



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

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

Dydd Iau, 12 Rhagfyr 2013
Thursday, 12 December 2013

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynnddi yn y pwyllgor. Yn ogystal, cynhwysir trawsgrifiad o'r cyfieithu ar y pryd.

These proceedings are reported in the language in which they were spoken in the committee. In addition, a transcription of the simultaneous interpretation is included.

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
Llyr 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

Gill Bell	Rheolwr Rhaglen Cymru, y Gymdeithas Cadwraeth Forol Wales Programme Manager, Marine Conservation Society
Gareth Clubb	Cyfarwyddwr, Cyfeillion y Ddaear Cymru Director, Friends of the Earth Cymru
Katie-jo Luxton	Cyfarwyddwr RSPB Cymru Director, RSPB Cymru
Yr Athro/Professor Peter Matthews	Cadeirydd, Cyfoeth Naturiol Cymru Chair, Natural Resources Wales
Anne Meikle	Pennaeth WWF Cymru Head of WWF Cymru
Dr Tim Peppin	Cyfarwyddwr Materion Adfywio a Datblygu Cynaliadwy, Cymdeithas Llywodraeth Leol Cymru Director of Regeneration and Sustainable Development, Welsh Local Government Association
Dr Emyr Roberts	Prif Weithredwr, Cyfoeth Naturiol Cymru Chief Executive, Natural Resources Wales
Neville Rookes	Swyddog Polisi—Amgylchedd, Cymdeithas Llywodraeth Leol Cymru Policy Officer—Environment, Welsh Local Government Association
Rachel Sharp	Prif Weithredwr Ymddiriedolaethau Natur Cymru Chief Executive, Wildlife Trusts Wales

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

Chloe Corbyn	Gwasanaeth Ymchwil Research Service
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Alun Davidson	Clerc Clerc
Catherine Hunt	Dirprwy Glerc Deputy Clerk
Nia Seaton	Y Gwasanaeth Ymchwil Research Service
Naomi Stocks	Clerc Clerc

*Dechreuodd y cyfarfod am 09:36.
The meeting began at 09:36.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Yr Arglwydd Elis-Thomas:** Croeso i gyfarfod diweddaraf y Pwyllgor Amgylchedd a Chynaliadwyedd. Ein heitem gyntaf fydd seminar estynedig bellach ar faterion yn ymwneud â newid hinsawdd a gwaith y pwyllgor. Byddaf yn cynnig ein bod yn cynnal y sesiwn heb sylw cyhoeddus, ond mae'r papurau i gyd ar y we a bydd canlyniad y seminar hon, fel y seminarau eraill yr ydym wedi eu cael, yn dod yn rhan ganolog o waith y pwyllgor.

Lord Elis-Thomas: Welcome to this latest meeting of the Environment and Sustainability Committee. Our first item will be an extended seminar on matters relating to climate change and the work of the committee. I will ask for agreement from the Members that we hold the session in private, but the papers are all available online and the result of this seminar, as with the other seminars we have held, will be a central part of the committee's work.

09:36

Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd o'r Cyfarfod ar gyfer Eitemau 3, 8 a 9

Motion under Standing Order 17.42 to Resolve to Exclude the Public from the Meeting for Items 3, 8 and 9

[2] **Yr Arglwydd Elis-Thomas:** Lord Elis-Thomas: I move that Cynigiad fod

y pwyllgor yn penderfynu gwahardd y cyhoedd o'r cyfarfod ar gyfer eitemau 3, 8 a 9 yn unol â Rheol Sefydlog 17.42. *the committee resolves to exclude the public from the meeting for items 3, 8 and 9 in accordance with Standing Order 17.42.*

Gwelaif fod y pwyllgor yn gytûn.

I see that the committee is in agreement.

*Derbyniwyd y cynnig.
Motion agreed.*

*Ailymgynullodd y pwyllgor yn gyhoeddus am 11:14.
The committee reconvened in public at 11:14.*

Bil yr Amgylchedd—Papur Gwyn: Tystiolaeth gan Cyfoeth Naturiol Cymru Environment Bill—White Paper: Evidence from Natural Resources Wales

[3] **Yr Arglwydd Elis-Thomas:** Dr Lord Elis-Thomas: Dr Emyr Roberts and Emyr Roberts a'r Athro Matthews, hoffwn Professor Matthews, I would like to welcome

eich croesawu i roi tystiolaeth i'r pwyllgor fel arfer. Roeddwn i'n trio cofio ai dyma'r drydedd waith neu efallai'r bedwaredd i chi wneud hynny.

you to give evidence to the committee. I have been trying to remember whether this is the third or fourth time that you have done so.

[4] **Dr Roberts:** Y bedwaredd.

Dr Roberts: It is the fourth time.

11:15

[5] **Yr Arglwydd Elis-Thomas:** Mae'n amlwg eich bod yn mwynhau dod yma ac rydym yn sicr yn mwynhau eich cael chi. A hoffech chi ddweud unrhyw beth ychwanegol i'r hyn sydd wedi cael ei gyflwyno inni'n barod neu a awn ni'n syth i gwestiynau?

Lord Elis-Thomas: It is obvious that you enjoy coming here and we certainly enjoy having you here. Would you like to add anything to the evidence that you have already presented or shall we move straight to questions?

[6] Would you like to make a short opening statement as usual?

[7] **Professor Matthews:** Yes, thank you, Chair. I will just say a few words to open. Thank you for the opportunity to come here today. I will emphasise that we are very supportive of this initiative by the Welsh Government. It is something that we have all been expecting and we are pleased to have been working with the Welsh Government in developing some of the ideas. I will emphasise that we are still in the process of preparing our response to the consultation document because we think that we still have a really important role in responding. We are considering this at our board meeting next week and we are pleased to do our best to answer the questions that you may have for us today.

[8] **Yr Arglwydd Elis-Thomas:** Mae o ddiddordeb mawr i ni gael cyfle fel pwyllgor i astudio'r berthynas rhyngoch chi fel corff newydd a'r broses o ddeddfu yng Nghymru, yn enwedig deddfu ynglŷn â'ch pwerau chi eich hunain. Mae'r pwyllgor hwn wedi dilyn y broses o greu a datblygu'r corff newydd hwn o'r dechrau, pan oeddem yn delio â'r achos busnes, a chefais i gyfle byr i ddilyn y drafodaeth wreiddiol ar y ffordd y defnyddiwyd y Bil cyrff cyhoeddus er mwyn symud ymlaen mewn cyfeiriad datganoledig, a oedd yn rhywbeth newydd a gwahanol. Felly, mae deall y prosesau hyn a cheisio cefnogi'r hyn sydd yn digwydd mewn ffordd feirniadol yn ddefnyddiol ac yn werthfawr i'n gwaith ni. Mae hefyd yn ein paratoi ar gyfer y gwaith o graffu yn fwy manwl ar y ddeddfwriaeth y byddwn yn gorfod ei wneud cyn bo hir. Rydym yn gweld hyn i gyd yn cryfhau ac yn dyfnhau'r gwaith o graffu ar ddeddfwriaeth. Dyna ddigon o bregethu i ddechrau.

