



Cynulliad Cenedlaethol Cymru **The National Assembly for Wales**

Y Pwyllgor Amgylchedd a Chynaliadwyedd **The Environment and Sustainability Committee**

Dydd Iau, 13 Mehefin 2013
Thursday, 13 June 2013

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Yn y golofn chwith, cofnodwyd y trafodion yn yr iaith y llefarwyd hwy ynddi. Yn y golofn
dde, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

In the left-hand column, the proceedings are recorded in the language in which they were
spoken. The right-hand column contains a transcription of the simultaneous interpretation.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur Labour
Yr Arglwydd/Lord Elis-Thomas	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Vaughan Gething	Llafur Labour
Llyr Huws Gruffydd	Plaid Cymru The Party of Wales
Julie James	Llafur Labour
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Antoinette Sandbach	Ceidwadwyr Cymreig Welsh Conservatives
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Alun Davies	Aelod Cynulliad, Llafur (Y Gweinidog Cyfoeth Naturiol a Bwyd) Assembly Member, Labour (Minister for Natural Resources and Food)
Carwyn Jones	Aelod Cynulliad, Llafur (Prif Weinidog Cymru) Assembly Member, Labour (The First Minister of Wales)
Gareth Jones	Cyfarwyddwr Cyffredinol, Dyfodol Cynaliadwy, Llywodraeth Cymru Director-General, Sustainable Futures, Welsh Government
Chris Lea	Dirprwy Gyfarwyddwr yr Is-adran Tir, Natur a Choedwigaeth, Llywodraeth Cymru Deputy Director for Land, Nature and Forestry Division, Welsh Government
David Thomas	Pennaeth Tîm Hadau a Plaleiddiaid, Llywodraeth Cymru Head of Seeds and Pesticides Team, Welsh Government
Rosemary Thomas	Pennaeth Cynllunio, Llywodraeth Cymru Head of Planning, Welsh Government
Martin Williams	Pennaeth Uned Iechyd Planhigion a Bio-Technoleg, Llywodraeth Cymru Head of Plant Health and Biotechnology Unit, Welsh Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Alun Davidson	Clerc Clerc
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Graham Winter	Y Gwasanaeth Ymchwil Research Service

*Dechreuodd y cyfarfod am 9.29 a.m.
The meeting began at 9.29 a.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Yr Arglwydd Elis-Thomas:** Bore da. Mae'n bleser croesawu'r Prif Weinidog a'r Gweinidog Cyfoeth Naturiol a Bwyd i'r cyfarfod o'r pwyllgor i drafod y cynnydd a wnaed yn ystod y cyfnod ers cyhoeddi ein hadroddiad gwreiddiol ar bolisi ynni a chynllunio, ac ymateb y Llywodraeth i'r adroddiad hwnnw.

Lord Elis-Thomas: Good morning. It is a pleasure to welcome the First Minister and the Minister for Natural Resources and Food to this committee meeting to discuss the progress made in the period since the publication of our original report on energy policy and planning, and the Government's response to that report.

9.30 a.m.

Ymchwiliad i Bolisi Ynni a Chynllunio yng Nghymru: Ymchwiliad ar ôl Adroddiad—Tystiolaeth gan Brif Weinidog Cymru a'r Gweinidog Cyfoeth Naturiol a Bwyd

Inquiry into Energy Policy and Planning in Wales: Report follow-up—Evidence from the First Minister and the Minister for Natural Resources and Food

[2] **Yr Arglwydd Elis-Thomas:** Rwyf am ddechrau gyda chwestiwn sydd efallai ychydig yn ogleisiol. Pam, Brif Weinidog, ydych yn meddwl bod yr ymgais i ddatganoli hawliau cynllunio o'r Deyrnas Unedig ym maes ynni wedi methu hyd yn hyn?

Lord Elis-Thomas: I will start with quite a cheeky question in some ways. Why, First Minister, do you think that the attempts to devolve planning powers from the United Kingdom in the area of energy have failed to date?

[3] **Y Prif Weinidog:** Nid wyf yn credu bod Llywodraeth y Deyrnas Unedig yn deall pa mor bwysig yw ynni i bobl Cymru. Nid wyf yn gweld pam y dylem yng Nghymru gael llai o bwerau yn y maes hwn na'r Alban, Lloegr a Gogledd Iwerddon. Yr ateb rydym yn ei gael yn ôl yw bod pethau fel hyn yn bethau sydd yn bwysig yn genedlaethol. Nid wyf yn gwybod pa wlad mae'n sôn amdani. Pe byddai hynny'n wir, byddai'r un peth yn wir dros y Deyrnas Unedig. Yn anffodus, hyd at yn awr, nid yw Llywodraeth y Deyrnas Unedig o blaid rhoi'r un hawliau i Gymru ag sydd ar gael i bawb arall.

The First Minister: I do not think that the UK Government understands how important energy is to the people of Wales. I cannot see why we in Wales should have fewer powers in this area than Scotland, England and Northern Ireland. The response that we receive back is that these issues are of national importance. I am not sure which nation it is talking about. If that were true, the situation would be the same across the UK. Unfortunately, to date, the UK Government has not been in favour of giving the same rights to Wales as are available to everyone else.

[4] **Yr Arglwydd Elis-Thomas:** Rydych wedi gwneud o leiaf ddau neu dri achos

Lord Elis-Thomas: You have made the case at least two or three times in particular

mewn dogfennau penodol i'r comisiwn ar ddatganoli. Yn ogystal â hynny, rydych wedi gosod y dadleuon allan yn y papurau mae'r Llywodraeth wedi eu cynhyrchu ynglŷn â pholisi ynni. A ydych yn ffyddiog o gwbl y bydd modd perswadio Llywodraeth y Deyrnas Unedig i newid ei meddwl?

[5] **Y Prif Weinidog:** Yr atebion rydym yn eu cael ar hyn o bryd yw bod yn rhaid aros i weld beth yw casgliadau rhan 2 comisiwn Silk. Byddwn yn aros i weld beth yw'r casgliadau hynny. Ein gobaith fel Llywodraeth yw y bydd bod yn gyfartal yn cael ei ystyried fel rhywbeth pwysig o ran y berthynas rhwng gwledydd y Deyrnas Unedig ynglŷn ag ynni.

[6] **Yr Arglwydd Elis-Thomas:** Yn y cyfamser, a fyddai'n deg i ddweud ein bod yn colli amser tra bod yr Alban yn rhedeg, yn hedfan neu'n chwythu o'n blaen ni?

[7] **Y Prif Weinidog:** Mae dau beth yn digwydd. Yn gyntaf, mae'r diwydiant yn edrych ar Gymru fel lle sy'n gymhleth i ddod iddo oherwydd bod sawl lefel o benderfyniadau yn cael eu gwneud ar sawl lefel o lywodraeth. Mae'r diwydiant hefyd yn edrych ar yr Alban ac yn gweld y lefel o dystysgrifau ymrwymo i ynni adnewyddadwy sydd ar gael, sef y cymhorthdal sydd ar gael, sydd ymhell o flaen Cymru. Rydym ynghlwm wrth y lefel o daliadau sydd ar gael yn Lloegr ac, o achos hynny, mae'r Alban yn gallu, i'w roi yn blwmp ac yn blaen, rhoi mwy o arian i'r diwydiant er mwyn ei dynnu i'r Alban.

[8] **Julie James:** Good morning, First Minister. To follow that through, are there any levers that we can use to assist the industry at levels where we can give consent ourselves, with anything such as ROCs or other incentives, or is that also tied to the UK Government levels?

[9] **The First Minister:** We are stuck with the level of ROCs that exist in England. We do not have the ability to vary them as the Scots and Northern Ireland do. That is very much to our disadvantage. For example, in looking at Scotland, Scotland has been very successful in attracting investment into marine energy, even though the conditions for marine energy are less promising in the seas off Scotland than they are in the seas off Wales. However, we do not have the powers to offer the same financial incentives that the Scots can, and that has meant that Wales is seen as a less attractive place to do business, purely for that reason.

[10] **Julie James:** Are we making that argument for both levels of energy, if you see what I mean—both for the ones that we do consent and the ones that we do not currently consent?

documents to the commission on devolution. In addition, you have set out your arguments in the papers that the Government has published on energy policy. Are you at all confident that the UK Government will be persuaded to change its mind?

The First Minister: The responses that we hear now are that we have to await the conclusions of part 2 of the Silk commission. We will await those conclusions. Our hope as a Government is that equality will be considered as being an important issue in the relationship between the UK nations with regard to energy issues.

Lord Elis-Thomas: In the meantime, would it be fair to say that we are losing out while Scotland runs, flies or blows ahead of us?

The First Minister: Two things are happening. First of all, the industry looks at Wales as being a complex place to come because there are a number of levels of decisions taken at a number of levels of government. The industry also looks at Scotland and sees the level of renewables obligation certificates that are available, namely the subsidy available, which are way ahead of Wales. We are tied to the payment levels available in England and, because of that, to put it plainly, Scotland can give more money to the industry to attract it to Scotland.

[11] **The First Minister:** The level of ROCs applies to both. The argument being put forward by the UK Government is that there will be a level playing field by 2017. I am unconvinced that the Scots will not negotiate some type of opt-out in the meantime.

[12] **Llyr Huws Gruffydd:** Ar y mater hwn, rwy'n falch o glywed eich bod yn awyddus i ddatganoli cyfrifoldebau. A ydym yn gallu cymryd felly y bydd hwnnw yn ymrwymiad ym maniffesto'r Blaid Lafur ar gyfer etholiadau San Steffan yn 2015, gan eich bod eisoes wedi tanlinellu pa mor bwysig ydyw i Gymru?

Llyr Huws Gruffydd: On this matter, I am pleased to hear that you are keen to devolve responsibilities. Can we take it therefore that that will be a Labour Party manifesto commitment for the Westminster elections in 2015, as you have already emphasised how important it is to Wales?

[13] **Y Prif Weinidog:** Mae hynny'n rhywbeth sy'n cael ei gefnogi gan gynrychiolwyr y Blaid Lafur yn San Steffan.

The First Minister: That is something that is supported by Labour Party representatives in Westminster.

[14] **Llyr Huws Gruffydd:** Ond, nid yw'n cynnwys ynni niwclear, wrth gwrs.

Llyr Huws Gruffydd: But, it does not include nuclear energy, of course.

[15] **Y Prif Weinidog:** Na. Ein barn fel Llywodraeth yw nad oes eisiau rheolaeth dros ynni niwclear. Un orsaf niwclear sydd gennym ni, ac mae'r costau yn anferth o ran creu swyddfa i arolygu'r diwydiant niwclear. Mae ein diddordeb ni mewn ynni adnewyddadwy yn enwedig, ond hefyd bob math o ynni arall.

The First Minister: No. Our view as a Government is that control over nuclear energy is not needed. We have only one nuclear power station, and the costs of setting up an office to regulate the nuclear industry are enormous. Our interest is in renewable energy in particular, but also all other types of energy.

[16] **Llyr Huws Gruffydd:** Fel rydych wedi ei ddweud, ar y gorau, mae unrhyw fath o ddatganoli cwpwl o flynyddoedd i lawr y lein yn ddibynnol ar Silk, os ydym yn mynd i ddilyn y trywydd hwnnw i sicrhau datganoli. Yn y cyfamser, rydym yn edrych ar rywbeth fel y Bil cynllunio sydd yn yr arfaeth. Mae sôn am roi mwy o gyfrifoldebau i Weinidogion Cymru, yn hytrach nag awdurdodau lleol neu gyrff eraill, ar gyfer cynlluniau arwyddocaol yng Nghymru. A allwch rannu ychydig o'ch meddyliau chi gyda ni o ran beth hoffech ei weld yn y cyfeiriad hwnnw?

Llyr Huws Gruffydd: As you have said, at best, any type of devolution is a couple of years down the line depending on Silk, if we are to follow that path to ensure devolution. In the meantime, we are looking at something such as the proposed planning Bill. There is talk of giving more responsibilities to Welsh Ministers, rather than local authorities or other bodies, for significant planning schemes in Wales. Can you share some of your thoughts with us on what you would like to see in that direction?

[17] **Y Prif Weinidog:** Mae dau beth wedi digwydd. Yn gyntaf, mae'r grŵp cyflawni o ran y diwydiant ynni wedi cael ei sefydlu ac wedi cwrdd am y tro cyntaf yr wythnos hon. Nod y grŵp hwnnw yw sicrhau bod unrhyw fath o rwystrau yn cael eu delio â nhw o ran datblygu ynni yng Nghymru ac, wrth gwrs, i sicrhau bod dealltwriaeth rhyngom ni, llywodraeth leol, a'r diwydiant ei hun. Bydd y Bil cynllunio yn ystyried ffyrdd o sicrhau bod y system gynllunio, nid

The First Minister: Two things have happened. First, the delivery group on energy has been established and it met for the first time this week. The aim of this group is to ensure that any kind of barriers could be removed in terms of energy development in Wales and, of course, to ensure that there is an understanding between us, local government and the industry itself. The planning Bill will consider ways and means of ensuring that the planning system, not only

yn unig o ran ynni, yn gallu cael ei chyflymu yn y dyfodol, wrth gofio wrth gwrs bod rhaid cael lefel o reolaeth ddemocrataidd dros y system; rwy'n deall hynny. Fodd bynnag, un o'r pethau mae'r diwydiant yn ei ddweud wrthym ni yw nad oes gan awdurdodau lleol y gallu i ystyried rhai o'r cynlluniau mawr hyn. Un o'r pethau rydym yn ei ystyried yw a oes tystiolaeth felly i gefnogi symud cyfrifoldeb am rai o'r penderfyniadau sy'n cael eu gwneud gan lywodraeth leol ar hyn o bryd, iddynt gael eu gwneud gan y Llywodraeth hon.

in terms of energy projects, can be made to work more swiftly in the future, bearing in mind of course that there has to be a level of democratic control over that system; I understand that. However, one of the things that the industry tells us is that local authorities do not have the capacity to consider some of these major schemes. One of the things we are considering is whether there is evidence to support the case for moving responsibility for some of the decisions currently taken by local government, so that they would be taken by this Government instead.

[18] **Llyr Huws Gruffydd:** A fyddai hynny yn cynnwys y ceisiadau ar gyfer y prosiectau ynni a'r *infrastructure* o gwmpas hynny hefyd?

Llyr Huws Gruffydd: Would that include applications for energy projects and also the infrastructure around that?

[19] **Y Prif Weinidog:** Mae hynny'n bosib, ydy. Ar hyn o bryd, rydym yn ystyried pob opsiwn, ond mae hwnnw yn opsiwn rydym yn edrych arno.

The First Minister: That is possible, yes. At present, we are considering all options, but that is one of them.

[20] **Yr Arglwydd Elis-Thomas:** Cyn i mi alw ar Mick, a oeddwn yn iawn i ddeall bod y bwrdd rydym wedi galw amdano yn ein hargymellion bellach wedi cwrrd? A oes hawl gennym ni i ofyn beth a drafodwyd, ac a fydd cofnodion?

Lord Elis-Thomas: Before I call Mick, was I right in understanding that the board that we called for in our recommendations has now met? May we ask what was discussed, and will minutes be available?

[21] **Y Prif Weinidog:** Bydd cofnodion a byddant yn cael eu gwneud yn gyhoeddus.

The First Minister: Minutes will be available and they will be made public.

[22] **Mick Antoniw:** First Minister, on the issue of renewable energy, a significant part of Government strategy has been the possibility of tidal energy, possibly Severn energy and so on. One conversation that has arisen recently has been the potential of a Severn barrage and so on, and we have seen everything that has happened in the news about the collapse of that. What is the Government's current policy and strategy in respect of renewable energy from tidal sources?

[23] **The First Minister:** We are supportive of it. With the Severn barrage, we are supportive of the principle of a Severn barrage, without supporting any particular project at this time. The only project that is on the table, I think, is worth examining in more detail—perhaps more detail than has been given to it so far. There are tremendous opportunities if the Severn barrage is built and the environmental considerations, important though they are, can be overcome, because there is real potential for job creation, particularly in Port Talbot docks, which would be the deep port that would service the Severn barrage in terms of manufacturing and maintenance. There is plenty of space in the area and the dock is right in terms of the water levels there. So, there is an enormous economic opportunity for Wales if a Severn barrage is built and we very much hope that that will come about in the future.

[24] **Mick Antoniw:** If I can follow on from that, Chair, one of the concerns regarding the recent announcement of the UK select committee considerations of this was that it was not

prepared to even go to the extent of saying that, in principle, it supported the concept and the potential development. There appears to be a certain amount of politics behind an approach that would not support any tidal development within the Severn. Is there scope for the Welsh Government to have any form of initiative in this particular area, particularly bearing in mind not just the interests of Wales, but the interests of Bristol and the south-west?

