entrance** to our community. As **DIRECTLY AFFECTED RESIDENTS**, we have no official involvement with this process, (as we also had no adequate involvement with the original planning application,) although we believe the new plans pose a potentially serious safety threat.

One of the main reasons that this planning application was approved, was due to the **NO HGV** restriction (pre-commencement condition) on the petrol station. The applicant now wants to place the Traffic Regulation Order (traffic sign) **in the village**, rather than at the A465. **A thousand HGVs are officially recorded passing our village EVERY DAY** and we argue that a large number will turn in to find they are;

1. not able to use the services and
2. not able to safely navigate back to the A465.

\*We have filmed local transport companies demonstrating these manoeuvres and the horrendous safety implications, which I have personally sent to the case planning officer involved (also attached and again I have had no reply).

Due to currently legislation, we have **NO OFFICIAL AVENUE** to ensure that our concerns are being addressed or considered during this process, other than **letter writing**. Our local councillor and ward member, has no official process to follow, other than to appeal to the Planning Committee to be heard on this matter. **There is no law to ENSURE that this is the case**, with everything being left to the decision making processes of our local planning authority – which cannot even be questioned or investigated within complaints to the Public Services Ombudsman for Wales.



As per my initial letters on this subject;

- \* The **notifications of such planning applications** are not sufficient (*papers on lampposts*).
- \* More should be done to identify and notify **DIRECTLY AFFECTED RESIDENTS**.
- \* There needs to be a way to **enforce our local authorities to arrange public consultations** (as per current legislation).
- \* There needs to be **objective and clear information** about judicial reviews and planning appeals provided with the notifications to **DIRECTLY AFFECTED RESIDENTS**.
- \* The **6 week window to organise a judicial review** as a Community Action Group representing the **DIRECTLY AFFECTED RESIDENTS** collectively, is not sufficient.

As the petitioner, I would happily provide a further report on the legal reasoning on why this law needs to change, however I would request just a little more time to prepare this. As a resident of a small traditional mining village, I feel I do not have **adequate rights** to have my concerns, **regarding the safe access to my home and my means of travel to work**, addressed or considered in any official capacity.

I beg you to help us to make this desperately needed and positive change for Wales.

Yours faithfully,

Emma Eynon

Affected resident and member of Blaengwrach Community Action Group

## Fwd: P2018 / 0616 - Residents Appeal

**From:**

**To:**

**Bcc:** Fwd: P2018 / 0616 - Residents Appeal

Monday, 14 January 2019 10:17

**Subject:** 23 KB

**Date:**

**Size:**

---

Dear ,

I am writing to you from the Blaengwrach Community Action Group to urgently object to the newly proposed placement of the TRO regarding HGV access to the new petrol station site at the bottom of my street. A local transport company has explained to us the dangers of siting this sign at the mini-roundabout in Cwmgwrach rather than at the A465 where the main traffic will see this.

Together, we produced two demonstration videos (filmed from 3 different angles) which show how a HGV lorry would navigate around this mini roundabout once it is realised that no access would be permitted into the site. The first shows how an EMPTY truck can only navigate this by mounting 2 kerbs, with no pedestrians or busy traffic. In fact, we observe many 'bin lorries' and waste recycling trucks having to mount the kerb when leaving from the Empire Avenue side, due to their length.

With lorries carrying a load, and even a full load, this manoeuvre would not be possible and these vehicles would need to reverse over the roundabout in some way to exit. There is a very real risk of lorries overturning, should they try to turn 360 degrees when carrying a load.

With proven traffic statistics showing an average of 1000 HGVs passing our village each day on the A465, and observing how these truck drivers park on pavements and grass verges over at McDonalds, we expect serious traffic safety issues even should a handful of these vehicles enter our village each day. Normal HGV traffic into the village for deliveries is not a concern for us, given they are not trying to navigate 360 degrees around this mini roundabout in reaction to a traffic regulation sign.

It is my belief, that the developer wishes to receive HGV traffic into the petrol station site, given the initial reason for this petrol station application. By siting this TRO in such a dangerous place, we will then be told that HGVS must be allowed into the site for 'safety reasons' - given my email above, bypassing this condition altogether.

What we, the residents, are asking for, is for you to consider the inadequacy of this mini roundabout to handle such traffic and to place the Traffic Regulation Order in a more suitable location to avoid accidents. It should be made very clear to any potential users of the petrol station site, from the A465, whether their vehicles will be suitable for access. Not only will this avoid road traffic accidents but will also prevent pedestrian accidents on unsafe pavements, which will be demolished with all of the kerb mounting. With more elderly residents needing to walk to the new Health Centre, this could be dangerous. Even LGVs cannot navigate that roundabout in one turn, which we have also evidenced in a video, depending on length, and yet they are not even part of this planning condition.

Our ward member, Cllr Edwards, is petitioning to be heard on this matter, in order to represent our residents fully. I enclose a link to a google drive folder containing the traffic statistics and demonstration videos - filmed in daylight, during offpeak hours in good weather.

<https://drive.google.com/open?id=1yW0erurzBRNntjFQKYasiFD9j9y8c0cL>

Regards

Emma Eynon

Blaengwrach Community Action Group

----- Original message -----

From: Emma Eynon

To:

Cc:

Subject: P2018 / 0616 - Residents Appeal  
Date: Friday, 28 December 2018 10:57

Dear ,

I am writing to you from the Blaengwrach Community Action Group in appeal to the new proposal regarding the location of the No HGV sign as per P2018/0616. Traffic danger is a major concern for our residents in light of the new development, to which we are still opposed and will not support as a community. We are extremely upset, to learn that the site owner, Euro Garages, is now proposing to move a Traffic Regulation Order sign to a location that will again put residents in harms way.

As you will be aware, we vehemently contest the TRICS trip generation number estimate of daily vehicles which will use this new site. Despite our appeals for more realistic surveys to be carried out, (which could have been done on the drive-through restaurant already operational on the same junction of the A465), this development was approved with the condition that no HGVs would be permitted to use the site.

It is our belief, that by moving the traffic sign to within the village, Euro Garages plans to encourage these larger vehicles into entering the village, seeing only the bright lights and advertising that will be visible for much of the approach. When these HGVs turn off the main junction and reach the mini-roundabout, they will now see the traffic sign. This means, (as no doubt planned), that many will turn in to use the site anyway, giving safety as the main reason for doing so. It is clear that many of these vehicles will in fact be unable to turn around a complete 360 degree loop on the mini roundabout without putting other traffic users or pedestrians in danger.

We have filmed a Large Goods Vehicle trying to do this same manoeuvre and which failed on all attempts. This was in daylight and in a quiet period. With over 1000 HGVs on average passing this junction on a daily basis, (18,000 vehicles total), this can surely only result in an accident or worse, especially when you consider this will be a 24 hour site and visibility tends to be poor from bad weather.

Cutting costs on safety signs when building such a site in a residential area is ridiculous and leads us to believe that the developer is instead looking to bypass this ban on HGVs by using safety as a reason to let them in. We ask you, to please put the safety of village residents first and to enforce the developers to do the right thing and put this sign on the A465 where it needs to be.

We are still campaigning in the Welsh Assembly for residents like us to have the right to a formal involvement in such an important process, however, we believe our only avenue of appeal to this condition is in letters to you as the head of planning. Our community's official representative and ward member, Cllr Edwards, is also appealing to be heard on this matter in the council and we hope that she will be given due consideration on this given the huge impact to residential safety this will cause us. Please advise if we have any other legal options to be heard on this matter.

Yours faithfully

Emma Eynon  
Blaengwrach Community Action Group