Lord Elis-Thomas: It is of great interest for us to have an opportunity as a committee to look at the relationship between you as a new body and the legislative process in Wales, particularly legislating in relation your own powers. This committee has followed the creation and development of this new body from the beginning, when we were dealing with the business case, and I had a brief opportunity to follow the original discussion on the way that the public bodies Bill was used to move forward in a devolutionary direction, which was very new and different. Therefore, understanding these processes and trying to support what is happening in a critical manner is useful and valuable to our work. It also prepares us for more the detailed scrutiny of legislation that we will have to do soon. We see that all of this as a means of strengthening and deepening the scrutiny of legislation. That is enough pontificating to begin with.

[9] **Llyr Gruffydd:** Diolch, Gadeirydd, a diolch i chi am ddod atom ni unwaith eto. Mae'r Athro Matthews wedi ateb fy nghwestiwn cyntaf drwy gadarnhau y bydd

Llyr Gruffydd: Thank you, Chair, and thank you for joining us once again. Professor Matthews has answered my first question by confirming that Natural Resources Wales will

Cyfoeth Naturiol Cymru yn ymateb yn ffurfiol i'r broses ymgynghori. Wrth gwrs, mae Cyfoeth Naturiol Cymru yn gorff eang a chanddo ystod amrywiol iawn o gyfrifoldebau, arbenigeddau a safbwyntiau ar nifer fawr o'r pethau sy'n cael eu hawgrymu yn y Bil. Felly, fy nghwestiwn i gychwyn yw: sut y byddwch yn sicrhau y bydd y gwahanol safbwyntiau sydd gennych yn fewnol yn cael eu hadlewyrchu yn y broses o baratoi eich ymateb i'r ymgynghoriad?

respond formally to the consultation. Of course, NRW is a wide-ranging body with a broad range of responsibilities, expertise and views on many aspects of the Bill. Therefore, my initial question is: how will you ensure that the various perspectives that you have internally will be reflected in the process of preparing your response to the consultation?

[10] **Professor Matthews:** Our staff have been very actively involved in discussing the principles in developing this and will continue to be actively involved in discussions with Welsh Government officials. However, this is also being scrutinised by the board; it has been through a board committee. I have explained the board's structure before: we have an environment group and it has been heavily involved. It is part of our decision-making process to come to a consensus view on issues that confront us; not just the Bill, but many of the other things that we have to deal with. As we have such a wide constituency, there will inevitably be a variety of views, just as there is around this table—there will be a diversity of views. It is our job—Emyr's and mine—in terms of managing the executive process of managing the board, to ensure that, in the end, we come to what we believe is a well-balanced and consensual response to the proposals in the White Paper.

[11] **Dr Roberts:** I ychwanegu at hynny, mae grŵp o staff yng Nghyfoeth Naturiol Cymru sy'n gweithio ar hyn. Rydym wedi tynnu pobl i mewn sydd â'r sgiliau a'r wybodaeth y mae eu hangen o'r tri chorff blaenorol. Un o fanteision Cyfoeth Naturiol Cymru yw ein bod yn medru dod at Fil sydd mor eang â hwn a rhoi barn eang i mewn iddo. Felly, rydym yn gweithio fel grŵp ac yn gwneud argymhellion i'r bwrdd wedyn.

Dr Roberts: In addition to that, a group of staff within Natural Resources Wales are working on this. We have drawn people in who have the necessary skills and knowledge from the three former bodies. One of the advantages of NRW is that we can approach a wide-ranging Bill such as this and input a broad range of opinions. Therefore, we work as a group and then make recommendations to the board.

[12] **Llyr Gruffydd:** Diolch yn fawr am hynny. Mae'n dda cael yr eglurder hwnnw. Hefyd, i ba raddau mae Cyfoeth Naturiol Cymru wedi bod yn chwarae rhan yn y gwaith paratoadol sydd wedi digwydd hyd yn hyn i ni gyrraedd y pwynt lle mae gennym y papur ymgynghorol ar hyn o bryd? Mae'n siŵr y byddwch chi'n ymateb, yn yr ymgynghoriad, i rai elfennau rydych chi wedi bod yn rhan o'u datblygu yn y lle cyntaf.

Llyr Gruffydd: Thank you for that. It is good to have that clarity. Also, to what extent has NRW played a role in the preparatory work that has happened to date to get us to this point where we have the consultation paper that has been issued? I am sure that you will respond, in the consultation, to some of the elements that you took part in developing in the first place.

[13] **Dr Roberts:** Os caf sôn am hynny, mae gan y Llywodraeth grŵp rhaglen sy'n rhedeg y Bil hwn ac rydym yn rhan o'r grŵp hwnnw. Hefyd, mae grŵp allanol—*reference group*—wedi bod yn cyfrannu. Mae'r Llywodraeth wedi bod yn cynnal nifer o weithdai arno ac rydym wedi bod yn cyfrannu at y rheiny hefyd. Yn wir, fe

Dr Roberts: If I may talk a little about that, the Government has a programme group that runs this Bill and we are part of that group. Also, there is an external group—a reference group—that has also been contributing to this work. The Government has been holding a number of workshops on it and we have been contributing to those too. Indeed, we gave

wnaethom roi cyngor i swyddogion y Llywodraeth ar rai pethau arbennig yn y Papur Gwyn hwn. Felly, mae'n berthynas agos iawn, ac rydym wedi bod yn bwydo i mewn ein profiad a'n gwybodaeth ni trwy'r broses hon. Serch hynny, rydym yn awyddus i wneud cyfraniad a gwneud sylwadau ar y Papur Gwyn fel y mae'n sefyll ar hyn o bryd.

advice to Government officials on specific matters in this White Paper. So, it is a very close relationship, and we have been feeding in our experience and our knowledge throughout this process. However, we are eager to make a contribution and to comment on the White Paper as it stands at present.

[14] **Llyr Gruffydd:** A oes bwriad i adnabod rhai o'r meysydd rydych chi wedi bod yn ymgynghori neu'n mynegi barn arnynt yn gynharach yn y broses hon, a rhai o'r meysydd y byddwch chi'n ymateb iddynt? A fydd sefyllfa yn codi, o bosibl, lle mae anghytuno mewnol yn mynd i fod o ran y trafodaethau sydd wedi digwydd ar wahanol gyfnodau yn y broses hon?

Llyr Gruffydd: Is there an intention to identify some of the areas on which you have been consulting or expressing a view earlier in this process, and some of the areas on which you will respond? Could a possible situation arise where there may be some internal disagreement in terms of the discussions that have happened at various stages of this process?