[25] **The First Minister:** It is difficult because all the levers lie with the UK Government in this regard. We have offered our support in principle. There are environmental considerations that would need to be overcome, particularly the run of migrating fish up both the Severn and the Wye, and the fact that there are significant areas of environmental importance within the area that the barrage would potentially cover. They would need to be overcome and I certainly do not downplay those matters. However, if they can be overcome satisfactorily, the barrage would provide a substantial amount of low-carbon electricity—that much we know—while, at the same time, providing significant job opportunities for Port Talbot.

[26] **Mick Antoniw:** I have one final point on this matter. In terms of the Government's support in principle for the consent for a barrage, does it have any view about whether that should also incorporate the possibility of transport links, road and rail, into the south-west?

[27] **The First Minister:** We would not rule it out. It is difficult to see how a rail link would work, because if the main line was taken over the barrage, it would exclude Newport, for example. I suspect that there would be some views on that in our third city. So, it is difficult to see how a rail link would work—a road link, perhaps. However, it is important that we see the economic opportunities that the barrage creates, and investigate what other possibilities there might be. We are not good in the UK at thinking in this way. A sensible Government, in the early 1990s would have put a rail deck underneath the road deck of the Severn bridge, enabling the Severn tunnel to be closed and millions of gallons of water to not have to be pumped out at great expense all of the time. However, that was not done. So, if we are in a situation of moving ahead with the barrage, it is important that consideration is given to maximising its possibilities in terms of transport as well.

[28] **Antoinette Sandbach:** Could I widen that out from just the Severn barrage to the principle of tidal lagoons, for example? I understand that there is the possibility of projects in Swansea and in north Wales. What are your thoughts on those? It seems that those projects are smaller and more deliverable in a quicker time frame with the same wins—in other words, they use tidal energy. So, do you have any observations, in principle, on those?

[29] **The First Minister:** In terms of delivery, I think that those observations are correct. In principle, we are supportive of marine energy. We have provided funding, for example, for marine energy projects, particularly off the coast of Pembrokeshire. With all energy projects, it is important to have the fullest possible picture in terms of their effects. For example, there would need to be studies of Swansea bay, and the effect on it, when looking at the Swansea bay tidal lagoon, which has received a lot of publicity lately. That work would have to be done. Wave and tidal energy, in principle, offer exciting possibilities, but they will never be realised if we are at a competitive disadvantage compared with the Scots and Northern Ireland.

[30] **Antoinette Sandbach:** I doubt that the developers would spend the kind of sums that they are spending if they felt that they were at a disadvantage. They have identified sites in Swansea and two sites, I think, in north Wales. So, clearly, that is not discouraging them, precisely for the reasons that you mentioned earlier, First Minister, namely that our coastline is particularly suited to this type of development.

[31] I am really interested in how Natural Resources Wales is working with these projects

to try to take forward the research and impact assessments that you are talking about, bearing in mind how new that new body is.

[32] **The First Minister:** I cannot agree with the suggestion that we are not at a competitive disadvantage. Money talks at the end of the day, and Scotland is much further ahead than it would otherwise have been if it had the same level of ROCs as we have in Wales, and we would be much further ahead if we were to offer what the Scots have on the table. That is a common observation within the industry itself. So, yes, it is true to say that there is some potential investment, but nothing like the level that it might otherwise have been. However, as I said, marine energy offers us tremendous possibilities with regard to the future.

[33] **Antoinette Sandbach:** I have one final question, First Minister. One of the issues raised in evidence with us when comparing with the Scots, certainly on the wind side, was that there are not the same constraints in Scotland about defined areas under technical advice note 8. So, rather than the ROCs issue, that was one of the key pieces of evidence that came forward to us in the committee. Are you looking at a revision of TAN 8 in the light of that evidence?

9.45 a.m.

[34] **The First Minister:** That is an argument for widening the areas that have potential for windfarm development, which is counter to what your party has been arguing for for the last two or three years. If you look at planning applications for projects over 50 MW, you will see that they are governed in Wales by what are called national policy statements, but, in fact, they apply to both England and Wales. They, effectively, have turned the whole of England into a strategic search area. That is what England is. Four per cent of Wales's land is an SSA, and in England, it is 100%. The national policy statement, as far as applications for projects over 50 MW are concerned, turns the whole of Wales into an SSA. If the argument is that there should not be an SSA approach, then that means that the approach would be far looser than it is now. It would mean that windfarm developments could go absolutely anywhere, which is the case in England—even in national parks. We do not believe that that is the right approach. We think that a far better approach is to identify areas where windfarm applications are more likely to come. It is far better to identify those areas publicly and put limits on them so that there is a limit on development—so that it is not uncontrolled development—rather than the free-for-all that exists in England, frankly.

[35] **Joyce Watson:** Good morning, First Minister and Minister. How are we going to deliver renewable energy? How will it be tied to the economy of Wales? What research and development will run alongside it so that we get the maximum return for our money? You mentioned the tidal wave project in Pembrokeshire, which came about as a result of investment from us. A huge amount of research and development work was done in Pembrokeshire, with the possibility of sustaining the market in that region. It is not only about gaining from new types of energy so that people have energy that sustains them into future, but also about sustaining Wales as a place of research and development on the new energies that are just on the horizon.

[36] **The First Minister:** That is correct. We have identified that as marine energies develop in future, there are several ports in Wales that are well placed to be able to benefit economically from that development—the Haven in Pembrokeshire is one of them and Port Talbot is another. From our point of view, there are two ways in which we would wish to see progress in this area. First of all, we wish to see progress through the energy strategic delivery group, which is working to identify what evidence needs to be produced to inform decisions, what barriers need to be removed for developments to move forward and what responses need to be made in terms of changes in the energy landscape. By the latter I mean the almost

weekly changes in approach in terms of the market. One of the big issues that developers talk about with me is that they cannot get certainty in terms of what the market will look like in future. It changes very quickly, and there is no coherent view as far the UK Government is concerned; that needs to be dealt with.

[37] Secondly, it is to do with the control of ROCs. I have already expanded on this, but if you look at offshore energy, for example, you will see that devolved competence only extends to projects up to 1 MW, which is a tiny amount. That is not a useful lever for us to have in terms of developing marine energy because it is so small.

[38] **William Powell:** Good morning, all. The consistent theme that we have heard from developers and other stakeholders in the energy sector during our inquiry is one of planning delays and difficulties in the handling of applications. Recommendation 31 of our report was that a dedicated central team should be established—a planning advisory and improvement board—to take forward and provide central technical advice and expertise. What do you consider to be the merits of such an approach?

[39] **The First Minister:** We recognise the need to provide assistance to local planning authorities. At the moment, we are considering the implications of establishing a planning advisory and improvement board. However, this is wrapped up in the planning Bill itself—which responsibilities will lie where in terms of applications like these. I will ask Rosemary to come in on this in a second, but the planning Bill gives us an opportunity to look at the most appropriate way of determining these applications in any event, in order for there to be a decision one way or another as quickly as possible.

[40] **Ms Thomas:** It is worth noting that we already give help to local authorities. We recognise this. We commissioned research from Hyder last year to get at some of the facts behind this feedback that we get. For some years now, we have provided funding for local authorities faced with over 50 MW windfarm applications to enable them to buy in expertise if they have not got it in-house. Secondly, we already provide funding to access advice. So, if local authorities are presented with an application on a technology that is unfamiliar to them, they can get a grant from us to access expertise on it. So, they can get expert consultants in to give them advice and to advise their members the whole way through the process. So, we are doing practical things already. The independent advisory group that we established has also identified the need for an independent advisory body. As the First Minister said, how we take that forward is one of the issues that we are looking at. A lot of it relates to the decision-making structure that we will outline in the planning Bill in due course.

[41] **William Powell:** The First Minister referred earlier to the importance of the democratic element within decision making in planning. Does your funding and support extend to the training and updating of the members of planning committees across Wales to upskill them? I have been in that position in a previous life.

[42] **Ms Thomas:** Forgive me for creeping into your territory, First Minister, but, certainly, the Welsh Government provides funding to the Welsh Local Government Association for the provision of training for elected members, including on the planning side. I work closely with the WLGA and the Planning Officers Society in Wales to see what the needs are. The Minister with responsibility for planning meets them regularly and is meeting planning leads next month. I think that the only issue on his agenda is planning performance by local authorities. So, it is very much on our radar and we are keen to work with planning leads to get a more timely decision-making process in place.

[43] **William Powell:** In our recommendation 36, we also looked at the importance of having an energy team within Natural Resources Wales, particularly given some concerns expressed during the course of our inquiry about the different levels of service provided by

the predecessor bodies. Do you feel that there would be sufficient capacity within such a team in NRW, particularly in this field of renewable energy, given the concerns expressed and given that it is a key consultee, as you will know?

[44] **The First Minister:** I will deal with this question. Natural Resources Wales is establishing a team to identify enterprise opportunities. That is part of Natural Resources Wales's remit. One of the things that it will look at, of course, is to ensure that any appropriate developments are identified and dealt with properly. I have no problem with Natural Resources Wales's capacity to do this. That recommendation is being taken forward, and it was, of course, accepted in principle at the time.

[45] **William Powell:** I have one final question, if I may, Chair. I have heard indications that, in some parts of Natural Resources Wales, there are concerns among staff members about the level of temporary or short-term contracts that apply and that there may potentially be an exodus of expertise. I do not know whether the Minister is alive to that. Has that crossed your desk yet? It would be a matter of concern if there was to be a loss of knowledge capital and capacity.

[46] **The Minister for Natural Resources and Food (Alun Davies):** The management team at Natural Resources Wales has not brought those matters to my attention. I am meeting the team tomorrow and I will put that to it. I will update the committee further if I am provided with a confirmation of that concern. I have to say that NRW is resourced sufficiently to do this role. We have an agreement with it in terms of both funding and structures available to it to exercise its role. The remit letter provides it with a clear opportunity to influence positively the support provided to small-scale renewables in particular. I know that that is something that the committee has referred to on many occasions. I hope that NRW will provide that leadership and direction.

[47] **William Powell:** I am grateful for that. Thank you.

[48] **Yr Arglwydd Elis-Thomas:** Cyn i mi wahodd Julie Morgan i siarad, a allwch chi, fel y Gweinidog â chyfrifoldeb uniongyrchol dros y corff newydd, roi sicrwydd i'r pwyllgor hwn na fydd y sefyllfa lle roedd datblygwyr unigol â chynlluniau hydro neu gynlluniau ynni adnewyddadwy, megis tyrbinau gwynt ar dir, mewn llefydd fel Eryri, yn gorfod cyflwyno dau neu dri chais gwahanol gyda chost ychwanegol a datganiadau amgylcheddol gwahanol? A yw'r dyddiau hynny wedi dod i ben o'r diwedd?

Lord Elis-Thomas: Before I invite Julie Morgan to speak, can you, as the Minister with direct responsibility for this new body, give us an assurance that the situation where individual developers with hydro schemes or other renewable energy schemes, such as onshore wind turbines, in places such as Snowdonia, will not have to submit two or three different applications with additional costs and with different environmental impact assessments? Are those days over at last?

[49] **Alun Davies:** Rwy'n falch o ddweud bod y dyddiau hynny wedi dod i ben. Pwrpas sefydlu NRW oedd sicrhau ein bod ni'n lleihau'r problemau yr ydych wedi eu disgrifio. Rwyf yn gobeithio y bydd NRW yn chwarae rôl bositif wrth gynnig cymorth i ddatblygwyr, er mwyn sicrhau eu bod yn gallu gyrru ymlaen gyda'r math o gynlluniau yr ydych wedi eu disgrifio.

Alun Davies: I am glad to say that those days have come to an end. The purpose of establishing NRW was to ensure that we reduced the problems that you have described. I hope that NRW will play a positive role in offering support to developers in order to ensure that we are able to move forward with the kinds of schemes that you have described.

[50] **Yr Arglwydd Elis-Thomas:** Diolch **Lord Elis-Thomas:** Thank you very much.

yn fawr. Julie Morgan sydd nesaf.

Julie Morgan is next.

[51] **Julie Morgan:** Thank you, Chair. The committee had a very interesting session with Community Energy Scotland, who explained to us about its network of offices throughout Scotland and how it worked with local communities to encourage them to develop renewable energy. The body helps them mainly by grants in terms of financial help, and it provides education and support. Have you looked at how it operates and whether there is anything that we could learn from what was happening there?

[52] **The First Minister:** We have been involved in the development of Community Energy Wales from the start. It was formally launched by the Minister at the Hay Festival last year. Many of the members of CEW are development officers who are delivering our own programme, Ynni'r Fro. These are matters that we are looking to strengthen in the future. We did fund Community Energy Scotland to advise CEW on start-up and on development issues. CEW is in a good position to win Welsh Government contracts for administering energy programmes in the future. I can say that Welsh Government officials are holding regular meetings with CEW to discuss community energy issues and they will, of course, be involved in the mid-term evaluation of Ynni'r Fro.

[53] **Alun Davies:** May I add to that? It is important for the committee to understand the role of Ynni'r Fro, which has played a really important part in developing community schemes in the last few years since its establishment. Ynni'r Fro has responded to over 190 different expressions of interest from communities up and down Wales and has supported these development concepts. I think that, in total, 68 communities are now developing prospective projects through to a point at which they can become a reality. At the moment, we are looking at 24 projects going through to being established. That has been a really successful model over the last few years. We have worked with local communities to create the potential for greater investment in community energy. It is one of the things, as I have told the committee before, that I would want the new RDP to be particularly proactive in supporting when we come to that.

[54] **Julie Morgan:** Is there any update on the development of the declaration for community benefits?

[55] **The First Minister:** Yes, there is. RenewableUK is taking this forward, and four developers have already signed up to the declaration. I have seen a draft of it. I expect it to be made public over the next day or so.

[56] **Julie Morgan:** So, you cannot give us an indication of what is in it now.

[57] **The First Minister:** Well, I can. It will illustrate that developers are looking to sign up to a protocol that governs community benefit. As to setting an actual figure for community benefit, that is fraught with difficulty. I am aware of what the UK Government has done—well, it has not actually done anything, but it has suggested that £5,000 per MW should be the appropriate level of community benefit. That would actually reduce the level of benefit in Wales, because the last few large projects that have been consented have seen community benefits of at least that level, and indeed more. Actually specifying a level of community benefit runs the risk of reducing benefits in the future.

[58] **Julie Morgan:** Thank you.

[59] **Russell George:** Good morning. To what extent is meaningful—and meaningful is the key word in the question—pre-application consultation with local communities for renewable energy projects in Wales currently taking place?

10.00 a.m.

[60] **Ms Thomas:** At the moment, pre-application is not a statutory requirement in Wales, or in England, for applications under 50 MW. However, we believe that pre-application consultations are really important in terms of speeding up the planning application process. I referred earlier to the Hyder research, which showed the inordinate delays. Traditionally, what happens is that people put in a planning application and then they start negotiating and amending it and changing it. That is really difficult, not only for the local authority that is consulting with statutory consultees, but for local communities, because if the project is changing slightly, what are they actually responding to?

[61] It is really important that we encourage pre-application consultation with statutory consultees and local communities. We issued guidance in July last year, which is available on our website, encouraging everybody, including energy applicants, to use it for informing and ironing out as many of the details and issues as possible before an application is put into the system. Through the planning Bill, we intend to secure primary legislation powers that will enable Ministers to specify particular types of applications that should be subject to statutory requirement for pre-applications. That would pick up on local communities as well as statutory consultees. It is important that everybody knows and has a chance to input in advance of applications being firmed up.

[62] **Russell George:** So, through the planning Bill, does the Welsh Government intend to adopt the recommendation in the independent advisory group's report that it should make regulations requiring pre-application consultation with local communities on developments? If so, would that include more significant onshore windfarm applications?

[63] **The First Minister:** All that is being considered at the moment, as we look to develop the White Paper before the end of this year, and anything that strengthens the planning process, including looking at the pre-application process, will be under consideration.

[64] **Russell George:** First Minister, when you were asked about the UK Government's announcement to change planning guidance for onshore windfarms under 50 MW on Tuesday, you said that it sounded superficially attractive. However, you listed a number of difficulties that came with that. Consultations have taken place in my area and thousands of people have responded, but developers have effectively acknowledged those responses and then ignored them. Some would say that that is not really meaningful consultation. We have a consultation process in place, but do you not think that it should be meaningful and take into account the public's views, rather than having the developer just listening to the views and then going ahead and doing what it wants?