[15] **Dr Roberts:** Fel rhan o'r broses, rydym am roi ein pwyntiau i mewn a byddwn yn trafod hynny yn y bwrdd. Fodd bynnag, i ategu'r hyn a ddywedodd y Cadeirydd, yn gyffredinol, rydym yn fodlon iawn ar y cyfeiriad hwn, ond mae gennym nifer o bwyntiau yr hoffem fwydo i mewn. Mae'n debyg fod gennym arbenigedd ynglŷn â rheoleiddio; rydym yn gwneud llawer o'r gwaith hwnnw ar ein hochr ni fel corff, felly mae gennym arbenigedd mewn rhai meysydd efallai nad oes gan swyddogion Llywodraeth, ac wedyn mae'n rhan o'r broses.

Dr Roberts: As part of the process, we want to put our points across and we will discuss that at board level. However, to endorse what the Chair said, generally, we are very content with this direction, but we have a number of points that we would want to feed into the process. It is likely that we have expertise in terms of regulation; we do a great deal of the work on our side, as a body, so we have expertise in some areas that perhaps Government officials do not have, so that is part of the process.

[16] **Professor Matthews:** Chair, may I make an extra point? I would be extremely disappointed if there had not been disagreement during the process, because if we were all cloned to take the same view, we would not be serving the Government and the people of Wales well. It is our job to hear a diversity of views and to bring them together into a consensus. It is also important that we understand that we have two roles: one is being an adviser to the Government in developing some outline ideas, and I think that the Government and the Minister have been at pains to point out that the White Paper sets some high-level principles and are looking for responses in terms of the detail. I think that you and the people of Wales would expect us to respond in ways that take those ideas forward to the next stage. It would be quite wrong for us not to respond, so we are very happy that we are responding in a way that will support and will take the concepts forward.

[17] **Antoinette Sandbach:** There were initial concerns, when we started to discuss the environment Bill, that it might be split into two. Do you think, at the moment, that the wide-ranging nature of the proposals means that that can all be dealt with and is manageable in a single Bill, given that there are some discrete themes, such as, for example, waste?

[18] **Dr Roberts:** That is really a matter for Government and the process through the Senedd. One of the purposes behind the Bill is an integrated approach to the environment. Therefore, perhaps it makes sense to consider these issues together. One point that I would like to make is the importance of making sure that other Bills that are in process, particularly the planning Bill, for instance, and the future generations Bill, are mutually supportive of each

other. So, we need to look across at other Bills, as well as the current one.

[19] **Antoinette Sandbach:** I am sure that others will ask you about that. However, one of the things that has come out in the current proposals is to provide you with potentially quite wide-ranging powers to have experimental agreements. Is that something that you have been asking for?

[20] **Dr Roberts:** Yes.

[21] **Antoinette Sandbach:** Had you assessed what the experience of CCW had been, for example, in Llanllechid common, where those types of powers have been used? Have you looked at that? I think that there is potentially legal action in relation to the management there.

[22] **Dr Roberts:** We support the flexibility that the Bill would provide in terms of things such as management agreements, and also in terms of our regulatory powers. We do think that there are opportunities to actually regulate slightly differently, for instance, than currently. Just to build on that a little bit, the regulatory system at the moment is very black and white. In other words, it is a standard set of conditions and standards that are laid down, and it affects all businesses regardless of size and so on. That has advantages in terms of being very clear, but, on the other hand, there is little in that system that incentivises a business to do even better, if you like, in terms of environmental standards, than perhaps it is doing at the moment. Nor does it provide an opportunity to reward businesses that are more than meeting the standard and are doing extremely well environmentally, as opposed to those that are perhaps more marginal. I know that there need to be caveats and controls around that, but we do think that an opportunity to actually look at the permitting and licensing regime, in a wider sense, would be advantageous as we move forward.

[23] **Antoinette Sandbach:** So, there are caveats and controls. Do you think that those are caveats and controls that would mean, for example, that any proposed regulation should come before the National Assembly, rather than you or the Minister being able to change them, in particular, through an affirmative procedure in front of the National Assembly?

[24] **Dr Roberts:** Again, I do not think that it is for us to comment on the precise legislative background there. The general point is that I think that there need to be checks and balances. Certainly, from our point of view, there would need to be proper consultation on any changes that we would want to make. As I say, there are advantages and disadvantages from going down that road.

[25] **Professor Matthews:** In terms of running an organisation like ours, it is moving forward very quickly. Trying to implement innovative ways of working, having experimental powers that are based in legislation, is a very good thing for us to be doing. In running a normal big business, you really want to try out different ways of doing things. So, in terms of the exact point that Emyr has made about any consequences of those experimental powers, I think that it is a matter for the Assembly to decide which way it would want to go forward. I think that having these powers enables us to try out new ways of working, and some of them will fail.

[26] **Antoinette Sandbach:** I understand, Professor Matthews, that, in effect, NRW is also the land manager for an extraordinarily large part of Wales and the Welsh Government estate. So, why is it that you cannot try out those experimental issues, in effect, on your own estate as a land manager?

[27] **Dr Roberts:** We can, and we want to. Actually, that is a point that I was hoping to raise. Obviously, the timescale for this Bill is a fairly long one, but there is no reason at all

why Natural Resources Wales cannot move forward on things such as the consistent approach. Indeed, we are doing that already. So, within the powers that we have available to us, we would very much like to do that on our own estate.

[28] **Professor Matthews:** A very good example is the motion under NRM8 of an ecosystem trading market. No-one really has a very clear idea yet about how that market would work, and there are different ways in which it could be done. So, giving experimental powers would enable us to try different ways of doing it.

[29] **Mick Antoniw:** What is your level of agreement at the moment with a few other bits of legislation? You referred to the planning Bill and the future generations Bill. To what extent are you actually engaged in advising, formulating, or putting ideas forward in respect of those?

[30] **Dr Roberts:** I think it is fair to say that we are not as engaged with that process as with the environment Bill. I think that we have made our views known and we will be responding to the consultation on the planning Bill and, indeed, that will also be discussed by the board. We previously made comments on the previous sustainable development Bill, but, again, I expect that we will look at the future generations Bill. We have been attending workshops, for instance, particularly on the planning Bill, so we have made our views known. As I say, perhaps we have not been as intimately involved as with the environment Bill.

[31] **Mick Antoniw:** What are the particular areas within the future generations Bill and the planning Bill that might cause concern in relation to what you described earlier as the integrated approach to the environment that is so essential?

11:30

[32] **Dr Roberts:** One of the points that we would like to make is that we very much welcome the intent in this Bill for a statement of natural resources policy, resource-management policy and the area-based approach, but we think that it is particularly important that the planning Bill is consistent with that. So, the planning Bill talks about a national development framework and strategic development plans, and the current wording is that it will inform the environment Bill White Paper proposals in relation to the natural resources policy and the area-based approach. However, as currently drafted, the Bill does not make provision for the national development framework or the strategic development plans—it would be helpful to have forms of words like ‘have regard to’ the policy or the area-based plans that we have, or ‘be in general conformity with’ the natural resources policy. So, we would like to see some strengthening of that reference in the planning Bill to make it consistent with the environment Bill.

[33] **Mick Antoniw:** Would that apply equally? I know that the future generations Bill is far less advanced and a bit more nebulous and so on. Have you expressed any concerns to the Welsh Government about the need to ensure that there is compatibility in these three areas, because there must be a grave danger of overlap and of the right arm doing something different from the left arm?

[34] **Dr Roberts:** The relevant Bills do need to be consistent with each other. Obviously, if the environment Bill goes ahead, we have a responsibility to develop area-based policies. The substructure that the future generations Bill might bring in in terms of the local arrangements needs to be complementary to that. So, I think that there is talk about the local service boards, for instance. Local service boards are very important and we are anxious to make sure that they have a role to play in the area-based policies. So, it does have to be consistent.

[35] **Mick Antoniw:** We have been told previously—I cannot remember whether it was at this committee or another committee that I am on; these things overlap—that there is a board that is considering this legislation, which people can input into. Is there any mechanism whereby you are able to input consistently in respect of the issues or the concerns that you have with regard to the three pieces of legislation? Is there a mechanism for proper co-ordination to ensure that your concerns are able to be taken on board?

[36] **Dr Roberts:** I think that the avenues at the moment are into the relevant departments that are leading on each of the Bills, and we use them. We make sure that we are present at all workshops and so on. I am not sure that there is an overarching board on this.

[37] **Mick Antoniw:** Right. Okay, I will follow that up elsewhere.

[38] **Lord Elis-Thomas:** Russell George is next, and then Julie James.

[39] **Russell George:** Professor Matthews, following on from Llyr's question with regard to providing a response to a White Paper or consultation as it goes through the legislative process, Llyr was asking about what response you would give and whether there would be one response from NRW, and Professor Matthews was saying that it would be very helpful and encouraging to have different views from within the organisation and then, at the end, there would be a consensus view. However, might it be that there will not always be a consensus view and that your response would be a series of views from within the organisation?

[40] **Dr Roberts:** It is interesting that everyone probes the difference of views, but the reality is that we come together as a group, we discuss these issues and we formulate our policies on this matter, on a planning application or whatever. Since 1 April, we have provided one voice from the organisation, and we do take account of all views. We think that this White Paper and the environment Bill are a fantastic opportunity to bring together everyone within Natural Resources Wales with a single focus around developing what is best for the environment, and we will organise ourselves around that. For instance, on the Bill, we will need a very robust evidence base in terms of what is best for the environment on an area basis, or on a national basis, so that brings in our scientific staff and all of their expertise. Our strategic planners can then get involved with that, and the people who deal with rivers can input to that, through to the people on the front line who actually deal with things, day-to-day, operationally. So, we think that it is a fantastic integrating force for us as a piece of legislation, and that is the message that we are giving into the organisation at the moment.

[41] **Professor Matthews:** This is true of any large organisation that is seeking to come to a decision, and our job, as leaders, is to bring us to that consensual point. I would fail, as chair, if I were to report to the Welsh Government that I could not get the board to agree on any kind of response, or that the executives could not come to a response. Our job, as the leadership, is to bring a whole variety of views—the same as your Chair has a responsibility in this committee to bring together a view on a particular topic. This is true of any decision that we make.

[42] The trouble with all of this is that you tend to focus on the downside. Actually, very quickly, there is an enormous amount on which we all agree. Quite often, it is on some points of detail that there are debates, so rest assured that we are already in a good place in terms of the consensus on the principles, and all that we have to do is sort out some of the more detailed points that we would wish to make. So, your theoretical point will not happen, because we already have quite a good consensus on the principles.

[43] **Russell George:** I can appreciate, to an extent, that it is frustrating when people look back to the three organisations, but historically there were three individual organisations that,

very often, would have completely different views on an issue. I completely accept that on most issues you will have a common approach and a common agreement. You give the example of this committee, but in this committee, there is transparency. We all have very different views and then we come up with, hopefully, one response at the end, but that is not always the case—

[44] **Lord Elis-Thomas:** We have never had to vote.

[45] **Russell George:** We have not had to vote so far. [*Laughter.*] However, in that process, there is transparency in that the various views from this committee are recorded in detail. So, will there be that transparent approach where, if there are different views from different sections of the organisation, we will see those views before you come to your conclusion?

[46] **Dr Roberts:** I think that people are making too much of this.

[47] **Professor Matthews:** Yes.

[48] **Dr Roberts:** On the vast majority of issues, there is a consensus. All 2,000 staff in Natural Resources Wales want to do the best for the environment. Sometimes, there are differences in terms of how we go about that, but, generally, we arrive at a consensus. Certainly, what we are trying to do is a different approach: we try to raise these issues in the advice that we give to the board and in the papers that we give to the board. However, from my experience nine months in, there is a huge consensus around this.

[49] **Professor Matthews:** This is coming to the heart of the journey that we are making as an organisation. Yes, we have a long way to go yet, but I want you to think of us as being Natural Resources Wales and that we will answer to the Government's consultation as Natural Resources Wales. We must set aside the idea that we have three and a bit organisations still existing and that somehow we have to recognise and reconcile the views between those bits. Our job is to create a single body that comes to a single, consensual view in any decision-making process. Therefore, we must set aside all of these ideas that there are these bits that were CCW and EA, and how we are going to resolve them. We are working together. It is one team, one vision, one heart.

[50] **Julie James:** Turning to something completely different, we have had some evidence from a number of people—forgive me, I am in the same position as Mick in that I sometimes cannot remember which committee is which, because they overlap a little—and a discussion about the co-decision making between planning consents and licensing, which has been a difficulty in some major developments in Wales and elsewhere. I wonder whether you think that the current White Papers for environment and planning set out a framework that would solve some of the difficulties about perception. For example, if you are looking at an anaerobic digester, you will see that one of the most common issues for the community surrounding it is that of perceived odour, and that is actually a matter for the licence and not for the planning application, and so people get very frustrated about where they should make their comments. We have therefore said that that should be a continuing journey of the two things together, so that you do not have the idiotic building of a power station that cannot operate, or the licensing of something that cannot be built. I would just like your views on whether you think that we are going in the right direction, with a view to having those two things married together.

[51] **Dr Roberts:** I understand the point. In general terms, yes, we are going in the right direction, and the whole approach is around integrated resource management here. So, for example, when we bring out the area plans, after all the consultation and working with partners, I hope that that will give a framework for some of the decisions that you mention. I

would mention on the specific point about the relationship between the national policy on anaerobic digestion plants and planning structures that that perhaps needs to be addressed.