[65] **The First Minister:** Let me deal with that issue at some length, if I may, Chair. The UK Government is not looking to change planning guidance with regard to the £5,000 per MW. As far as we can tell, it has announced that it will send a letter out, and that is it. There will be no change to planning guidance. It sounds attractive, but nothing will be done to make this a reality. The £5,000 per MW is, to our minds, far too low in terms of community benefit. There have been at least two schemes recently in Wales that well exceed that—Pen-y-Cymoedd is one, and Brechfa Forest is another. Mynydd y Gwair is at that level of £5,000. So, setting the figure at £5,000 would actually bring the level of community benefit down, because it would then be seen as the default figure, whereas, in fact, community benefit for projects in Wales has been higher than that. So, that is fraught with difficulty.

[66] In terms of ascertaining the views of the community, with the Chair's permission, I will expand on what I said in Plenary. What is a community? Do we talk about communities in terms of the political boundaries of community councils? In which case, I know of at least

one planning application where the major effect in terms of how visual the wind turbines are affects another community in another county. Does that mean that, when looking for public opinion, you look beyond the immediate community? If so, how far? Half my constituents in Bridgend can see the windfarm at Gilfach-goch, and that is not far off 20,000 people. Should they have a say in whether there should be developments in the future?

[67] As renewable energy is developed, we know that there will have to be changes to grid connections. Does that mean that every single community where there will be a change to the grid connection, and possibly the poles, should also be consulted? Where does it end? That is the difficulty. It is a delight for lawyers—there are four of us in this room and our eyes are lighting up at this prospect.

[68] Again, for example, if there is a wide referendum across a particular area of Wales where the community where the actual wind turbines will be located vote in favour, and everyone else votes against, how do you ascertain the views of a community? Consultation is important; there is no question about that. However, the only way to actually try to ascertain local views would be through a referendum, and that is absolutely fraught in terms of a legal minefield. The second question is: why stop with one form of energy and why not go on to all of them? For example, there are many communities in Wales that have very strong views about opencast mining. Does that mean that there should also be a referendum on that, and how far should that referendum go? It is very difficult to strike a balance in the planning system between the need for democratic engagement, if I can put it that way, and the need for development. To my mind, the UK Government, vague though its suggestions actually are, has not got it right. It has not thought it through.

[69] **Ms Thomas:** I do not want to contradict the First Minister—

[70] **Lord Elis-Thomas:** Oh, and why not? [*Laughter.*]

[71] **Ms Thomas:** I just wish to clarify what he said. In England, they are not amending the national planning policy framework or national policy statements, but the Secretary of State has promised to issue practice guidance on consultation.

[72] **Russell George:** There is already a consultation process for communities where a development takes place, and people in that particular area, or outside that area, can respond to that consultation, which is then taken into account. However, at the moment, some would say that that is not meaningfully taken into account. It is acknowledged, analysed and ignored. So, there is a process. We are not talking about referenda or making something more complex than is already there. We already have a consultation process, but it just needs to be made meaningful.

[73] **The First Minister:** The UK Government's view is that there should be a veto on the part of local communities with regard to whether developments should take place. If there is going to be a veto, it is exceptionally important to ascertain the views of a local community. A consultation will not do that in the same way that a plebiscite would, if I could put it that way. For example, if a decision were taken on the basis of a consultation having identified that a community was against a particular proposal and it failed in that way, the first thing that would happen is that someone who did not reply to that consultation would be saying, 'I wasn't asked my view. The consultation is not wide enough.' At least with a vote, everyone has a chance to vote if they are registered on the electoral roll. You have not suggested that there should be a community veto in the way that the UK Government has suggested that. In terms of the concerns about meaningful consultation, I accept that there needs to be meaningful consultation, but I just do not think that it is possible for any meaningful or practical way to be found to create a scenario where any kind of development can be vetoed in the way that is being suggested by the UK Government.

[74] **Lord Elis-Thomas:** We will now go to Julie James and then Vaughan Gething for the first round of questions, and then we will begin the second round, as is our normal practice, with Antoinette Sandbach.

[75] **Julie James:** First Minister, you said something very interesting about what a community looks like and whether this should be extended to other forms of energy and so on. We have already mentioned the tidal lagoon proposals in Swansea. One of the interesting things about the tidal lagoon proposals in Swansea is the question of who is to be consulted about what that proposal looks like and how it might affect the bay. I am very supportive, in principle, of the tidal lagoon, assuming that we can overcome many of the environmental issues that people are raising. So, it is a similar thing to the Severn barrage, really. However, it seems to me that we need some levers in Wales to be able to achieve other goals with those sorts of energy projects—the potential to increase tourism, jobs and employment in the area—to get community benefits associated with that sort of project. For example, there are many people in Swansea who are in fuel poverty, and this is a local scheme which, I understand, produces energy for around 100,000 homes. Can we attach other aims that the Government has for local development to projects such as that, and can we work with the local authority around some of the incidental issues that it has control over, even for large energy projects, in order to encourage that kind of synergy between tourism aims, for example, fuel poverty alleviation and so on?

[76] **The First Minister:** Yes, I think that is something that we would want to take forward. It is particularly true onshore as well. One of the areas that we have been looking at is whether it would be possible to introduce a wider community benefit as a result of what is presently the section 106 procedure. It is not. Section 106 is too narrowly defined for that. The problem is that, even though section 106 is devolved, as soon as you start looking at creating a wider community benefit you run into the community infrastructure levy, which is not devolved. In reality, it is a planning issue. The way to resolve this would be for the community infrastructure levy to be devolved, because it is fairly clear that some kind of taxation power will be devolved to the Assembly, and so it follows then that the levy should be devolved as well. Then it would be possible to create a system where section 106 disappears in its current form and the community infrastructure levy would also disappear in its current form, and something could be put in place to create a system that provides that wider community benefit that you have identified.

[77] **Julie James:** That is very interesting, and I am very heartened to hear you say that, because it is clearly a big issue for any community that has such a fundamental change being proposed for it. Swansea bay is one of the biggest natural resources that Swansea has, and that would be a massive development in it, whether for good or bad, and you would like to see some things other than energy generation come out of that project. On that basis, in terms of working with the local authorities, we had this with the Atlantic Array as well. Although the local authority is not the consenting authority for such a big energy project, it obviously has some say in bits of how it looks, and is a statutory consultee, and all that sort of thing. I wonder whether enough explanation is given to local people about the local authority's role in those big projects. For example, there is a lot of publicity in Swansea about whether Swansea could refuse the Atlantic Array, and there is a lot of misconception among the local population about what the local authority was doing when it looked at that planning application. In terms of the Welsh Government working with local authorities, I wonder what kind of guidance is available when they are not the consenting authority but are still looking at the planning application.

[78] **The First Minister:** I will ask Rosemary to come in on the detail, but local authorities clearly cannot decide planning applications above 1 MW offshore. In fact, nor can we, for that matter. With the Atlantic Array, in terms of the wind turbines further out in the

Bristol channel, most of that is in English waters. A bit is in Welsh waters, but most of it is in English waters. In terms of the detail, Rosemary has that.

[79] **Ms Thomas:** The Swansea bay tidal lagoon is what is known in the jargon as an NSIP—a nationally significant infrastructure project—so that will be determined by the UK Government’s Secretary of State for Energy and Climate Change. With an NSIP, it is the responsibility of the applicant—it is a front-loading approach. So, it is up to the applicant to undertake consultation related to the project, and I understand that the applicant is doing that. So, really, it is for the applicant to engage the local community, and the local authority is one of the other parties involved in that consultation. In my experience, the developers rely closely on the advice of the local planning authority as to how to go about consultation, because the local planning authority will have a lot of expertise, through the development plan, of undertaking consultations and planning application consultations. So, there are mechanisms there, and the applicant then has to prepare a report of the consultations that they have undertaken, which will be submitted with the application to the planning inspectorate—the NSIP directorate—in due course. However, all this should be going on, sorting out all the detail in advance.

[80] **Julie James:** I understand that entirely. I suppose what I was asking is: when you have such a big scheme, which the local authority would not have dealt with before, and where it is not the consenting authority, is it still able to access Welsh Government support to understand the effect on its community of such a scheme? Even though it is not the consenting authority; I appreciate that.

[81] **Ms Thomas:** We do not provide funding for local authorities inputting into NSIPs other than on wind energy. We regard TAN 8 as a key plank of Welsh Government policy, so we provide support for local authorities inputting into NSIPs in relation to delivery of our wind energy policy, but not on the other projects.

[82] **Julie James:** That is what I thought, so, I wonder, First Minister, whether we could look at whether that is sufficient, if some of these big tidal projects get going around our coastline.

[83] **The First Minister:** Part of the difficulty is that we end up paying for something that is not devolved. That is the problem. Although we do that, and there is no hard-and-fast rule in this regard, in difficult financial times it is very difficult to give a commitment to pay for something that is not within our control, even though we would like it to be.

10.15 a.m.

[84] **Vaughan Gething:** Morning, First Minister and Minister. I would like to move on to a different subject: unconventional gas. We heard some evidence on this, and there is a recommendation at the end of our report. Since the larger report, we have heard some understandably polarised evidence from people who want to develop shale and coal-bed methane in Wales and from people who are pretty keen that that does not happen in Wales, Friends of the Earth in particular. I understand that there is a tension here between a carbon-intensive energy source on the one hand, and the reality that gas is going to be with us for at least the next generation as a fuel, along with points about energy security, on the other. I just wanted to confirm what the approach of the Welsh Government is to the exploration and exploitation of unconventional gas, because the UK Government, over the last few months, has made a significant move in the direction of promoting exploration. It has a new Office for Unconventional Gas and Oil, the head of which has referred to wanting to encourage exploration, albeit environmentally safe and sound. So, I am interested in whether the Welsh Government still has a more precautionary approach, or whether it is in the same position that the UK Government now appears to be in, in that it wants positively to see this form of

exploration, at the very least, undertaken.

[85] **Alun Davies:** We discussed this matter, of course, during questions yesterday. I will repeat the point that I made then, namely that we do adopt a precautionary approach to the exploitation of unconventional gas and oil. I have discussed with the Secretary of State the establishment of the Office of Unconventional Gas and Oil and the purpose and role of that new office. He has explained to me that what is being done is not so much putting new resources into something so much as drawing together a number of existing policy strands to make a more coherent structure. What we are seeking to do is to ensure that, first and foremost, wherever applications are received, we are confident that we have in place a very robust regulatory regime that will ensure that any environmental or safety concerns are assured before any exploration takes place. At the moment, we do not have any applications in to exploit any unconventional shale gas in Wales; we do have the application at Merthyr Mawr for an exploratory well, but that is far from our being in a position where we would have to take any decisions on exploitation at the moment.

[86] **Vaughan Gething:** Just to clarify the point, I know that it has been raised in the report, but have you reconsidered the point about whether there is a need for a new technical advice note? Again, the UK Government has said that it is reviewing its position, and it expects to produce new guidance on this particular area. If the Welsh Government wishes to continue to take a precautionary approach to exploration or exploitation, would it not be helpful to reconsider whether our current guidance is adequate to ensure that that is the approach taken by planning authorities?

[87] **The First Minister:** We think that we have a robust policy in place already—there is a strong precautionary principle in place in our guidance, and we are confident that what we have in place already is robust. We will observe whatever English planning guidance comes out, but the precautionary principle is very firmly embedded in the guidance that we have already provided.

[88] **Lord Elis-Thomas:** Antoinette Sandbach is next; we are now in round 2.

[89] **Antoinette Sandbach:** Thank you, Chair.

[90] First Minister, there are two areas that I would like to ask you about. One is anaerobic digestion, which, it seems to me, is a much underutilised renewable technology here in Wales. What steps has the Welsh Government been taking, together with suppliers such as Dŵr Cymru, for example? Over on the continent, it is very usual for AD to be used to treat sewage at combined heat and power plants. That is in the middle of rural communities that would otherwise find access to gas difficult, because they cannot go on the normal gas network. Is the Welsh Government looking to see how it can take forward smaller scale anaerobic digestion plants that are not on-farm, but are more of a community resource, particularly for rural areas?

[91] **Alun Davies:** One of the reasons why, as I have said to the committee previously, we want to explore and support the development of renewable schemes at community level through the next RDP is precisely to provide support for projects of that sort, where it is appropriate to do so. So, we are looking at that. One of the conversations that I have had with farming unions was to ask farmers to work together to develop larger-scale AD proposals, because most Welsh farms are too small to develop significant schemes on their own. However, if a number of different farmers were to work together, they would have the scale to deliver an AD project that would support community-based generation. So, we are looking at that in a very positive way. There are processes that we need to go through to ensure that any development is appropriate. However, in principle, my purpose in the new RDP would be to support renewable schemes, notwithstanding the technology—different technology will be

appropriate in different places—but we would seek to take a very positive view of supporting such proposals.

[92] **Antoinette Sandbach:** Minister, I am glad to hear that. Moving on to another area, stark evidence was presented to this committee on hydro schemes, particularly on high-head hydro. The evidence to the committee was that, if the guidance does not change in Wales, or at least the way in which it is being interpreted, we would see the end of high-head hydro by December in Wales. That is because, in Wales, flow-splitting is being applied in a different way than it is in the rest of the UK, and in a way that disadvantages and disincentivises projects in Wales. I wondered whether you could perhaps comment on that.

[93] **Alun Davies:** I thought that the evidence that you received was very striking and very telling. I understand the frustrations that have been expressed to this committee and elsewhere. I met a group of people from the hydropower industry, as I outlined in response to Russell George's short debate a few weeks ago, and I have tasked NRW to go away and review the guidance that is being provided on the development of small-scale hydro. I agree very much that hydro is a technology that we should be supporting. I have asked NRW to report back to me by the autumn, and I will be speaking again to the hydropower industry in the autumn to see how we can find a way forward. However, I agree very much with your analysis—hydro is a technology that we should be supporting, and I will be visiting a scheme in the Chair's constituency over the summer to continue to promote that.

[94] **Antoinette Sandbach:** Finally, to revert to the vexed question of community, when looking at current energy projects, there is a definition of community in terms of community benefit, who qualifies for it and who can apply for it. So, there clearly are definitions in practice that are workable and in effect. First Minister, would you take the view that the £5,000 per MW is a floor and not a ceiling, because there are projects that have gone ahead in Wales that have not had that level of support per MW? Therefore, it is a useful starting point rather than a ceiling—it is a floor to say that no community project benefit should go ahead without at least a minimum of £5,000 per MW. I do not think that it prevents the figure from being higher.

[95] Secondly, what are your views about associated infrastructure, particularly where there are big impacts in terms of the national grid? We may well see that in north Wales as a result of the energy island concept, and the offshore windfarm development that will be going ahead on Anglesey. If there is not a sub-sea cable, we may see significant grid impacts. I wondered what your thoughts were on that, because it was in recommendation 54 of the committee's report. We suggested that the protocol should require developers to contribute to communities that are indirectly affected by their development, and that was something that the Welsh Government agreed to in principle. Given the protocol that you have been talking about today, I wondered how far you have got on that aspect of community protocols.

[96] **The First Minister:** The £5,000 per MW level is just too low; it is both a floor and a ceiling. The Pen-y-Cymoedd project was in a situation where it got £6,000 per MW. The Brechfa forest project got £8,000 per MW. If you specify a level, that level becomes the default level, because the developers will simply say, 'It only has to be £5,000; we don't have to go beyond that', whereas in Wales we have at least two projects that have gone well beyond that. There are huge risks in specifying a level that developers will see as all that they have to achieve. So, it becomes a floor and ceiling.

[97] The view of the UK Government is that associated development should not be devolved and that it should be removed and taken to London. Unsurprisingly, we do not take that view; we take the view that the flow should be the other way. However, that is the evidence that it gave to the Silk commission. We think that that is wholly wrong. There is an important principle here: the people of Wales deserve sufficient control over their own energy

resources, in the same way as people in England, Scotland and Northern Ireland. That is being denied at the moment. That is wrong in principle and wrong in probably every other way.

[98] I have been in discussions with the National Grid about benefits from associated developments with regard to a number of potential developments. We take the view, as a Government, that consideration has to be given to ensuring that there are benefits further down the line, if I can put it that way, from the original source of energy. Discussions are still ongoing as to what form that might take.

[99] **Yr Arglwydd Elis-Thomas:** Rwy'n edrych ymlaen i gwrdd â'r Gweinidog yn y Llew Coch yn Ninas Mawddwy, fel y cwrddais â'r Prif Weinidog yn ngwesty'r Pengwern yn Ffestiniog, yn yr haf.