[52] I do not think that, through the two Bills, we will wholly meet that. Obviously, the permitting and licensing system is a fairly complex one, but I would hope that we are in a better place strategically, coming through this, so that there is at least agreement on what kinds of solutions we want for particular environments by having the two Bills working together.

[53] **Julie James:** We have just had some evidence about renewable energy, for example, and about the need to encourage it and so on. One of the difficulties that developers always mention is that they have to produce a completely different suite of datasets for planning and licensing, even though they are based on the same information. So, the cost of producing the environmental impact assessment for the planning system, and then the licensing dataset based on virtually the same information, is huge, and what they would like to see is a single suite of documents presented for both streams. What would you say to that?

[54] **Dr Roberts:** I recognise that issue, and, in fact, we do talk to developers frequently about this. I think that this emphasis on getting a common set of pre-application information—a common database and common evidence on that—is a very important part of that, and we do work with developers to try to get that picture. So, as I understand the provisions in the planning Bill, there is much more emphasis on the pre-application stage, I think that that is a move in the right direction. It certainly works well with the larger projects that we have, in which, as you know, there is a lot of work to do pre-application, and once it is locked into the system, the timescales are highly defined.

[55] One of our general approaches in Natural Resources Wales on developments is ‘Talk to us early’, so that we can explain what the requirements are in terms of assessments and so on, and so that we can also help with the evidence base. So, if we have agreement on that, we are a long way forward.

[56] **Julie James:** Okay; that brings me nicely to my last question, which is about the way in which the charging regimes will work. Apologies, but we have had an enormous amount of stuff to read for this committee, so I have only skim-read a lot of it. However, my understanding is that you are thinking of charging for various pre-application discussions, particularly in the marine environment, that you do not currently charge for. In planning, we are going the other way around, actually, in encouraging people to go to pre-application without incurring the expense. I am just a little worried that we are sending out contradictory message, which is, ‘Come to talk to us pre-application and we will charge you an arm and a leg for doing so’, which I think is only likely to put people off, really.

[57] **Dr Roberts:** Again, I understand the point. Right, what we are doing, particularly on the bigger developments, and I think that you are referring to the marine licensing part of—

[58] **Julie James:** As I say, apologies, as I have only skim-read the document.

[59] **Dr Roberts:** That is absolutely fine. What we are seeking there are some of the powers that the marine management organisation in England has. Our experience is that developers are very willing to pay for pre-application advice, because it helps them with the assessment that needs to be done. Sometimes, some of this work needs to be done jointly. So, it is a direction of travel that we favour. I think that it actually complements the work on the pre-application, rather than takes away from it.

[60] **Julie James:** My last question, then, is this: do you think that we should have the same charging regimes for pre-application planning and pre-application environmental

licensing issues, or is it acceptable to have two different sets of things?

[61] **Dr Roberts:** That is a good question. I think that there are discrete elements to the planning process, for which we perhaps do need to have different regimes, but if the principle can be accepted, and we can arrive at appropriate charges for each stage, that would be a good thing.

11:45

[62] **Julie James:** You could then be held to your advice, because the other issue with the pre-application stage at the moment, of course, is that it is not binding either for the planning authority or for you.

[63] **Dr Roberts:** No, indeed, but that is the whole point. We try, as far as we can, to make sure that we will be content with the planning process if we sort it out pre-application. Certainly, that is what we aim to do with the larger projects, because we realise how expensive and complicated it can be if there are objections during the statutory bit of the process. So, we try to clear up these issues at the pre-application stage wherever we can.

[64] **William Powell:** I would like to continue with a couple of questions on the marine licensing aspect. With the proposed amendment to the Marine and Coastal Access Act 2009 contained in the White Paper, do you think that there is any danger that there will be a degree of displacement of particular proposals coming forward, because we will then have a twin-track approach in terms of our coastal waters and those elsewhere—our immediate neighbouring countries?

[65] **Dr Roberts:** No, I am trying to find in my papers a table that explains what the Marine Management Organisation is currently charged for and what it is asking for from the Department for Environment, Food and Rural Affairs. Our proposals are very much based on what the MMO is either doing or asking for from DEFRA. So, I cannot say that, if this was passed, the charge would be exactly the same, but hopefully the principles beneath them would be. It is about cost recovery for this work. We obviously have that in regulation more generally, but we do not have it in marine licensing at the moment. So, it is just to bring that in line with what happens elsewhere. However, we would not want to see displacement; we would want to try to be consistent with the MMO on marine licensing.

[66] **William Powell:** In terms of head count at the moment, it is obviously a very highly skilled area; how many staff members are currently involved in delivering this particular service and is there likely to be a need to expand that?

[67] **Dr Roberts:** This is one of the areas, if the committee recalls, that was transferred to us from the Welsh Government. So, I think that we have about six to eight people in the team at the moment. However, you are absolutely right that there are a number of high-profile schemes and big developments going on at the moment and the potential for even more. So, I will need to look at whether we have the appropriate staffing in place for that.

[68] **William Powell:** I would have thought that, in such an area, the retention of knowledge capital and expertise is particularly important.

[69] **Dr Roberts:** I would like to say on the record that I am delighted with the permitting and licensing team that we have; it has very quickly picked up those responsibilities. As I said, the team is dealing with a very heavy caseload at the moment.

[70] **William Powell:** That is good to hear. I would like to move on to discuss issues relating to waste management. What engagement has there been to date by NRW with the

Welsh Government in terms of the proposals in the White Paper? What has been worked up?

[71] **Dr Roberts:** Once again, we have a waste team, which has been feeding in to these proposals. So, there is an ongoing dialogue on that. Obviously, if the Bill was passed, there would be responsibilities placed on us, so we would need to be very clear about what those regulations were and also the resourcing issues that would go along with that. However, yes, there is an ongoing dialogue on waste as well.

[72] **William Powell:** Given the importance of the local government family in delivering many of the services for waste management, collection, recycling, and so on, are there any particular messages that you would suggest that we should bring to the attention of the Welsh Local Government Association when it joins us later this morning with regard to these proposals?

[73] **Dr Roberts:** There are no particular ones from me at the moment on waste. I do not know whether the chairman wants to add anything.

[74] **Professor Matthews:** I have a personal view on all of this, and this is one of the things that I shall be talking to the board about. If we wish to promote recycling, then we have to think very carefully about the nature of the collection service for domestic premises. I emphasise that this is me just speaking to you as someone with some experience. There is some angst among the public about the nature of the collections. In other words, the kind of bins that we have, the colour and nature of the bins and so on. My own view is that, if there could be an initiative to bring greater consistency to the kinds of things that happen at home, it is going to stop my wife saying to me ‘You’re the expert—what do I do with this?’, because you could have blue bin waste or grey bin waste. You could have much greater clarity. At the moment, the differences between various areas with different approaches are because it is driven by the contract that deals with the waste. So, in the long-term future, we ought to put the horse before the cart and say what it is we believe will maximise recycling in the home. Those are the criteria that then have to be used to let long-term contracts for waste collection, treatment and utilisation.

[75] I emphasise that that is a personal view, and it is something that I would wish to discuss with our board, as to whether we say anything about it. A lot of people have said to me, ‘Gosh, this is something, from the customer and stakeholder’s point of view, that if someone somewhere could do something about it, it will be really good’. Maybe that time is in Wales.

[76] **William Powell:** That is right, because it can seem rather byzantine on occasions.

[77] **Professor Matthews:** Absolutely, but I emphasise that this is me speaking personally and that this is a matter that we need to come to a view on at the board.

[78] **Lord Elis-Thomas:** As someone who moves around between local authorities in south Wales and lives in another one in north Wales, I get no sympathy at all when I complain about the complexity of remembering the day of the week and what goes where. If you could bring about some sort of consistency, it would be great.

[79] **Professor Matthews:** Why it is blue bins here and red bins there, and this bin, that sack and that box?

[80] **Lord Elis-Thomas:** It is brown in Gwynedd. It is blue in Conwy.

[81] **Professor Matthews:** Bringing about a greater understanding and empathy with the public would help to maximise recycling, and therefore contribute to the goals of the Welsh

Government.

[82] **Lord Elis-Thomas:** You say that, but the Welsh public has responded hugely positively to the messages, and take-up is very good.

[83] **Julie Morgan:** I was going to ask about waste. They are your personal views, but do you feel that there is any area in Wales that has done it better than others?

[84] **Professor Matthews:** I am sorry, but I cannot give you any particular examples in Wales where some areas are better than others; I am just talking from generic experience of many years of working right across the United Kingdom. When I have talked to people in Wales about the differences between local authorities, I get the same reaction about the need for consistency. We will be looking at the White Paper to make some helpful additions or commentary on how recycling can be taken even further in Wales. As I said, I will be contributing that view. Whether or not it finds its way into the final blend remains to be seen.

[85] **Julie Morgan:** So, you think that the White Paper could be an opportunity for bringing in this consistency.

[86] **Professor Matthews:** For me, the White Paper is a once-in-a-lifetime opportunity to do a whole variety of things. It is not just about taking forward the concept of natural resource management; this is the next step. It is a once-in-a-lifetime opportunity. I know that this is appreciated by the Minister and the Government. It is a once-in-a-lifetime opportunity to sort out a whole variety of things, and this might be one of them.

[87] **Julie Morgan:** I think that that would be very welcome to people all over Wales. We have had some questions about resources, and I know that Emyr said that you have very good specialist staff in the marine area. What about waste? There are lots of developments that might come from this Bill, so are you going to have to ask for more resources generally?

[88] **Dr Roberts:** The Bill places some new activities on us, particularly in setting up the area-based plans, and possibly also on the regulation area that we have referred to. So, the additional resources issue is a real one for us, and we would want to make sure that we are adequately resourced to carry out this job properly. It is an important piece of legislation, hence we would want to be properly resourced to carry it out.

[89] **Julie Morgan:** Have you had any discussions with the Welsh Government already about the implications of this legislation?

[90] **Dr Roberts:** We have said that there is additional work here for us, particularly in the short and medium term. The White Paper says that there could be savings further down the line, and we concur with that. However, in the short and medium term, there will be additional work for us to do here.

[91] **Julie Morgan:** It is not a good time to be looking for more resources, but, on the other hand, we do not want to stop some of the great things that can be achieved through this Bill.

[92] **Dr Roberts:** Yes, that is right. There are a couple of pages in the White Paper containing a long list of plans and legislative requirements that are already there. The White Paper makes this point, but there is an opportunity here to rationalise some of that. Otherwise, we are in danger of putting another layer on top of what is already a fairly complex series of plans and regulations. So, somewhere along the line, there needs to be a rationalisation of that process.

[93] **Antoinette Sandbach:** I think that we can see—*[Inaudible.]*—I think that there is talk of the national development framework and the regional strategic development plans that are included in the Bill. What representations have you made on that? Next year, your budget cut is going to be £8 billion—sorry, that should be ‘£8 million’; ‘billion’ would be nice. Do you have the skills and resources to develop these natural resource management plans at the moment? If not, what is the point of legislating on that? Has there been a commitment from Welsh Government to give you the additional resource that you have asked for?

[94] **Dr Roberts:** We have raised the issue of resources. I am convinced that we have the skills there. However, there is a risk that undertaking this would displace other activities that are important. That is not to say that this would be a key bit of our core business, but we need proper resources to carry it out.

[95] **Antoinette Sandbach:** You talked about rationalisation. Have you undertaken, internally, a review of your current legal functions? If the answer is ‘yes’, have you identified areas where you are deficient, or perhaps have legal powers that you do not want and you would like, as it were, to give away or give back to Welsh Government? Have you undertaken that assessment?

[96] **Dr Roberts:** I am not aware of any areas where we have legal powers that we are not using and that can be struck out or given back. However, we need to look at the list of plans on pages 31 and 32, and either decide that they are subsidiary or that they can be incorporated into the natural resource management plans or be delivered in a different way. This is already quite a long list and, as you say, the planning Bill introduces other plans as well. So, we need to look at that in its entirety.

[97] **Antoinette Sandbach:** I think that I was asking less about the plans and more about the powers. My question was: have you identified areas where you feel that you are legally deficient, as it were, in terms of your powers?

[98] **Dr Roberts:** The Bill goes some way to making provision for that if, in the future, we find that we are deficient in a particular area. We would be content with that. Our perception is that the current legislative framework is working pretty well. Particularly, in the initial stages of Natural Resources Wales, we think that we should have a bit of time for that to settle down. The analysis in the White Paper is quite right; there may well be areas in the future that we might want to change.

[99] **Antoinette Sandbach:** Do you feel that it is appropriate that, in circumstances where you say that the current situation is working well, what you are asking for, in effect, is not quite a blank cheque but nearly a blank cheque for regulatory or other powers that maybe should be approached as and when the situation arises? There may be different circumstances then, and there may be entirely different climate or environmental conditions, or completely different thinking.

[100] **Dr Roberts:** It would be good to have some flexibility so that, if an issue came up, we could bring something in fairly quickly to address it. So, some degree of flexibility would be helpful. Having said that, as I mentioned earlier, I take the point that that needs to be controlled and there needs to be scrutiny of that.