Lord Elis-Thomas: I look forward to meeting the Minister in the Red Lion in Dinas Mawddwy, as I did with the First Minister in the Pengwern hotel in Ffestiniog, during the summer.

[100] **Mick Antoniw:** I have three fairly succinct questions. First of all, the flow-splitting issue is of interest to me, because there is a project in Treforest for hydro energy and it is an area that is, perhaps, not as developed as it might be. Our concern as a committee is that there does not seem to be clear or empirical evidence for the position that is adopted in Wales at the moment, which is far more restrictive than in England. We have been assured that there is some evidence, but, despite requests, it has not been forthcoming, as far as I am aware. In your discussions, it is important that there is clarity of purpose and that we understand what restrictions exist in Wales along with the logic for them. If there is no logic, then we obviously want those restrictions removed. Will that feature in your discussions on this area?

[101] **Alun Davies:** All sorts of concepts have featured in those discussions. The Environment Agency conducted a consultation on this matter, which closed in April, and Natural Resources Wales is now considering the position, post consultation. A considerable amount of evidence was provided on both sides, which was reasonably evenly split, in fact, on how we take these matters forward. So, there is evidence on both sides of the coin. My position is that we should take a very strongly supportive, positive and permissive approach, placing restrictions only where they are proven to be necessary. As a Government, we want to support the renewable energy industry and the concept and reality of renewable energy, and that means that we take a very strongly permissive approach to developments, particularly small-scale, community-based schemes. As such, as I have said, I have held discussions with NRW about how we put that into reality, and I am very anxious that we create a structure within which communities, developers and individuals—farms or others—can move ahead on this programme as soon as possible. I met with the Minister for Finance yesterday to look at how we could expand any new regional development plan into urban Wales, through linking up with the European regional development fund, to continue to support community energy within the new round of European funding. I think that it is one of the key areas for us to be promoting growth in the new funding period.

[102] **Mick Antoniw:** That last point is of considerable interest. While we are talking about water, in terms of discussions on proposals for the introduction of competition in the water industry for business, may I seek clarification that that matter is now, as far as the Welsh Government is concerned, completely dead, and that we will not be proceeding down that road?

[103] **Alun Davies:** This Government has no proposals to introduce competition in the same way as is being proposed by the UK Government for England. I will be meeting with the Wales Office and the Department for Environment, Food and Rural Affairs this afternoon to take these matters forward. I have been very clear in my conversations with them that we believe that we have a good structure for the delivery of water services in Wales. We have delivered greater investment and lower bills, and the comparison between what has happened

on this side of Offa's Dyke and what has happened on the other side of Offa's Dyke in the last few years has been extraordinarily striking. The UK Government has a great deal to learn from the model that we have in Glas Cymru. I will make that clear again this afternoon.

10.30 a.m.

[104] I have been disappointed by the approach taken by the UK Government on this matter. We have been in conversation with it over plans to devolve powers over sewerage and, at the moment, we have failed to reach an agreement with it on that. The UK Government is insisting on a new intervention policy for the Secretary of State in these matters. I think that that is entirely inappropriate. It is an almost antique way of looking at devolution. It might have been appropriate in 1998 when we had no experience of devolution, but we now have a quickly maturing settlement in the United Kingdom. As the First Minister said, we need to move much further in some areas. To propose a new intervention power for a Secretary of State over a democratically elected body is an extraordinarily poor way of approaching this, and I will make those points clearly to the Wales Office and DEFRA this afternoon.

[105] **The First Minister:** May I add to that? Usually, relationships between Governments are governed by protocols, and that is the case for the Welsh Government and UK Government. On this occasion, for some reason, the UK Government takes the view that it should have a governor-general-type role, under which it should be able to overrule the democratically elected Assembly in Wales. There is a view, which I came across when I was in Alun's role, in DEFRA particularly, that if we in Wales have too great a degree of control over our water resources, we will turn the tap off in some way. I had the same issue with regard to flooding when the geographical border was proposed, and eventually accepted, in terms of flood prevention. I was literally told, 'How do we know that you will not do something to the Severn in Welshpool and then watch it flood further on downstream?' It was literally that level of debate. We need to move away from this idea that, somehow, we in Wales cannot be trusted in any way not to do anything to the detriment of our neighbours and compatriots living on the other side of the border.

[106] **Yr Arglwydd Elis-Thomas:** Brif Weinidog, mae'n rhaid i mi wneud sylw ar hynny, fel yr Aelod sy'n cynrychioli Llyn Celyn. Byddai troi'r tap i ffwrdd yn Llyn Celyn yn golygu y byddai'r Ddyfrdwy yn gorlifo'r cyfan o ogledd Cymru. Felly, mae eisiau i rywun esbonio pethau fel hynny i Saeson anneallus, os yw'r fath greaduriaid yn bod. Gwell i mi fod yn ddistaw yn awr.

Lord Elis-Thomas: First Minister, I must comment on that, as the Member who represents Llyn Celyn. Turning the tap off in Llyn Celyn would mean that the Dee would flood the whole of north Wales. So, somebody needs to explain such issues to unknowledgable English people, if such creatures exist. I had better be quiet now.

[107] **Llyr Huws Gruffydd:** Cawsom dipyn o drafodaeth yn gynharach ynglŷn â rôl awdurdodau lleol a'r rheolau o gwmpas cynllunio ac yn y blaen, ond rwyf eisiau ehangu ar hynny i raddau, gan ein bod wedi clywed llawer yn ddiweddar ynglŷn â'r angen i Lywodraeth Cymru ddangos arweiniad clir ym maes ynni adnewyddadwy ac yn y blaen. Fodd bynnag, mae'r adborth rydym wedi ei gael fel pwyllgor yn awgrymu bod angen i awdurdodau lleol wneud mwy hefyd i hyrwyddo ynni adnewyddadwy tu hwnt i'w cyfrifoldebau statudol. Beth mae

Llyr Huws Gruffydd: We had some discussion earlier about the role of local authorities and the regulations around planning and so on, but I want to expand on that to some extent, because we have heard a lot recently about the need for the Welsh Government to show clear leadership on renewables and so on. However, the feedback that we have had as a committee suggests that local authorities also need to do more to promote renewable energy beyond their statutory responsibilities. What is the Welsh Government doing to encourage local

Llywodraeth Cymru yn ei wneud i annog awdurdodau lleol i fod yn fwy *proactive* ac yn barotach i symud i'r un cyfeiriad â'r Llywodraeth ym maes ynni adnewyddadwy?

[108] **Y Prif Weinidog:** Nid wyf yn credu bod y cryfder gan bob awdurdod lleol i wneud hynny. Mae rhai yn ei chael yn anodd iawn i ddelio â cheisiadau ynni adnewyddadwy, mae'n rhaid imi ddweud, ac o achos hynny maent yn ei chael yn galed i'w symud drwy'r system. Mae hwn yn un peth mae'n rhaid inni ei ystyried fel rhan o waith comisiwn Syr Paul Williams a'r Bil cynllunio erbyn diwedd eleni. Mae'n rhaid inni ystyried a oes rhai ceisiadau y dylid delio â hwy mewn ffordd wahanol i'r ffordd bresennol.

[109] **Llyr Huws Gruffydd:** Fodd bynnag, byddech yn derbyn, gan fod awdurdodau cynllunio lleol yn gweld ynni adnewyddadwy fel problem, eu bod yn gyndyn i ddweud eu bod yn agored i weld y maes hwn yn cael ei ddatblygu.

[110] **Y Prif Weinidog:** Mae hynny'n hollol iawn. Mae llawer o bwysau ar rai awdurdodau lleol ynglŷn â beth y dylent ei wneud. Mae'n rhaid inni weld a oes rhyw ffordd o ystyried y system i weld a ellid ei gwella. Er enghraifft, pe bai pwerau yn dod i ni ar brosiectau ynni dros 50 MW, ni fyddem yn rhoi'r pwerau cynllunio i awdurdodau lleol; byddem yn edrych i weld a ddylai'r pwerau hynny ddod i Lywodraeth Cymru yn uniongyrchol, ynteu a fyddai'n rhaid sefydlu corff annibynnol i ystyried y pethau hyn.

[111] **Llyr Huws Gruffydd:** O ran targedau ynni adnewyddadwy, a oes bwriad gennych i adolygu'r targedau, yn enwedig rhai o'r targedau sy'n dod i fyny o fewn y flwyddyn neu ddwy nesaf?

[112] **Y Prif Weinidog:** Nac oes. Un o'r problemau sydd gennym yw yr hoffem, fel Llywodraeth, gael mwy o bwerau i gwrdd â'r targedau hynny. Nid oes unrhyw sôn am symud yn ôl o'r targedau hynny. Hoffem weld mwy o ynni'n cael ei gynhyrchu yng Nghymru oherwydd yr effaith economaidd a fyddai mewn sawl ardal o ganlyniad. Nid ydym yn edrych ar y targedau ar hyn o bryd. Wrth gwrs, pe bai comisiwn Silk yn gwneud

authorities to be more proactive and ready to move in the same direction as the Government in the field of renewable energy?

The First Minister: I do not believe that all local authorities have the capacity to do that. Some find it very difficult, I must say, to deal with applications for renewable energy, and, as a result, they have difficulty in progressing those applications through the system. This is something that we need to consider in terms of the work of Sir Paul Williams's commission and the planning Bill by the end of this year. We must consider whether some applications should be dealt with in a different way to the current one.

Llyr Huws Gruffydd: However, you would accept that, because local planning authorities see renewables as a problem, they are reluctant to say that they are open to seeing this area being developed.

The First Minister: That is entirely correct. There is a great deal of pressure on some local authorities with regard to what they should do. We must see whether we can look at the system to see whether it can be improved. For example, if powers were devolved to us on energy developments over 50 MW, we would not give those planning powers to local authorities; we would look at whether those powers should come to the Welsh Government directly, or whether we would need to develop an independent body to consider these issues.

Llyr Huws Gruffydd: With regard to renewable energy targets, do you intend to review the targets, especially those coming up in the next few years?

The First Minister: No. One problem that we have is that we, as a Government, would like to have greater powers to reach those targets. There is no talk of rolling back those targets. We would like to see more energy being generated in Wales because of the economic effect that there would be in a number of areas as a result. We are not seeking to review targets at present. Of course, were the Silk commission to make

argymhellion ynglŷn â datganoli mwy o bwerau i'r Cynulliad, a bod hynny'n cael ei symud ymlaen gan Lywodraeth y Deyrnas Unedig, credaf y byddai'n rhaid inni edrych ar y targedau hyn eto, o gofio bod gennym fwy o bwerau.

[113] **Llyr Huws Gruffydd:** Fodd bynnag, nid ydych yn teimlo y byddai neges glir yn cael ei hanfon i'r diwydiant bod Cymru yn agored i fusnes pe byddech yn dweud eich bod am ddatblygu targedau mwy uchelgeisiol yn y maes hwn.

[114] **Y Prif Weinidog:** Mae'n bwysig bod y targedau hynny'n gallu cael eu cyrraedd. Un cwestiwn y byddai datblygwyr yn ei ofyn i mi fyddai, 'Rydych wedi newid eich targedau, ond a oes gennych fwy o bwerau i gyrraedd y targedau hynny?' Yr ateb i'r cwestiwn hwnnw fyddai, 'Na'. Pe byddai pethau'n newid, wrth gwrs, byddai hynny o les i ni yng Nghymru. Mae bod yn uchelgeisiol yn bwysig—rwy'n derbyn hynny—ond mae hefyd yn bwysig sicrhau bod gan bobl ffydd ynoch i allu cyrraedd y targedau yn y dyfodol.

[115] **Llyr Huws Gruffydd:** Ai'r hyn rydych yn ei ddweud, mewn gwirionedd, yw na allwch fynd ymhellach gyda'r pwerau sydd gennych yn awr?

[116] **Y Prif Weinidog:** Ie. Nid wyf yn credu bod hynny'n bosibl, ac ni fyddai'n onest dweud ei bod yn bosibl.

[117] **Joyce Watson:** Your response is very timely for my question, because you are talking about relationships. My question is about whether we could have an outline of the relationship between the Welsh Government's planning policy, the natural resources plan, the Wales infrastructure investment plan and the Wales spatial plan? How are we joining up all of those things across Government?

[118] **The First Minister:** Those are all different things. The planning system is, necessarily, held at arm's length to the rest of the plans. The WIIP, as it is called, or the Wales infrastructure investment plan, is about managing money. Natural resources planning is about managing our natural assets—water and the countryside, including forestry and agricultural land. The spatial plan was a useful mechanism for securing collaborative working by local authorities, although the debate has, in some ways, moved beyond that now. 'Planning Policy Wales' contains our policies for the use and development of land. They mesh together, clearly—in many ways, they are different working parts of the same machine.

[119] **Joyce Watson:** Are you happy that they are working together in this field?

[120] **The First Minister:** Yes, I am—particularly in the field of natural resources. I think

recommendations on devolving additional powers to the Assembly, and if that were progressed by the UK Government, I believe that we would have to review these targets again, bearing in mind that we would have additional powers.

Llyr Huws Gruffydd: However, you do not feel that a clear message would be sent to the industry that Wales is open for business if you were to say that you wanted to develop more ambitious targets in this area.

The First Minister: It is important that those targets are achievable. One question that developers would ask me is, 'You have changed your targets, but do you have enhanced powers to reach those targets?' The answer to that question would be, 'No'. If things were to change, of course, it would be of benefit to us in Wales. Being ambitious is important—I accept that—but it is also important to ensure that people have confidence that you can actually reach those targets in future.

Llyr Huws Gruffydd: In truth, are you saying that you cannot go further with the powers that you currently have?

The First Minister: Yes. I do not believe that that would be possible, nor would it be honest to say otherwise.

that the establishment of Natural Resources Wales has been particularly important in ensuring that there is a single voice with regard to environmental advice and regulation in Wales.

[121] **Joyce Watson:** Following on from that—if I may, Chair—are you content that Natural Resources Wales has the expertise to deliver on those plans?

[122] **The First Minister:** Yes; there is no question about that. The expertise was there in the three bodies that existed beforehand. The challenge, of which we are very much aware, is to create a body in which three previous bodies are able to merge and work together. That is always the case when new bodies are set up; it was known before the new body was set up, and it is being done now under the stewardship of Emyr Roberts.

[123] **Alun Davies:** I will add something to that, if I may. We have had a number of questions on different occasions about the resources that are available to NRW. I have answered questions on the business case and the rest of it. I will make a statement to the Assembly on these matters before the summer recess. The key challenge facing us in terms of NRW is not necessarily delivering on the business plan—as the First Minister has outlined, Emyr Roberts is working on that at the moment. My concern is that we create a culture within NRW and in the way that NRW operates that is a very positive, proactive culture, which seeks to work with people to manage sustainably our natural resources in their totality, which means that we can move ahead very quickly with the sorts of schemes that have been outlined this morning and that Mick described, possibly, while at the same time ensuring that this Government's commitments to sustainable development goals are met. It is that culture that is the key challenge facing us in establishing a new body. We do not want to simply create a letterhead and some notepaper. We want to create a very new body that does this work in a very new and different way. That is the challenge that is facing us.

[124] **Yr Arglwydd Elis-Thomas:** Bydd y Gweinidog yn deall bod y pwyllgor hwn yn teimlo rhyw fath o ofal gwarcheidiol eithaf cadarn dros Gyfoeth Naturiol Cymru gan ein bod wedi bod mor glwm â'r cynllun busnes yn y dechrau, datblygiad yr astudiaeth busnes—nid y cynllun busnes, ond yr astudiaeth dichonoldeb pan sefydlwyd y corff—ac yna'r rheoliadau fel yr oedd y corff yn cael ei osod i fyny. Felly, yr ydym yn awyddus iawn i sicrhau bod y corff, ymhob ffordd, yn cyflawni'r hyn yr oeddem yn ei asesu y dylai fod yn ei wneud yn y broses o'i sefydlu.

Lord Elis-Thomas: The Minister will understand that this committee feels some sort of strong pastoral care for Natural Resources Wales because we were so involved with the business plan at the outset, the development of the business study—it is the feasibility study when the body was established that I was referring to—and then the regulations as the body was established. Therefore, we are very eager to ensure that the body, in all ways, achieves what we had decided that it should be doing in the process of its establishment.

[125] **Alun Davies:** Absolutely.

[126] Yr oeddwn i'n aelod o'r pwyllgor hwn yn y Cynulliad diwethaf a wnaeth awgrymu bod y corff hwn yn cael ei sefydlu.

I was a member of this committee in the previous Assembly and it was that committee that suggested the establishment of this body.