12:00

[101] **Professor Matthews:** I will just go back to remind us why we are here today: with the vision of the Welsh Government, we established Natural Resources Wales and the concept of integrated natural resource management. It was always perceived that the next step would be a future generations Bill, a future generations Act and an environment Act. It is part

of a package of change. We are an organisation in transition. When you compare where we were on 31 March 2013 with the functions, roles and powers of our legacy bodies, and you project forward to 2018, we will be a very different body, probably operating with slightly different powers, in the way that we have been discussing, and with an organisation that will have a different skills mix. It is part of our job to deliver that big change, at a time when we know that there is austerity. A whole variety of things have come together. Just look at how we will be developing our corporate planning to see how our organisation will be in transition. So, yes, in 10 years' time, we will look very different to how we look at the moment. It will be a different matrix of skills and, depending on what the Assembly decides, it will probably have metamorphosed powers and so on. It is very difficult to say whether we have powers for this or skills for that: we are an organisation in transition and this Bill and the powers and so on are part of a long-term process that we have all been working on for some time. It is our job to take it forward, whatever the Assembly decides.

[102] **Lord Elis-Thomas:** So, permanent revolution by chairman Matthews. [*Laughter.*]

[103] **Professor Matthews:** Let me put it like this: rapid evolution. Thank you.

[104] Nadolig llawen. Merry Christmas.

[105] **Yr Arglwydd Elis-Thomas:** Ac i **Lord Elis-Thomas:** To you, too. chithau.

12:04

Bil yr Amgylchedd—Papur Gwyn: Tystiolaeth gan Grwpiau'r Amgylchedd Environment Bill—White Paper: Evidence from Environment Groups

[106] **Yr Arglwydd Elis-Thomas:** Mae'n bleser gennyf groesawu cyfeillion a rhanddeiliaid o'r sector gwirfoddol yn y maes amgylcheddol. Rwy'n gwybod eich bod wedi bod yn trin a thrafod y Papur Gwyn gyda'r Llywodraeth cyn iddo gael ei gyhoeddi. Fe ddechreuwn a mynd rownd y bwrdd, os ydych yn hapus, un waith gyda phob un ohonoch i ddechrau, i roi eich ymateb i'r Papur Gwyn fel y mae, ac yna fe awn i gwestiynau.

Lord Elis-Thomas: I am pleased to welcome colleagues and stakeholders from the voluntary sector in the environmental field. I know that you have been discussing the White Paper with the Government before it was published. We will begin by going around the table, if you are content, for each of you to make a brief statement initially on your response to the White Paper as it currently stands, and then we will turn to questions.

[107] Who is your lead? Is it you, Gill?

[108] **Ms Meikle:** I will go first; I do not know if that makes me the lead. [*Laughter.*]

[109] **Lord Elis-Thomas:** I know how effective and collaborative you all are, just like this committee. So, who—

[110] **Ms Meikle:** I will go first.

[111] **Lord Elis-Thomas:** It is Anne, okay.

[112] **Ms Meikle:** Thank you very much for this opportunity. I want to focus, on behalf of this group, on the coherence of the concepts of sustainable development and the future generations Bill in particular. I will look a little at the definitions, outcomes and reporting

suggestions and whether they are aligned and will be effective. I have some colleagues who will make some points on some of the other issues in the White Paper, if that is okay with you, Chair.

[113] One of the key problems is that we do not have a publication of the FG Bill in its architectural detail yet, so it is quite difficult. I have taken this from the experience I have on the advisory group and also what exists in ‘One Wales: One Planet’, which will give you a view, probably, as to the kind of outcomes and definitions the Government is considering.

[114] One of the key things for us is that the definition of sustainable development is about meeting the needs of current and future generations while living within environmental limits. A lot of the current systems and processes are about delivering on those things. There are several areas where that is not delivering effectively enough yet and that is what we would like to see this Bill addressing. It is a bit underplayed in places, for example, around the needs of future generations it uses language like ‘allowing for the consideration of’, rather than ‘requiring the consideration of’, so there is a slight concern about the way it is framed and whether that is consistent with the intent of the future generations Bill.

[115] When you look at the definitions in particular, we are comfortable with the majority of them with some tweaks. One of those tweaks is particularly about the use of the phrase ‘environmental wellbeing’. It also talks about ‘social, economic and environmental wellbeing’. We had a lot of debate about that around the future generations Bill. ‘Wellbeing’ is not the same as ‘meeting people’s needs’ and ‘environmental wellbeing’, in particular, is not defined in any existing law in the UK, therefore, it would need its own definition. The fact that it appears within a definition does not add clarity to what they mean by sustainable management. On the whole, with the way they have used it, you could just replace ‘wellbeing’ with ‘needs’ and come up with a better clarity of meaning. ‘Social, economic and environmental needs’ of people in Wales is probably a bit clearer than their ‘wellbeing’, which has no clarity of definition.

[116] The other thing that seems to be missing, certainly from the definition and from a lot of the White Paper, is reference to the ecosystem-based approach. Despite the fact that it is claimed in the introduction and that Carwyn Jones, in his speech to the conference, talked about it underpinning the approach in this White Paper, you will struggle to find it. What you will also struggle to find in the definitions is the word ‘conservation’. Yet, the United Nations Convention on Biological Diversity, which talks about the ecosystem-based approach, is very clear that conservation and biodiversity are fundamental to the proper functioning of ecosystems. This paper goes on to talk a lot about area-based approaches, but it is not being specific that that means ecosystem approaches. It sort of implies that it does, but it does not nail that down very clearly, as far as we can see.

[117] Related to that, there is a weakness in the current system that you would really want this Bill to address. That is, where there is a system, whether that is an ecosystem or a planetary system, that is already severely damaged and is approaching or is beyond its limits so that it might be threatening our ability to thrive, we do not feel that there is sufficient priority given, in current decision making, to the restoration of that system. Therefore, in the existing ‘One Wales: One Planet’, the references are to things such as reducing an ecological footprint, or tackling climate change—those are planetary systems. It is not clear to us, from this White Paper, how those systems that are even bigger than Wales will be dealt with and restored through an area-based approach. There seems to be something missing. There is certainly not enough priority given to restoring both, particularly climate systems and biodiversity.

[118] One of the things that we would suggest is that, actually, this is the place to put in some targets for Government and the public sector. Therefore, the Committee on Climate

Change and the Commission on Climate Change and Development have both recommended that the Government legislates for greenhouse gas emission reductions targets. We are the only country in the UK that has no legislation for that. It is clearly a major threat to all of the other systems. You could use this Bill, or indeed, the future generations Bill, to put in targets that would make it clear to all public services and to Natural Resources Wales and Government that that is a priority. In the same way, the biodiversity targets that have been missed repeatedly could be inserted back in here to ensure the priority to the restoration of that biodiversity.

[119] The final point that I want to make is about the timing and relationship with the commissioner. There are five-year reports suggested in here on the state of natural resources, which will be informed by the programme for government. In the FG Bill proposals, there will be a future generations report, which, it appears, is intended to precede the end of the Assembly term. You need evidence on the state of natural resources to inform a future generations report and the foresight. So, the two things do not currently align very well and neither does the relationship between Natural Resources Wales in particular and the commissioner. How is that advice? Can the commissioner require advice? Does he have a relationship directly with Natural Resources Wales, or is it all via Government? It does not seem clear to us how there is a good accountability between the two of them, and, indeed, with other reporting systems for other public bodies. I will now hand over to my colleague, Rachel.