[127] **Yr Arglwydd Elis-Thomas:** Yr ydym yn gwerthfawrogi, Weinidog, bod eich gwaith fel aelod o'r pwyllgor a Chadeirydd yr is-bwyllgor wedi bod yn rhan allweddol yn eich hyfforddiant i fod yn Weinidog Cabinet. Nid awn ar ôl rhagor o'ch hanes neu byddwn yma drwy'r bore.

Lord Elis-Thomas: We appreciate, Minister, that your work as a committee member and the Chair of the sub-committee has been a crucial part of your training to become a Cabinet Minister. We will not pursue any more of your story or we will be here all morning.

[128] **William Powell:** First Minister, I believe that last year, when the fleet came as part of the European tour, you took the opportunity to have a look at some hydrogen vehicles that came to the bay and may indeed have test-driven one, as I did. What views do you have about the potential for the development of renewable energy in the transport field? How do you feel that it could be taken forward in the coming years, particularly given that it enables the use of energy close to its point of generation?

[129] **The First Minister:** The hydrogen cell was invented by someone from Wales, of course.

[130] **William Powell:** Indeed.

[131] **The First Minister:** That gives us a certain sense of ownership of it, I suppose. In terms of transport, there is scope for hydrogen-powered buses. With regard to cars, the emphasis is more on electricity, of course. We hope that electricity will increasingly be generated by renewable energy in any event. I think that the market is actually driving this. The price of oil is now exceptionally high. It has risen by 54%, I think, over the past five years. There is no sign that the price of oil will drop in the future. We now see more and more manufacturers and public transport operators looking at electric vehicles, in particular, in order to cut their own costs. There is no greater incentive for businesses to do that while, at the same time, having the happy effect of potentially reducing their own carbon footprint.

[132] **William Powell:** Do you feel that the Welsh Government could do more to promote the development of infrastructure associated with hydrogen refuelling, but also for electric cars per se, moving away from just the urban areas and looking at arterial routes such as the A470 and the A40, and extending it so that it becomes more of a practical option across the nation?

[133] **The First Minister:** I think that that will come. At the moment, the issue with electric cars is range. They are used mainly in an urban setting. I am not sure that I would like to travel from Cardiff to Bangor in an electric car. However, there are cars out there that can do that, but at the moment they cost around £0.25 million as they are prototypes. Clearly, we are some years away from having electric cars, particularly with a range that would enable people to travel north-south in Wales without recharging the batteries over a number of hours. When that technology comes, I think that it will just be met. I think that petrol stations will look at the opportunities that are there and they will meet that demand. We are already seeing them in urban areas, where a number of employers are providing charging points for electric vehicles. The concern is always, if the development of electric vehicles happens, will there be equivalent development of charging points? That seems to be happening. However, we are a few years away, yet, from having a car with the sort of range that many Members from the north and Powys would require.

10.45 a.m.

[134] **William Powell:** Indeed.

[135] **Lord Elis-Thomas:** I call Vaughan Gething.

[136] **Vaughan Gething:** My question was asked earlier, Chair.

[137] **Lord Elis-Thomas:** In which case, I call Antoinette and Russell. I call Russell, first; sorry.

[138] **Russell George:** The Hyder report recommended that decisions on strategic

renewable energy schemes of 25 MW to 50 MW within the strategic search areas should be taken by a proposed strategic energy consents unit, rather than by Welsh Ministers or local authorities. What is the Welsh Government's view on that recommendation?

[139] **The First Minister:** It is useful in terms of how we view the planning Bill. What I can say is that the recommendations in that report are under consideration and they will be reflected in the White Paper and the Bill itself.

[140] **Russell George:** A follow on question to that is: is the Welsh Government considering different arrangements for deciding on associated development for large energy projects that are currently decided by local planning authorities?

[141] **The First Minister:** Again, that is something that we will look at in the round. However, we know that the UK Government wants to remove that power from us. That is the problem. We will have to wait to see what Silk's recommendations are in that regard.

[142] **Russell George:** My final question was with regard to recommendation 44, namely transport issues. What is the status of the strategic traffic management plan for mid Wales and the traffic management plan for other parts of Wales?

[143] **The First Minister:** We have been working with the windfarm developers to assess the potential impact on the trunk road network. In terms of agreed mitigation, the applicants are generally required to produce a single document, which is commonly referred to as a traffic management plan. I can say that a group of windfarm developers has jointly prepared a single plan for the mid Wales windfarms. That is being done through Renewable UK Cymru as the trade association. That covers the entire route in terms of the access routes for abnormal indivisible loads from the docks at Ellesmere Port to the SSAs, particularly SSAs B and C.

[144] **Julie James:** I want to ask a bit of a technical question about the horrendous complexities of the regulations for anaerobic digesters that have both sewage and food waste potential. We had an interesting trip to Dŵr Cymru's new anaerobic digestion plant in Cardiff recently, and a fascinating discussion with representatives about the capacity that they have there to do a number of other things, not just process sewage, which is what they were currently doing. I know, because I have tried to research it, that there are hideously complicated regulations about what is or is not waste, when it stops being waste and when you can spread the product on the land and all those sorts of things, which I will not bore you with here.

[145] Have you got somebody who is keeping an eye on that and looking to see whether we could propose changes, whether there are European regulations that block us or whether we are looking at a better transposition of those regulations into our law where it is the transposition that is the problem? A lot of the AD projects would have a lot more potential if you could use what is called the by-product to spread it on the land, for example, or use it as gas for fuelling transportation vehicles and so on. My understanding is that it continues to be classed as waste, even after it has reached that point, so it cannot be used in that beneficial way. I have been unable to figure out which bit is the European regulation and which bit is the way in which the regulations have been transposed into British law.

[146] **Alun Davies:** There are a number of people in a similar situation, I can tell you. In a different life, I worked on the first proven AD facility for Dŵr Cymru in Nash, in Newport. I think that you are right that it has enormous potential to ensure that we are able to generate energy from what is currently classified as waste. We have, under the 'Towards Zero Waste' strategy, a road map that takes us in the direction that you describe. We are at the moment seeking to invest, where possible, in the sorts of schemes that will deliver the energy projects that you describe, while ensuring that we have a statutory framework within which we can

operate and deliver those schemes. So, we are moving in that direction. The key aspect for us is to move from a linear to a circular economy, where we are able to use and reuse materials that are currently described as waste. That is our direction of travel in terms of our energy policy and our 'Towards Zero Waste' strategy.

[147] **Yr Arglwydd Elis-Thomas:** Rydym wedi bod yn trafod y mater hwn yn y pwyllgor yng nghyd-destun astudiaeth bosibl yr hoffem ei wneud ynglŷn â'r hyn a oedd yn arfer cael ei alw'n wastraff. Fe gychwynnon ni drafod efallai na ddylem ddefnyddio'r gair 'gwastraff' ac y dylem, yn hytrach, weld popeth fel sgîl-gynnyrch neu isgynnyrch sy'n bosibl ei ddefnyddio a bod iddo farchnad. Mae hynny'n arbennig o wir wrth inni geisio gwyrddio'r economi a datblygu swyddi allan o brosesau felly. Mae Antoinette Sandbach nesaf, ac wedyn Llyr, wedyn mae gennyf gwpwl o gwestiynau clo.

Lord Elis-Thomas: We have discussed this issue in the committee in the context of a possible inquiry that we might want to undertake on what used to be called waste. We started to discuss whether we should use the word 'waste' at all or whether we should, perhaps, see everything as a by-product that could be used for another end and for which there is a market. That is particularly true as we try to green the economy and develop jobs from such processes. Antoinette Sandbach is next, and then Llyr, and then I have a couple of closing questions.

[148] **Antoinette Sandbach:** I have a short question that takes us back to the community benefit issue. First Minister, our committee's recommendation 57 was about publishing information about community benefits, so that things do not become floors or ceilings, and so that the information is widely available to other communities that are coping with applications. What is the timescale for the implementation of that register, who is going to fund it, to where can we point our local communities that are affected by this scheme and can we do that already?

[149] **The First Minister:** Work is moving forward on the development of the registers, which is exceptionally important, so that there is transparency in terms of community benefit, and to ensure that members of the public know what benefits are potentially available. As I mentioned, we are moving ahead with the declaration of community benefits. We have been working with the onshore wind developers to examine the likely contents of a register of community and economic benefits. At the moment, we are looking at the technical requirements that will need to be met to deliver the register. That includes investigating the likely costs. But, I do expect the register to be operational by the end of this year. Of course, if there is a register—leaving aside the issue of the ceiling and floor, on which I doubt we would agree—there is no need to specify a level of benefit per megawatt, because the register will demonstrate what the current benefit is. But, by the end of the year, we plan for it to be in place.

[150] **Llyr Huws Gruffydd:** Un maes mae'r adroddiad hefyd yn cyffwrdd arno yw ynni o wastraff, ac fe glywsom lawer o dystiolaeth ynglŷn â chonsyrn—

Llyr Huws Gruffydd: One area that the report touches on is energy from waste, and we heard a lot of evidence about the concern—

[151] **Yr Arglwydd Elis-Thomas:** Ynni o 'isgynnyrch'.

Lord Elis-Thomas: Energy from 'by-products'.

[152] **Llyr Huws Gruffydd:** Ynni o isgynnyrch; ie, iawn. Cawsom dystiolaeth fod pobl yn mynegi gofid bod ymrwymadau am chwarter canrif yn cael eu gwneud ar gost o gannoedd o filiynau o bunnoedd, ac mae cwestiynau dilys i'w gofyn o gwmpas hynny.

Llyr Huws Gruffydd: Energy from by-products; yes, okay. We had evidence from people expressing concern that commitments for a quarter of a century are being made at a cost of hundreds of millions of pounds, and there are valid questions to be asked around

Rydym hefyd yn gwybod bod Swyddfa Archwilio Cymru yn edrych ar y broses o wneud penderfyniadau lleol ynglŷn â Phrosiect Gwyrdd. Felly, Weinidog, a wnewch chi oedi ar unrhyw benderfyniad ar achos busnes terfynol Prosiect Gwyrdd, nes eich bod wedi gweld adroddiad y swyddfa archwilio?

[153] **Alun Davies:** Nid wyf wedi cael unrhyw gyngor ar y mater hwn eto, ac, ar hyn o bryd, does neb wedi gofyn imi ystyried yr achos busnes yn y ffordd yr ydych wedi ei disgrifio. Felly, nid yw'n fater sydd wedi ei godi eto. Edrychaf ymlaen at weld adroddiad y swyddfa archwilio, yn amlwg, a byddaf yn ei ystyried pan gaiff ei gyhoeddi.

[154] Hoffwn ddweud wrthy, Llyr, cefais gyfarfod da iawn gyda chomisiynydd amgylchedd yr Undeb Ewropeaidd yng Ngŵyl y Gelli lle gwnaeth y ddau ohonom ymddangos a chynnal sgwrs amboutu dyfodol polisi'r amgylchedd yng Nghymru ac yn Ewrop. Un o'r pethau sy'n hynod o bwysig i ni ynglŷn â sut yr awn ati i ddatrys y broblem o bolisi gwastraff, a rhywbeth y gwnaethom gyuno arno, yw mai ychydig iawn o wledydd Ewrop sydd wedi datrys y broblem yn iawn. Mae Cymru'n un o'r rhannau o Ewrop sy'n arwain y gad ar hyn. Mae'n bwysig i gydnabod y gwaith sydd wedi cael ei wneud yn ystod y blynyddoedd diwethaf; gwaith sydd wedi gyrru'r polisi ynni ymlaen tuag at sero gwastraff a thuag at economi lle mae pethau yn cylchredeg a phan nad ydym yn dibynnu ar wastraff, fel yr ydym ar hyn o bryd. Felly, mae'r cyfeiriad polisi hwn yn hynod o bwysig fel rydym yn symud ymlaen, ac mae'n gyfeiriad polisi rwyf yn awyddus iawn i'w hyrwyddo yn ystod y blynyddoedd nesaf.

[155] **Llyr Huws Gruffydd:** Onid ydych yn credu bod *conflict* mewn gwirionedd rhwng yr angen i gynhyrchu gwastraff er mwyn cynhyrchu ynni a bod clymu i mewn i un fath o dechnoleg am chwarter canrif yn gam sylweddol iawn?

[156] **Alun Davies:** Mae'n rhaid inni fuddsoddi, a bydd y buddsoddi yn digwydd dros gyfnod. Mae'n rhaid inni gydnabod hynny. Rwy'n awyddus iawn i symud at economi lle mae popeth yn cylchredeg, nid

that. We also know that the Wales Audit Office is looking at the process of making local decisions about Prosiect Gwyrdd. So, Minister, will you delay any decisions on a final business case for Prosiect Gwyrdd until you have seen the report from the audit office?

Alun Davies: I have not received any advice on this issue as of yet, and, at present, nobody has asked me to consider the business case in the way that you have described. Therefore, it is not an issue that has been raised with me as of yet. I look forward to seeing the audit office report, obviously, and I will consider that once it is published.

I would like to say, Llyr, that I had a very positive meeting with the EU environment commissioner at the Hay Festival where we were both appearing and where we held a conversation on the future of environment policy in Wales and Europe. One of the very important things for us in terms of how we resolve the problem of waste policy, and on which we agreed, is that very few European nations have tackled this problem properly. Wales is in the vanguard in European terms on this issue. It is important that we acknowledge the work that has been done in the past few years; work that has driven the energy policy forward towards zero waste and towards an economy that is circular and where we are not as reliant on waste as we are at present. So, this policy direction is extremely important as we progress, and it is a policy direction that I am very eager to promote over the next few years.

Llyr Huws Gruffydd: Do you not think that there is a conflict between the need to produce waste in order to produce energy and that binding to one type of technology for a quarter of a century is a very significant step?

Alun Davies: We have to make investments, and the investment will happen over a period of time. We have to recognise that. I am very eager to move towards a circular economy, rather than to continue with the linear

parhau â'r economi *linear* sydd gennym ar hyn o bryd. Sut ydym am wneud hynny? Fel yr awgrymodd Julie, rydym yn gweld y dylai'r pethau yr ydym yn eu hystyried ar hyn o bryd fel gwastraff gael eu hystyried fel pethau sydd â'r potensial i greu rhywbeth newydd. Felly, nid wyf am inni redeg i ffwrdd â'r syniad bod gwastraff yn wastraffus.

[157] **Llyr Huws Gruffydd:** Symudaf ymlaen at fy nghwestiwn olaf. Mae rheoliadau Ewropeaidd sy'n dweud bod yn rhaid tynnu unrhyw ddeunydd y gellir ei ailgylchu allan cyn ei bod yn mynd i losgydd. A ydych yn hyderus bod y capasiti ar gael er mwyn gallu cyflawni'r broses honno ar gyfer y prosiectau sydd ar y bwrdd ar hyn o bryd?

[158] **Alun Davies:** Bu i mi gadeirio bwrdd gweiniogol yr wythnos diwethaf gyda'r awdurdodau lleol i drafod hyn. Ar hyn o bryd, mae'r buddsoddiad yr ydym yn ei wneud yn awgrymu y bydd gennym y capasiti i wneud hynny. Mae gennym benderfyniadau dwys i'w gwneud o ran sut yr ydym yn symud ymlaen gyda hyn. Rwyf wedi pwysleisio'r angen i fod yn *streamlined* a syml o ran y ffordd yr ydym yn gwneud hynny. Felly, nid wyf am greu systemau sy'n fwy cymhleth nag sydd angen, ond y rhaglen fuddsoddi sydd gennym ar hyn o bryd fydd yn creu'r capasiti yn y dyfodol i wneud hynny.

[159] **Mick Antoniw:** I just want to move on very quickly to the Green Investment Bank and ask whether there has been any development in terms of the Government's relationship with that, and whether there are any potential benefits. Although there is an obligation to report once a year, one of the concerns that we had was that it did not incorporate the interests of Wales specifically. So, I just wondered whether there has been any potential development that might benefit us within certain areas within that.

[160] **The First Minister:** No, not of late. Since the bank was set up, we have looked very carefully at the opportunities that it might provide for us, but I have not had specific discussions about the bank of late, but I will certainly look to see what can be done to strengthen our relationship with it.

[161] **Yr Arglwydd Elis-Thomas:** Rwy'n awyddus i beidio â mynd dros amser, ond mae gennyf ddau gwestiwn. Mae un ohonynt yn ymwneud ag amseru, oherwydd mae'n ofynnol arnaf fel y Cadeirydd, ac ar Alun fel pennaeth ysgrifenyddiaeth y pwyllgor hwn, i drio gwneud yn siŵr ein bod yn cyflawni'n gwaith yn drefnus rhwng nawr a diwedd y

economy that we have at present. How will we do that? As Julie suggested, we are seeing that the things that we consider to be waste at present should be considered as things that have the potential to create something new. So, I do not want us to get carried away with the idea that waste is wasteful.

Llyr Huws Gruffydd: I will move on to my final question. There are European regulations that state that you have to take out any material that is recyclable before it goes to an incinerator. Are you confident that there is the capacity to be able to complete that process for the projects that are on the table at the moment?

Alun Davies: I chaired a ministerial board last week with the local authorities to discuss this issue. At present, the investment that we are making suggests that we will have the capacity to achieve that. We have some difficult decisions to make as to how we progress with this. I have emphasised the need to be streamlined and simple with regard to the way that we go about this. So, I do not want to create systems that are more complex than is necessary, but it is the investment programme that we have at present that will create the capacity in the future to do that.

Lord Elis-Thomas: I am keen not to run over time, but I have two questions. One is on timing, because it is required of me as the Chair, and Alun as the head of the secretariat for this committee, to try to ensure that we complete our work properly between now and the end of this Assembly. What is the likely timetable for the planning reform

Cynulliad hwn. Beth yw amserlen debygol y papur diwygio cynllunio, y Bil drafft i gydgrynhoi'r ddeddfwriaeth gynllunio ac, yn arbennig, wrth gwrs, y Bil cynllunio newydd i osod fframwaith newydd? A allwch chi daflu goleuni ar hynny, Brif Weinidog?

[162] **Y Prif Weinidog:** Bydd Papur Gwyn erbyn mis Rhagfyr, a bydd y gwaith ar y Bil yn cychwyn flwyddyn nesaf. Mae'r Bil diwygio ymhellach lawr y lein. Bydd yn dod ar ôl y Bil cynllunio cyntaf, a fydd yn dechrau blwyddyn nesaf.¹

[163] **Yr Arglwydd Elis-Thomas:** Felly, nid oes angen i ni bryderu y byddwn am oriau hir yn ymlafnio ynglŷn â chynllunio.

[164] **Y Prif Weinidog:** Rwy'n siŵr y bydd hynny'n digwydd beth bynnag.

[165] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr. Yn ail, hoffwn ofyn am eich ymateb i rywbeth yr oeddwn yn ei ystyried yn ddatganiad rhyfeddol iawn gan y gŵr a elwir yn Ysgrifennydd Gwladol Cymru. Mewn datganiad ar 6 Mehefin, dywedodd—a'r dyfyniad Saesneg sydd gennyf, a hynny o'i ddatganiad gwreiddiol:

[166] 'I would urge the Welsh Government urgently to review TAN 8. Given that, as from today, communities in England will be more empowered as to whether wind farm developments proceed in their areas, it is only right that comparable measures should be adopted in Wales.'

[167] Beth yw eich barn am hynny, Brif Weinidog?

11.00 a.m.

[168] **Y Prif Weinidog:** Mae pobl Cymru wedi penderfynu ddwywaith na ddylai'r Ysgrifennydd Gwladol gael unrhyw rym dros y pethau hyn. Fel y dywedais yn gynharach, rydym yng Nghymru mewn sefyllfa lle ceir mwy o les cymunedol nag sydd yn Lloegr. Hefyd, nid ydym yn credu y byddai unrhyw effaith ymarferol i'r hyn a gafodd ei ddweud wythnos diwethaf. Fodd bynnag, bydd yn rhaid i mi gofio nawr bod gennyf yr hawl i gynnig argymhellion a rhoi cyngor i Lywodraeth y Deyrnas Unedig ynglŷn â phethau sydd yn dod o dan ei rym ond sydd wedi cael eu datganoli i Gymru.

paper, the draft Bill to consolidate planning legislation, and, especially, of course, the new planning Bill? Can you shed any light on that, First Minister?

The First Minister: There will be a White Paper by December, and the work on the Bill will begin next year. The reform Bill is further along the line. That will appear after the first planning Bill, which will begin next year.

Lord Elis-Thomas: So, we do not need to be concerned that we will spend many hours dealing with planning.

The First Minister: I am sure that that will happen anyway.

Lord Elis-Thomas: Thank you very much. Secondly, I would like to ask for your response to what I considered to be a very surprising statement from a gentleman who is described as the Secretary of State for Wales. In a statement on 6 June, he said—and I have the quotation in English, from his original statement:

What is your view on that, First Minister?

The First Minister: The people of Wales have, on two occasions, decided that the Secretary of State should not have any power over these issues. As I said earlier, we in Wales are in a situation where greater community benefits are available than is the case in England. In addition, we do not believe that there would be any practical impact to what was said last week. However, I will have to bear in mind that I now have the right to make recommendations and provide advice to the UK Government on issues that are under its control but devolved to Wales.

[169] **Yr Arglwydd Elis-Thomas:** A fyddai yn eich rhyfeddu pe bawn yn dweud wrthyfch fod barn bod y datganiad hwnnw gan yr Ysgrifennydd Gwladol yn ddatganiad a oedd yn amheus ei statws cyfansoddiadol yn yr ystyr ei fod yn ceisio gwrthdroi datganoli?

Lord Elis-Thomas: Would it surprise you if I were to tell you that there is a view that that statement by the Secretary of State was a statement that was constitutionally suspect in the sense that it was trying to overturn devolution?

[170] **Y Prif Weinidog:** Mae lan iddo ef i esbonio hynny.

The First Minister: That is up to him to explain.

[171] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr i'r ddau ohonoch. Cawn doriad nawr am chwarter awr.

Lord Elis-Thomas: Thank you both very much. We will now have a break for quarter of an hour.

*Gohiriwyd y cyfarfod rhwng 11.01 a.m. a 11.16 a.m.
The meeting adjourned between 11.01 a.m. and 11.16 a.m.*

Ymchwiliad i Rywogaethau Goresgynnol Estron—Tystiolaeth gan Swyddogion Llywodraeth Cymru Inquiry into Invasive Alien Species—Evidence from Welsh Government Officials

[172] **Yr Arglwydd Elis-Thomas:** Rwy'n ailddechrau'r cyfarfod yn Gymraeg ac mae'n bleser arbennig croesawu Chris Lea a'i dîm. Mae Chris a mi wedi bod yn hen gyfeillion yn y canolbarth ers blynyddoedd. Mae'n dda ei weld yma i roi tystiolaeth i'r pwyllgor, ynghyd â Martin Williams a David Thomas.

Lord Elis-Thomas: I resume the meeting in Welsh and it is my pleasure to welcome Chris Lea and his team. Chris and I have been old friends in mid Wales for years. It is wonderful to see him here to give evidence to the committee, along with Martin Williams and David Thomas.

[173] Mae'r pwyllgor, fel y gwyddoch, wedi cwrdd, yn addas iawn, yng Ngardd Fotaneg Genedlaethol Cymru i drafod y mater hwn ac wedi derbyn tystiolaeth gan arbenigwyr a rhanddeiliaid eraill. Ein diddordeb heddiw yw dal i fyny gyda beth mae Llywodraeth Cymru yn ei wneud, yn ogystal â'r wybodaeth rydym wedi ei chael gan lywodraeth leol, undebau amaethyddol a mudiadau gwirfoddol yn barod.

The committee, as you know, met, most appropriately, at the National Botanic Garden of Wales to discuss this issue and received evidence from experts and other stakeholders. Our interest today is to catch up with the Welsh Government's activities, in addition to the information that we have received from local authorities, farmers' unions and voluntary organisations already.

[174] Cychwynnaf drwy ofyn i Chris roi crynodeb byr i ni o ba arweiniad mae Llywodraeth Cymru yn ei gymryd yn y maes hwn, yn arbennig o ran y posibilrwydd o ddeddfwriaeth o ryw fath yn dod o'r Undeb Ewropeaidd.

I begin by asking Chris to give us a brief summary of what lead the Welsh Government is taking in this area, particularly in terms of the possibility of some sort of legislation emerging from the European Union.

[175] **Mr Lea:** Diolch yn fawr, Dafydd. Byddai'n well gennyf siarad yn Saesneg, os gwelwch yn dda.

Mr Lea: Thank you, Dafydd. I would prefer to speak in English, please.

[176] **Yr Arglwydd Elis-Thomas:** Mae hynny'n iawn, ond rwy'n gwybod dy fod

Lord Elis-Thomas: That is fine, but you have learned Welsh very well, fair play.

wedi dysgu Cymraeg yn dda iawn, chwarae teg.

[177] **Mr Lea:** Diolch. Thank you very much for inviting us here today. I thought that it would be useful to briefly set the scene for you in terms of the division and its work. The division is land, nature and forestry. As of last week, the Minister moved marine to the new marine and fisheries division. So, we are land, nature and forestry. Within those teams, we cover soils policy, environmental impact assessments, the delivery of the rural development plan, and work on monitoring and evaluating the common agricultural policy and other areas.

[178] In terms of biodiversity, to give you the links across to how invasive non-native species fit in, the biodiversity work covers, in no particular order, work on introducing new species. At the moment, we are looking at beavers—and you might want to pick up on some of this later on. So, there is work on introducing new species to Wales. Secondly, there are links across to how we deal with the injurious weeds—the domestic weeds such as thistles that we have to control. There are links across to plant health and forestry in terms of all of the diseases on trees and in forestry. We are responsible for dealing with Chalara at the moment and all the diseases in conifers. In addition, there are the links with some of the alien invasive species. For example, we have rhododendron as a carrier of disease causing problems in those areas.

[179] We then have the area of work that we deal with called the wildlife incident investigation scheme. That deals with some invasive species, for example when they are illegally poisoned. So, the team deals with the illegal poisoning of grey squirrels and there are other areas of activity as well. Moving across, we take on work looking at ecosystem services and we particularly look at habitat resilience in the future and how that might change with climate change. So, we are getting new species moving in, birds and others, that get involved and get to have a major role in terms of changing habitats and species diversity. That is the cross-section of the work within the team, particularly looking at invasives as part of that.

[180] That is the work that we do specifically on invasives, and we only have one person that leads on this work in Wales, and that is Dave, the colleague on my left—and it is not his full-time job, either. We are just in the process of agreeing with our colleagues in Natural Resources Wales what the totality of effort would be in their business plan on invasive species in the next few months. As part of this, Matthew Quinn, the director of the department, is chairing a new biodiversity group that will be taking forward all the work in Wales on biodiversity, and that includes all sorts of organisations across Wales—the voluntary sector, internal departments, the RSPB and others. That group will have a key role in looking at invasives as we move ahead.

[181] Whatever we do on invasives causes huge public interest. You all know what has happened with badgers; they are not invasive, but you all know how the public perceives badgers. We have the same issue with some of the invasives, whether they be parakeets, grey squirrels or others—people do not want to cull them, so there is a huge issue there in relation to the animals side of this.

[182] **Lord Elis-Thomas:** Some people do not want to cull them; some people would love to cull them.

[183] **Mr Lea:** That is correct. It is very true that some people, like foresters, are keen to get rid of some species, and fishermen are keen to get of mink. However, with some of the species, the public does not understand these issues as well as it could—it does not want to see these species being killed. Plants are different altogether. A key point is that there are now 2,000 invasive species in the UK, of which only 15% are actually a problem. So, this needs to be put in perspective. Obviously, we have big problems with a few of them, and the key for us

is to work with the science agencies, both in England and Wales. The Food and Environment Research Agency, which you will have picked up in the paper, leads for England and Wales on contraception work for parakeets and others, and looking at how we might be innovative in tackling some of these species. We have FERA, and we also have the Centre for Environment, Fisheries and Aquaculture Science, which works with us on the fisheries invasive species and how they affect Wales. We are also involved with DEFRA, which still leads, and we spend £5 million in England and Wales on biodiversity research, some of which is on tackling invasive, non-native species.

[184] **Lord Elis-Thomas:** What about the European dimension?

[185] **Mr Lea:** In terms of the European dimension, there are a number of angles. In fact, we have a meeting next week with NRW to look at better access to European funding for biodiversity per se. That is looking at Natura 2000, the rural development plan and how we can improve the way that we access European money for biodiversity, and in terms of tackling invasive, non-native species. We are meeting next week with NRW to look at that, and I gather it might well have spoken to you about that—I do not know.

[186] **Lord Elis-Thomas:** Thank you very much. I will start with William Powell on this side, and then Julie Morgan, and then Antoinette Sandbach.

[187] **William Powell:** Good morning. I would like to ask for your view on the possibility that Glastir could actually contribute to dealing with some of the invasive, non-native species. The Minister who previously set his face against any significant reappraisal of Glastir now appears to have come to a different view, and is looking to assess the options. What are your views on that area as to whether that would potentially be helpful?

[188] **Mr Lea:** That is a very sensible suggestion. Traditionally, we have not really looked at Glastir. We have some examples in Wales whereby the voluntary sector and others are taking action in river catchments for tackling Himalayan balsam where that is becoming a problem. We could look at Glastir and the potential that it has, particularly if we can link it in with identifying the priority habitats in Wales, and then looking at where invasives cause damage to those habitats. So, it is a very good suggestion that we ought to look at taking forward.

[189] **William Powell:** That kind of thinking has come much more to the fore in terms of issues around flood prevention in recent years in terms of dealing with landowners, and so on. What role do you think that ADAS could usefully play in that regard, because farmers still look to that body to provide advice and support? Do you think that it would have a useful role?

[190] **Mr Lea:** We need to look at the whole delivery mechanism. I do not know if any of you picked it up, though I am sure that many of you are very familiar with Farming Connect, but we have had discussions with the Minister and others about widening Farming Connect per se under the new RDP, and that could become ‘Farming and Forestry Connect’, but it could also have a wider role, as you were saying, in looking at invasive species and in demonstrating best practice in that regard. Also, in their use of consultants, ADAS and the other network of consultants could play a role. As always, the issue is the budget and the money. It is about seeing if we can integrate it into the wider advice. So, where we are giving advice on the environment and business, whether we can pick up some of these alien species as part of that work should be looked at.

[191] **William Powell:** That brings me to my final question, if I may, which is on the budget. It would be fair to say that some people view this as something of a cinderella area. You referred to the fact that Mr Thomas is the only lead on the issue and the fact that it is not

your sole responsibility. Given the testimony that we heard when we were at the National Botanic Garden of Wales regarding the blight of Japanese knotweed and other plants across whole swathes of the Swansea valley and well beyond, it appears that there is some disconnect between the amount of resources that have been committed to this area and the gravity of the problem. I do not know whether you would be able to comment on that.

[192] **Mr Lea:** Being strictly open, we do not have a Welsh Government budget for invasive, non-native species at the moment. We are looking to see if we can get one, but we do not have a budget to tackle invasive species. The budget for plant health is spent on plant health issues at the moment. So, they are not factored into the spend within Welsh Government; we do not have a budget for that.

[193] We are in discussions with NRW separately at the moment, and we will be having further discussions about pulling together the work that it has done on non-native species within the three respective bodies as they move into one. So, we will have a chance now to look at that, and we are already having discussions. Martin and the team have a discussion coming up with NRW on invasive non-native species and how the work goes forward, but it is a good point.

[194] **Mr Williams:** Just to add to the point, Chris, there is no dedicated fund within NRW as such. What tends to happen is that when officials are walking across their other priorities, if there is an opportunity to take action on INNS through that spend, they tend to use that as a means to do it. I plan to meet with them to discuss how we can better co-ordinate the actions and the funding and the focus that they put on INNS moving forward.

[195] **William Powell:** That is very helpful. It is clearly an area where we need to apply some additional pressure. Thank you.

[196] **Lord Elis-Thomas:** Before I call Julie Morgan, when we took evidence from local authorities in Llanarthne, I was particularly impressed by the activity that had gone on in Caerphilly County Borough, for example, and in Swansea. I had a bit of a concern that a lot of hard work had been done but that it was not always the case that that work was being continued. Obviously, monitoring was taking place in the areas where there had been some intensive activity, and I think that it would be really good to start by spreading that good practice. Obviously, I know of the work that goes on in Snowdonia—I am a very responsible small landowner myself, although I am afraid that I have not done the eradication that I should have on the Japanese knotweed and on the *Rhododendron ponticum* and all the rest of it. I have got all those names in Welsh, so I should *siarad Cymraeg* on this, because we have learnt the full vocabulary. You are welcome to have a copy of our vocabulary, Chris, as part of your language—

[197] **Mr Lea:** That would be *bendigedig*. Diolch. [Laughter.]

[198] **Lord Elis-Thomas:** Would you like to comment on the issue of work done by Welsh local authorities and whether it can be spread about?

[199] **Mr Lea:** We have started some programmes with the public to try to improve the flow of information. We have a couple of campaigns, as you will see from your paper, relating to this, but there is an opportunity to get a better evidence base. One of the things is an EU project that we are taking forward, called COBWEB, which looks at the role of the public in citizen science. Martin has a project going on with OPAL, which looks at the issues of tree disease. However, I think that there is a wider role, because, for example, with some of the species, we do not know that they are there until the public has told us, such as the snakes in north Wales, and the parakeets and others. So, we do need to do some more work on the role of the public. Citizen science is something, along with how we can provide a better

evidence base working alongside the NRW. I think that there is an opportunity in particular to use the work with the biodiversity leads within the local authorities. Their roles could, potentially, extend beyond biodiversity in its true sense, to have an INNS role as well, and that is something that the committee might want to think about.

11.30 a.m.

[200] **Julie Morgan:** I was going to ask about the role of local authorities as well. I am very struck at the lack of learning between the different authorities. Thinking in particular about Japanese knotweed, quite a bit of work has been done in Cardiff, but, further up the valleys, it has not. Obviously, the whole of the river valley should be addressed. Have you any proposals as to how authorities can work together more to tackle these sorts of issues?

[201] **Mr Lea:** There are two routes really. This links in first to the Welsh invasive non-native species group, and Dave or Martin may want to say a bit about that in the future. The second thing is how the local authorities, particularly through their biodiversity leads, then feed in. We also have the recorders in the local authorities who record the biodiversity data. What we might look at is a widening of their role, so, rather than just recording the biodiversity data and what is there in terms of natives, it would not be very difficult for them to capture non-native information data, and exchange as well. There is an opportunity to take that forward.

[202] **Mr Thomas:** As part of the Wales working group, we have representation from the Welsh Local Government Association. We look very carefully at the issues around invasive species such as Himalayan balsam and Japanese knotweed. We try to encourage a catchment approach to these sorts of invasive issues. Swansea council has been one of the leading authorities in seeking to address some of the issues around Japanese knotweed, and is one of the locations where a biocontrol agent is currently being looked into. The INNS group is looking to see the outcomes from that work. More widely, the group looks at a whole range of issues relating to invasive species, some of which are not always as visible as some of the issues relating to Japanese knotweed and Himalayan balsam that may arrive in your postbags.

[203] The Wales group has worked very hard, together with the GB secretariat who provided evidence to this committee, in trying to come up with a priority species list, so that we can seek to spot the invasives that are not necessarily in Wales just yet but which are elsewhere within the community and which are already proven to be highly invasive elsewhere. That is something that the group is paying particular attention to. The group is also focusing on those invasive species that are currently becoming established in Wales and where there is an opportunity to take action early to try to prevent any further spread. An example might be the killer shrimp issue, which you may have heard about or read about. There was a very effective programme of action involving a range of stakeholders across both Wales and England to contain the spread. This put into practice one of the flagship policies of the GB strategy that relates to the message of 'check, clean, dry', which is aimed specifically at boat users, anglers and other water recreational interests, to try to make sure that any problem, once it is identified, is contained within that immediate area.

[204] **Julie Morgan:** What is the role of the Welsh Government in the campaigns that you referred to?

[205] **Mr Thomas:** The Welsh Government is fully supportive. It is a GB campaign. Prior to NRW being established, Environment Agency Wales, the Countryside Council for Wales and the Welsh Government were actively working with the GB secretariat to set up the 'check, clean, dry' campaign. The Welsh Government has funded the campaign to the extent that we have produced a number of bilingual posters and other bits of information so that they are prominently available at key sites across Wales.

[206] **Mr Lea:** Linked to that, the Minister recently funded, together with the other devolved Governments, a stand at the RHS Chelsea Flower Show on plant health issues. What we are hoping to do is to use some of these more fully in moving forward. The other issue on this is getting agreement that some of these invasive species need to be controlled. We have talked about some of the animal ones, but, fairly recently, beekeepers lobbied the Minister about nectar sources from such things as Himalayan balsam, which they actually like, because it provides a useful form of nectar for which there is not an alternative at the moment. The Wildlife Trust has said that it would like us to work to put other pollination species in place instead, but beekeepers say that we need to be very careful about how we eradicate species, unless we are replacing them with others, because they are a good nectar source at key times of the year. So, there are these other issues, moving forward.

[207] Also, as ecosystems change, because we get new species coming in with climate change, there is work going on around what should be considered native and what we should allow to move here. In particular, I think that we need to distinguish between what is introduced by human activity through deliberate release, such as frogs, toads and so on—you have probably seen bullfrogs on the list—which is a key area in terms of what humans introduce, vis-à-vis what species move in through natural progression and natural succession. So, we also need to take a line on that, moving forward.

[208] **Antoinette Sandbach:** I was very interested in your paper and I wondered, Mr Thomas, whether you could tell us whether you have any key performance indicators in place for tackling invasive non-native species that are put into agreements. For example, I know that, last year, John Griffiths had a £1 million biodiversity fund that stakeholders could bid for. Do you include INNS as part of the specifications for projects bidding for that? Also, how are you monitoring, when you are giving out funding in other areas, what is being done to tackle INNS? So, are there key performance indicators, and, if there are, where are they, and would you be prepared to write to tell us where those are in the various projects that get funding from other sources?

[209] **Mr Thomas:** I am not aware of any key performance indicators. The funding to which you are referring is something that takes account of invasive species, and the INNS working group itself monitors actions against the funding that has been made available under those schemes. However, the point about introducing some form of indicator is very useful and something that I can take back to the INNS group.

[210] **Mr Lea:** Linked to that, while we are on the subject of performance indicators, as I said earlier, what we are proposing with regard to the biodiversity action plan and the new biodiversity forum chaired by Mathew Quinn, which is moving forward, is that that group will both set the priorities and look at the targets and performance indicators for measuring the impact of biodiversity moving forward. We will obviously have to bring in and consider the INNS ones under that plank. That is something that we will need to do, because we are hoping that this group will perform a role in considering what the priority actions are for Wales. Looking at the recommendations from the INNS group from Wales, the biodiversity group will then consider, with the RSPB and others, what it feels the priorities are and how we take that forward.

[211] On your point about the budget, it is possible for people to bid into the ecosystem fund for INNS activities. I do not have the criteria with me, and I do not think that we list INNS specifically, but people could look at INNS activities as part of that biodiversity fund.

[212] **Mr Williams:** To clarify, as a team we took over responsibility for this area in September, so we have inherited it and tried to evolve the area. Picking up on the point that you made earlier, it is a cinderella area. I do not think that, historically, it has had a lot of

resources put into it, and the way that it has been managed to date has been opportunistic. So, it has not had any specific, obvious ways of producing key indicators over which you would have control and deliver. Moving forward, we would certainly like to do that. That is the purpose of the discussion with NRW and the way in which we will try to move it forward.

[213] **Antoinette Sandbach:** I want to move on to a cost-cutting approach, particularly, for example, in plant health. I declare an interest here, as an owner of forestry. NRW recently wrote to me explaining the changes that were taking place, but I have not had any information about Chalara or phytophthora. That could easily have been included in that letter to me. It was sent to me in two languages. So, what efforts are you making in that regard, when there are quite substantial plant disease issues, if, for example, information is going out to boat owners? What are you looking at where there are existing communications going out to groups that are likely to have exposure to such diseases, or need to know information? For example, given that Chalara is spread by fungal spores, there is a lot of work that needs to be done around cleaning your boots and not moving from one woodland to another without taking some sort of biosecurity measures, and educating people such as gamekeepers and others who might be regularly walking through woodlands, like dog picker-uppers, and through the public Forestry Commission estate, about that. How are you hardwiring INNS issues into the established organisations that deal with particular sectors that are likely to have exposure to non-native species?

[214] **Mr Lea:** Going back to your earlier point about fishing boats, harbours and so on, one of the things that we are asking the Welsh INNS group to do, rather than create new legislation, is to look at the existing routes by which it could look at how we pick up issues on invasives. So, where you have port inspectorates and other such organisations, we are asking the INNS group to look at those to see whether there are things already going on in terms of airports, harbours and ports, and whether what is already there can pick up these other things at the same time. So, that is one thing that we are asking the INNS group to look at.

[215] We are also, in the public campaigns being run—it was interesting that you said that you had not seen any information on Chalara—sending out that message about walking safe and cleaning boots in terms of woodlands linked to disease. However, what we need to do, and what we want to do—Martin is involved with a piece of work on plant disease and the issue of citizen science—is to extend this to cover the issue of invasives as well, so that it is joined up.

[216] **Antoinette Sandbach:** I would just express a concern about that. One of the pieces of evidence that we had in our session at the National Botanic Garden of Wales was that, for example, a lot of Himalayan balsam seed is spread by people walking up river and picking it up on the soles of their shoes. Part of my concern around citizen science is that, if you are encouraging people to go out, they might make the problem worse. I think that you have to be cautious about that possibility, because, if they go hoofing through Himalayan balsam, bursting all the seed pods, and then walking around all over the place in areas that do not have it, they could assist in the spread of the plant. Will you bear that biosecurity issue in mind in and around citizen science?

[217] My final question, on that aspect of it, is: are you speaking to Leighton Andrews's department in terms of education to see whether some of the messages around this could go into primary schools as part of the education curriculum, and be incorporated into biodiversity and some of the outdoors learning and so on?

[218] **Mr Lea:** That is a very good point. There is an internal Welsh Government group on this as well, and we are mirroring this in other areas. We want to make the links, exactly as you said, with schools and get schools out looking at some of these issues and having an understanding of disease and invasives issues. So, we are taking that forward as one of the

areas internally.

[219] **Mr Williams:** The Open Air Laboratories project that I am involved in, which is a tree health engagement with stakeholders and schools and the public, is a specific example of that. I can give you more detail on that, if you want.

[220] **Antoinette Sandbach:** I picked up information on it at the Royal Welsh Show last year. However, I feel, speaking perhaps from the other end of experiencing it as a user, rather than as an Assembly Member, that that joined-up thinking could be a really helpful approach. Also, perhaps publicising that this biodiversity fund could, in fact, tackle INNS and that that could be done in a catchment way—particularly given that we heard that, if the issues are dealt with upstream, you reduce the problems downstream—would be very helpful for local councils and, in particular, particularly bodies such as the Rivers Trust, when it comes to Himalayan balsam. I know that the Wildlife Trust would also be delighted to hear about that.

11.45 a.m.

[221] **Mr Lea:** Taking your point, one of the things that we want to try to look at now, across the board, going back to what I said in the very beginning about taking a ecosystem services approach, is at the whole river basin and everything in the catchment—in terms of forestry planning, water planning, flooding and the biodiversity that you want to protect. That is part of the direction in which the Minister wants to go, in terms of looking at an area spatially and at all these things in unison, rather than at each one in isolation. We are taking that forward with river basin management planning and catchment sensitive farming, as we did before. What we are doing now is looking at catchments as well, but we have a long way to go on all of this work with NRW. I do not know what the committee will think about this, but we are hoping to develop some pilot projects with NRW and one of the things that we could look at is, where NRW is looking at integrated land and water management, integrating INNS into all of those projects, but the committee might want to take a view on that.

[222] **Lord Elis-Thomas:** Thank you for that. Clearly, this is an area of research and inquiry that we have only just started to open up. I think that the feeling among Members is that we may want to report on this and we may even be able to help to get you a small budget. [*Laughter.*]

[223] **Mr Thomas:** May I say, Chair, before we move on, that biosecurity has been recognised as a central plank of the GB strategy looking into the invasive alien species issue. The programme board that oversees all of this at a GB level has asked for biosecurity measures to be given very high priority within the strategy. There is a working group, which I sit on—I tend to sit on quite a few of these groups for one reason or another—and there is a biosecurity focus to a lot of the INNS work that is under way. Many of the points that you make are already, I would like to think, being addressed at least in some way.

[224] **Lord Elis-Thomas:** If you would like to supply us with more detail arising from your work, without over-burdening your other activities, we would certainly be pleased to see that. I have Julie James now, then Russell George, then Vaughan.

[225] **Julie James:** Thank you, Chair. I am interested in your views on some of the suggestions around the proposals that are working in Scotland about access to land where the landowner has an invasive species on the land and is not co-operating with its eradication. I am the AM for Swansea West, and so I am very familiar with Swansea council's programme on Japanese knotweed. I am also very familiar with the problems of many of my constituents whose homes are unsellable because of Japanese knotweed on adjoining properties where either the property holder is an absentee landlord, or nobody knows who owns the adjoining property and so on. What is your view on legislation to assist in the eradication of those sorts

of species? At the moment, it is not illegal to plant Japanese knotweed in your own garden, if you fancied doing so. We have examples of neighbours doing just that when they have fallen out with each other. I would like to see the legislation strengthened in a number of ways, but I wondered what your view on that is.

[226] **Mr Lea:** You have to be very clear, if you have legislation, that it is not just going to sit there and that you are going to use it, and you need to be clear about what you are going to use it for. We will be very interested to watch the Scots and to see what they do with their legislation. What the Minister has said, and what DG Environment in Brussels has said, is that we should make better use of the existing legislation and have voluntary agreements, wherever we can, to do things. We have some good examples now of where some of the control of invasives is being done very much by voluntary agreement, because it is a win-win situation for people.

[227] The other issue, in terms of watching Scotland, is that we are also watching Brussels, as you have probably picked up, because we are pretty sure that it is about to introduce a new regulation on invasive non-natives. That will, in a sense, give us a plank, in terms of looking at what is contained in that regulation and what we need to do in Wales and in the UK.

[228] We are also concerned that, although we could do a heck of a lot more, a lot of the eastern bloc countries and other countries in Europe are doing less. So, I think that the Commission is suggesting that the areas of the EU that are doing more should work together as teams, rather than using the legislation, to try to help each other to tackle some of these issues. Particularly on the legislation, once we have a little more detail—and we have some detail now on what they are proposing—we will need to look at the balance between what we need to do in terms of access and what we would want access for. The issue with Japanese knotweed, as you quite rightly say, is that it is here and it would cost pretty well the whole Welsh Government budget to tackle it if we did it because it is such a huge issue. We are now trying to mitigate it and are targeting our efforts at tackling new species and stopping them from getting to serious levels. I do not know whether any of my colleagues want to say a bit more about what is in the legislation, and whether the committee wants to question a bit more about the legislation. However, we will look at the legislation when it comes in. We will be working with colleagues in London to see what that means to us, and then on that basis we will be saying, ‘This is what we need to do in Wales’. Taking the gentleman’s point earlier on, we will also look at how we use the rural development plan and Glastir to tackle things in a creative way, and looking at the wider budgets that are available to us and NRW.

[229] **Julie James:** I understand entirely the point about rural areas, with Glastir and so on, and I entirely agree with a consensual approach where that can work, but in the urban environment that I represent, we have major problems with landowners who will not allow access and who are not doing anything at all to eradicate Japanese knotweed. I take your point about new species also, and that we already have Japanese knotweed, but we have an economic blight across sections of a city because people cannot sell their houses, they cannot get insurance and a number of other issues. I am leaning towards thinking that we should have some legislation around compulsory insurance and making landowners responsible for a species that is affecting the land of their neighbours, effectively.

[230] **Mr Lea:** This is the area that we now need to consider on the back of the EU regulation. We need to consider what other powers that we need, but we then need to be very clear that, if we have the powers, we have the ability to use them. As we said earlier, it is extremely expensive and we would have to look at how we prioritised action. It would and could save up a lot of money to use those powers to tackle individual species in urban locations. However, it is certainly something that we need to look at.

[231] **Lord Elis-Thomas:** I now call on Russell, and then Vaughan and Llyr. I am sorry,

Julie; have I cut you short?

[232] **Julie James:** I just wanted to say one thing. The issue about insurance is something that I would like to see someone have a look at because we really do have people who are stuck in a house that they cannot sell ever, and cannot get any assistance for. As I understand it, at the moment it is not even an offence to continue to plant Japanese knotweed, never mind not to eradicate it. So, I would certainly like to see the legislation strengthened to say that you ought not to be allowed to actually deliberately plant it.

[233] **Mr Thomas:** It is certainly an offence to plant it in the wild, but that is a definition that needs to be—

[234] **Julie James:** The definition of ‘the wild’ when you are in the middle of Swansea city is a bit—

[235] **Mr Thomas:** I perfectly understand your point. In terms of the insurance issue, I think that the Royal Institute of Chartered Surveyors has done some work fairly recently on some of the issues that are of concern to your constituents, and it has produced some further guidance, as has the Environment Agency Wales in its former life. The Welsh Government has also produced guidance on issues around drawing up specifications relating to construction issues and impacts from Japanese knotweed. However, the point that you make is very well understood. It is an invasive species that was introduced, as you know, in the nineteenth century. It bumped along without causing any problems at all until around the middle of the twentieth century, mainly as a result of spreading contaminated land around because, at that time, no-one fully understood how the plant spread. There has been an incredible increase in the problem over the last 50 years or so, and estimates are along the lines that it would cost upwards of £150 million per annum to try to control or eradicate it. Within the urban environment, we are fully aware that the containment of the problem, which might be appropriate in more rural areas, will not be entirely appropriate in more urban areas, and so developers and homeowners would need to try to take some other actions, not only to get rid of the plant, but to get rid of the contaminated soil as well. So, the costs of delivering on all that are likely to be considerable. However, I am not sure that there is an answer over and above the sorts of issues that have already been tackled by organisations like RICS, for example.

[236] **Mr Lea:** As you know, we are trying to tackle it using the biospecies. It is not doing particularly well at the moment. We have had a couple of trials in Wales, as you know, and it is not doing particularly well, but we are trying to work with scientists across the board to see what else we can do on these things as well.

[237] **Mr Williams:** To add on the access issue, I see that as key, not just for tackling landowners who will not let you onto their land to deal with the problem, but also in terms of the likely requirements of the EU legislation, where monitoring and surveillance would be required. You have to have access to land to be able to undertake that. So, that is a live issue that we will have to look at.

[238] **Russell George:** I wonder whether you can talk about the assessment of the economic impact specifically on Wales. Has any work been done on that?

[239] **Mr Lea:** Some work has been done that estimates, as you have seen, the impact of Japanese knotweed per se. One of the things that we discussed when the committee came to Cardiff—was it 12 weeks ago, Dave? I cannot remember when it last came, but it was something like that. The last meeting was on exactly that point that, particularly as budgets are tighter and this work is extremely expensive, we need to look at not only those invasives that will damage ecosystems, but what the cost to Welsh society will be as a consequence of

these invasives coming in. The risk assessments take that into consideration, but we have asked that more work is done on this in terms of the economic consequences, particularly of the high-risk species that have been earmarked. So, we have asked for that work to be taken forward. However, as you can probably see, there is some work. Martin has the figure here from one of our papers that the cost of invasive non-native species to Wales is roughly £125 million at the moment.

[240] **Mr Williams:** That is the annual cost.

[241] **Mr Lea:** Yes.

[242] **Russell George:** Is the Welsh Government planning to do any work on this specifically?

[243] **Mr Lea:** We will definitely do some work on the costs as part of the Welsh INNS work, and we will look at that. We have agreed with Ministers that we will look at cost adoptions as well for all recommendations, whatever we put to the Minister. However, on this point, we hope to look with NRW at the cost adoptions of dealing with these cases, because they are extremely expensive.

[244] **Russell George:** From what department will that funding come?

[245] **Mr Lea:** The work will come directly from the work that we are doing with NRW, so NRW will work with us on it. In addition, with the risk-assessment work, we will work directly with the GB INNS group.

[246] **Mr Williams:** I think that I am right to say, Dave, that, normally, an economic analysis would be part of the risk assessment of a new species. So, you would have that kind of heads-up figure at that point. Once it gets to something of the scale of Japanese knotweed, it is a whole new ball game.

[247] **Vaughan Gething:** I wanted to come back to the point that Julie James was advancing on access. I know that you referred to the legislation that already exists in Scotland, but I wanted to clarify what the position is at present for the Welsh Government. I appreciate that you have a bit of a watching brief, but when Martin Williams responded, he was clear that access-to-land issues are important, not just in terms of addressing an invasive species that may be on land, but in terms of the monitoring of the plants that you expect to have. We had particularly striking evidence from National Resources Wales when we considered this, about the problems that it is having in a range of settings where landowners are refusing access. That will mean that other land is, if you like, contaminated by an invasive species. So, there appears to be a real problem that current powers do not allow it to address. I think that that is the point.

[248] So, I am interested in whether you are saying that you do not want to give a commitment now, but you are interested in what might happen, or whether you are saying that, in principle, you would like to see further powers to address the issue of access, whether it is to public or private land, but that you are waiting to see what happens in Scotland and how that might or might not be the right model. Finally, if you were minded that legislation was not only desirable, but necessary to deal with this effectively, would you see a legislative opportunity in this Assembly to do something about it, given that you expect some from Europe, and there will be a range of Bills coming before this committee where there might be an opportunity to try to transpose other legislation within Britain that might provide us with an opportunity to address this particular issue?

12.00 p.m.

[249] **Mr Lea:** We certainly need to look at powers. It is twofold. First, we need to look at the outcome that we want to achieve, that is, if we have the powers, what we are going to use them for, and where we are going to use them. Also, we need to consider how much money we would need to identify to use those powers in tackling species as soon as possible. We certainly need to learn from what Scotland is doing. We picked up from some people that there are concerns about Scotland going in, using the powers and then charging the landowner. Obviously, that is not going to be particularly popular, but that is something that we need to look at.

[250] **Julie James:** [*Inaudible.*]

[251] **Mr Lea:** Exactly, and that is what we need to look at. You also need to look at the different environments, because obviously we have an environment where people are deliberately planting species, and that is a different issue to where people—for example, landowners—have species coming in through circumstances outside their control, and to then give them a large bill would be—all these issues need to be looked at. We need to look at the scope that the European legislation brings, and the potential. We have got powers in other areas of wildlife; we have powers, as I said in my introduction, linked to how we tackle some of the poisoning incidents in Wales relating to wildlife. We have got powers of entry there under the Wildlife and Countryside Act 1981. So, we need to look at what other powers we might need and how we might use them. But, of course, looking at the bureaucracy part, we need to be very clear, if we are bringing in new legislation and introducing new powers, about how we are going to use them, and also make sure that we have the necessary budget to take action in tackling enforcement.

[252] **Vaughan Gething:** May I just deal with that point? We are talking about a problem that we recognise exists. We recognise that there is a problem with access. Part of the concern is that while collaboration and voluntary arrangements are preferable, what happens when somebody says ‘no’ and will not co-operate? I appreciate the point that landowners may not be responsible for a problem that is on their land in terms of how it is generated, but if they refuse to do anything or to co-operate, what happens then? That is the impasse that we are looking at. Then, when you talk about what ‘we’ will do in response, or what budget ‘we’ have, I assume that you are talking about the Welsh Government, and yet it may not be the Welsh Government that is the body charged with doing all of this. As I said, Natural Resources Wales gave some very clear examples. There was one somewhere near Bala where someone had an invasive species that was going to kill the pond on their land, they did not want to do anything about it, and NRW said that that would eventually go down the river to other parts of the country. In that instance, it does not matter whether the landowner is responsible as it is there, it will be a problem, and they are not co-operating, so why would you not consider NRW potentially being a body that could make use of the powers available? It may not be about the Welsh Government saying, ‘We need to find a new bureaucracy’; it could be that those powers are available for NRW or local authorities to undertake that work, especially as local authorities already undertake work to try to control invasive species.

[253] **Mr Lea:** That is a very good point. It is not likely to be us that would do the implementation of this. It is likely, as you suggest, to be NRW or the local authorities, but we just need to be clear that tackling whatever species we pick can be extremely cost-intensive and expensive. We need to be clear, once we have those powers, what we would use them for moving forward, and how we would prioritise that, because it could soak up a lot of money. It is a key point that we need to look at. If we agree that we need to tackle species x and species y, then we need to make sure that we have the opportunity to do that. If we can do it voluntarily, then brilliant, and in cases where we cannot, obviously we would need to look at having powers of entry.

[254] **Vaughan Gething:** Finally, just to clarify, while you are not committing to saying, ‘Yes, we will look for an opportunity to legislate in this Assembly’, you are not saying, ‘No, we definitely won’t’.

[255] **Mr Lea:** That is something that the Minister would have to—

[256] **Vaughan Gething:** So, in terms of it being open—

[257] **Mr Lea:** Certainly, I think that we are open to looking at it.

[258] **Vaughan Gething:** That is fair enough.

[259] **Llyr Huws Gruffydd:** Mae gennyf un cwestiwn atodol i’r hyn mae Vaughan wedi ei holi yn awr. Rydym yn sôn am hawl i fynediad i dir, ond wrth gwrs rydym wedi derbyn tystiolaeth yn mynegi consyrn bod posibilrwydd y byddai deddfwriaeth yn gosod dyletswydd ar dirfeddianwyr i reoli rhywogaethau goresgynnol estron ar eu tir. A yw hwn yn opsiwn yr ydych wedi bod yn ei ystyried, yn enwedig yng ngoleuni deddfwriaeth Ewropeaidd?

Llyr Huws Gruffydd: I have just one additional question to what Vaughan asked now. We are talking about a right of access to land, but of course we have had evidence expressing concern that there is a possibility that there would be legislation putting a duty on landowners to control invasive non-native species on their land. Is that an option that you have been considering, especially in the light of European legislation?

[260] **Mr Lea:** Esgusodwch fi am siarad yn Saesneg. **Mr Lea:** Excuse me for speaking in English.

[261] **Yr Arglwydd Elis-Thomas:** Nid oes eisiau i ti ofyn i gael dy esgusodi. Mae dy Gymraeg wedi gwella ers i ni gwrdd yn y lle cyntaf. **Lord Elis-Thomas:** You do not need to ask to be excused. Your Welsh has certainly improved since we first met.

[262] **Mr Lea:** Nid yw’n fendigedig: **Mr Lea:** It is not fantastic.

[263] What we want to look at, linked to animals, is what we can do through cross-compliance through the common agricultural policy—and this goes back to landowners—and existing legislation, where there may be scope to look at what we can do to tackle invasive species through cross-compliance in other areas and putting the duty back on the landowner. However, of course, the issue is that, if it is not feasible to do it within the existing cross-compliance regime, we cannot do it. However, potentially, if we have the new regulation coming from Brussels—we were discussing this earlier—there may be an opportunity to include that in cross-compliance. So, we will need to look at this moving forward, in terms of the landowner.

[264] The other thing, going back to the issue of the rural development plan, is to consider the opportunities within the rural development plan as well as Glastir, but also looking at European options for funding, which we are doing next week. Are there other European pots of money that we can look at that might enable us to do some of these activities in the future? So, that is something that we will also be considering.

[265] **Llyr Huws Gruffydd:** Ond os ydych, er enghraifft, yn ei gyflwyno fel ystyriaeth o fewn *cross-compliance*, mae potensial i faich cost aruthrol gael ei gosod ar dirfeddianwyr, a hynny efallai am bethau nad **Llyr Huws Gruffydd:** However, if you, for example, introduced it as a consideration within cross-compliance, there is the potential for the burden of extortionate costs to be placed on landowners, for things that

ydylt wedi bod yn gyfrifol am eu gwasgaru. they are not responsible for spreading. So, I
Felly, rwy'n cymryd y byddech yn cadw take it that you will keep that central to your
hynny'n ganolog iawn i'ch ystyriaethau chi considerations on this matter.
ar y mater hwn.

[266] **Mr Lea:** Yes, we would have to. The other thing is that cross-compliance is supposed to be implemented in an equal way across the whole of Europe. So, we would have to make sure that we were not disadvantaging Welsh landowners as part of that approach. However, once again, going back to the positive aspects in Glastir, if we can look at priority habitats and priority riparian areas, we should be able to look at some of these things through agreements through Glastir and other opportunities.

[267] **Lord Elis-Thomas:** Mick, do you have a question?

[268] **Mick Antoniw:** My question on the European issue has been answered.

[269] **Joyce Watson:** Talking about controlling species, you have talked about plants, so I will not ask those questions, but I will move on to animals and the sale of exotic species, which sometimes find themselves to be naturalised. Snakes and other reptiles are probably good examples of that. There are, I believe, controls on the import of exotic species that are quite strict, so I assume that there must be controls on the sale of them in pet shops. Could we not go a stage further? We are about to license dogs; could we not license those species, so that every person who sells a snake has to issue some form of paperwork that tells you where that snake has gone? If you are then going to inspect—and there are rights to inspect properties—people have to, 12 months later, declare that they still have the snake, or whatever it is that is causing the problem; in some cases, it is birds. The reason for this is that you could get some measure of control before you end up in a situation that is completely out of control, whereby, like Japanese knotweed, but in the form of snakes et cetera, we have no chance, because we have gone too far down the road, to control. It is maybe too simplistic an idea, but those are my thoughts on it.

[270] I will move on, and this is just food for thought. I will leave it on the table; I do not want an answer. Everybody is producing an app at the moment, for whatever it is that you require. Could we not look to have an app that would tell people what an invasive species looks like, whatever that species is—whether it is an animal, a plant or whatever? That would help with identification. I do not want an in-depth answer on that.

[271] **Mr Lea:** On the app, we can feed that back to the communications group on INNS. That would be a useful thing to do to see what it thinks.

[272] **Joyce Watson:** Everybody has a phone.

[273] **Mr Lea:** Yes, exactly, and we have to look at new ways of working.

[274] On the licensing issue, anything that is a barrier or can help us to know where things are is something that we can look at. The problem is also in the breeding part of it, because somebody can buy two and then you do not know has happened—the pair breeds, people get fed up of them and they get introduced. So, people might start with, say, two, but they may end up introducing 10 or 20 into the environment.

[275] **Joyce Watson:** Indeed, but at least you will start somewhere.

[276] **Mr Lea:** It does put something in there in terms of a barrier, and, of course, for some exotic species, there is already strict licensing. We could perhaps talk to our colleague Christian Glossop, the veterinarian, to see what opportunities there are to licence those

species.

[277] **Yr Arglwydd Elis-Thomas:** Diolch yn fawr. Mae wedi bod yn bleser inni gael sicrwydd bod swyddogion abl yn Llywodraeth Cymru yn mynd â pholisi yn ei flaen ar rywogaethau goresgynnol estron. Rwy'n credu y gallaf ddweud ar ran Aelodau, yn dilyn y dystiolaeth a gawsom heddiw ac yn Llanarthne, ein bod yn debyg o wneud adroddiad cryno ar hyn—gwelaf fod Aelodau'n cytuno. Wrth wneud hynny, gallwn sicrhau bod diddordeb uwch gan Weinidogion a chyrrff cyhoeddus, a chan lywodraeth leol—rwy'n ymwybodol iawn o'r hyn rydym wedi ei glywed am y sefyllfa yn Abertawe. Mae'n amlwg yn bwysig inni edrych ar yr effeithiau economaidd yng nghyd-destun yr holl effeithiau amgylcheddol eraill.

Lord Elis-Thomas: Thank you. It has been a pleasure to learn that there are able and talented officials in the Welsh Government taking policy forward on these INNS. I believe that I can say on behalf of Members that, in light of the evidence received today and at Llanarthne, it is likely that we will publish a brief report on this—I see that Members are in agreement. In so doing, we can ensure that Ministers take an even greater interest in this matter; likewise public bodies and local government—I am keenly aware of what we have heard about the situation in Swansea. It is clear that we need to look at the economic impacts in the context of all the other, environmental impacts.

[278] Diolch yn fawr iawn i chi, a dymuniadau gorau yn yr isadran newydd o fewn cyfrifoldebau'r Gweinidog cyfoeth naturiol. Diolch, Chris, David a Martin.

Thank you, and best wishes in the new division within the responsibilities of the Minister for natural resources. Thank you, Chris, David and Martin.

[279] **Mr Lea:** Diolch, and thank you for your time and for some interesting discussions and ideas. Thank you, everybody.

12.12 p.m.

Papurau i'w Nodi Papers to Note

[280] **Yr Arglwydd Elis-Thomas:** Cyn inni fynd i sesiwn breifat fer, mae angen nodi cofnodion y cyfarfod ar 23 Mai.

Lord Elis-Thomas: Before we move to a brief private session, we just need to note the minutes of the meeting held on 23 May.

Cynnig Gweithdrefnol Procedural Motion

[281] **Yr Arglwydd Elis-Thomas:** Cynigiad fod

Lord Elis-Thomas: I move that
the committee resolves to exclude the public from the remainder of the meeting in accordance with Standing Order No. 17.42(vi).

y pwyllgor yn penderfynu gwahardd y cyhoedd o weddill y cyfarfod yn unol â Rheol Sefydlog Rhif 17.42(vi).

[282] Gwelaf fod y pwyllgor yn gyfûn.

I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Daeth rhan gyhoeddus y cyfarfod i ben am 12.12 p.m.
The public part of the meeting ended at 12.12 p.m.*

ⁱ With reference to paragraph [162], the Government wishes to clarify a matter of fact that, *'There will be a Planning White Paper and Draft Planning Bill by December, and the Bill will be introduced to the National Assembly next year. The Consolidation Bill will follow in due course, with work commencing on it next year.'*