[120] **Ms Sharp:** Thank you. I have been asked to concentrate on the area-based approach, and as Anne has already mentioned, there is a fundamental here in that it would be much clearer if it was based on an ecosystem-based approach. It would clarify a lot of issues for us straight away. We think that it is a very positive approach, but it requires more clarification before we can comment on the effectiveness of it. So, we would expect that we would be part of a full consultation. We would need to be very clear about how any area-based approach fits in with the framework that we already have within the Wales spatial plan. So, what type of status would it have, particularly considering that the White Paper requires public bodies to work to the plan? Without any status, what will the incentives be? What would be the requirement for them to feed into the process?

[121] We also want some detail on the new emphasis on the importance of the local service boards, because they will need to produce delivery plans, and particularly, within those, we will need to look at the EU framework for biodiversity in green infrastructure. Again, why do we not have the biodiversity targets, because that is setting the scene for both of those two frameworks? We particularly welcome the proactive role for Natural Resources Wales to embed the principles of natural resource management as a single planning focus, but, again, this is very ambitious. One of the key benefits of the new approach would help NRW to deliver existing responsibility, particularly such things as protected site management. Although the White Paper talks about marine protected areas in terms of fisheries, there is a lack of any mention of protected sites throughout the whole document, and likewise with biodiversity targets and water framework directive targets.

12:15

[122] It would be naive in the extreme to consider that this new area-based framework replaced the need of existing tools. So, it remains vital that we sustain a natural resources basis. We are disappointed that this is not reflected in the White Paper, particularly considering that it does acknowledge that there has been long-term damage to ecosystem services, and there is a need to build resilience for ecosystems and for us to tackle future threats and climate change. So, we need to use all the existing tools that we have to bring biodiversity back within environmental limits.

[123] In addition, there is not much time for this. There are critical targets for 2020, so, it is a matter of how we can make sure that we really take a route of sustainable development and understand the environmental limits to inform good decisions. The approach does represent a real opportunity to build these tools and to create opportunities that we call landscape-scale conservation. However, the White Paper misses the need to work in equal partnership with the third and the private sectors, which is going to be critical to take this approach. There will be some key tests about how the process will influence procedures that we already have, for example, the Welsh Government deployment of RDP funds, local plan allocations and specific decisions by the Welsh Government, local authorities and others. The national resource policy will have outcomes from the future generations Bill, but we are unclear as to what those might be. As Anne has referred to, we would really welcome the inference from 'One Wales: One Planet'. This will also lead to natural resource reporting on an annual basis, but by whom, to whom, and who will resource this? It is very unclear in the Bill about accountability, how this will be resourced and the processes, and, because there is an overall ability, it should be cost-neutral. If you take a triple-bottom-lining approach, because, potentially, that could happen, but we do not at the moment.

[124] Also, in terms of the role of NRW in relation to the new payments for the ecosystem-services approach, at the moment, the White Paper correctly identifies that the enabling powers do not allow it to undertake that work. However, we really recognise that it has a role in agreeing these new management agreements, particularly those agreed interventions attached to the land—it will be critical that they are actually attached to the land. It has a role to regulate the market, but not really to be undertaking the role as a broker. That concludes my parts on the area base. I will now pass over to Katie-jo.

[125] **Ms Luxton:** Good afternoon, everyone. Thank you very much for this opportunity. I will focus my comments on NRM11, which, in many ways, is one of the most concerning measures proposed in the White Paper. I will make four points and one recommendation to the committee. The first point is that the whole Bill is rather a framework Bill. So, there is not an awful lot of information in there to get your teeth into and give commentary on. Nowhere is this more evident than in NRM11. In fact, point 3.50 states that we do not know when we might use this power. This is rather concerning because I think that this is sometimes called a blank-cheque power, or a Henry VIII power. Essentially, we have very grave concerns about what the Welsh Government's intentions are with this power, and the breadth of issues for which it could be used. There is legal precedent to give powers in primary legislation that allow you to use secondary legislation to amend previous primary legislation. However, the precedents are only in very circumscribed situations. This would appear to be giving an extremely broad situation as to when this could be used. We feel very uncomfortable with that, and there are a number of reasons why.

[126] The first one is probably a constitutional issue. Certainly, the constitutional committee of the Assembly stated in 2011 that subordinate legislation should be used only to implement the finer detail of policies. Clearly, this will not be the case if we enact NRM11. Also, I understood that the whole point of having a legislative Assembly was that it was your job, as a legislative body, to amend, tidy up and set out what legislation that we have. However, paragraph 3.8 explicitly says that the Government's long-term aspiration is to consolidate the legislation and to do the tidying up itself. I think that there is a bit of a constitutional problem in there if you are essentially handing over the role of the Assembly to the Government. That has some specific implications for scrutiny, because our primary legislation would be amended through secondary legislation, and that makes it very difficult for people like us and members of the public to understand what is going on. You would have to hire a lawyer to understand our legislation. It means that there is far less scrutiny of those changes. I gave a good few years of my life campaigning to have a better legislative settlement for Wales, primarily so that civil society could be better engaged in understanding our settlement. This absolutely militates against that.

[127] The final point that I was going to make about why we do not like NRM11 relates to the concern about the intentions of the Government. This goes right back to the issue that we have raised with the committee several times before about the purpose of Natural Resources Wales. So, if you look at paragraph 1.25 at the beginning of the paper, it says,

[128] ‘The intended effect is to ensure that NRW, in undertaking its functions, considers social and economic interactions as well as environmental factors’.

[129] What exactly does that mean? I had understood that the intention of the Welsh Government was to make sure that NRW could provide you with the best environmental evidence, and in seeking to promote sustainable development, the best environmental evidence is required, so that we best understand the impacts that we are having on the environment and we can take the appropriate decisions to mitigate, compensate or avoid those impacts. What this could be interpreted as, under paragraph 1.25, is that NRW has to consider, before it presents its environmental evidence, all of the social and economic factors as well. We do not think that it is constituted, or has the experience or knowledge to do that. I do not think that it is proper. I am really quite concerned that it is the intention of the Government to potentially change our environmental legislation, particularly those linked to protection of the environment, and do away with them through this backdoor route. In correspondence in January last year between the then Minister, John Griffiths, and the RSPB, we set out our concerns about the purpose, and our position was summarised in their letter, and I quote:

[130] ‘Our understanding of your concern regarding the ambiguity in NRW’s purpose is that you believe that the Order could be interpreted to require benefits for all three aspects—people, the economy and the environment—before action can be taken to carry out conservation and biodiversity actions. That is not our legal view and I will ensure that guidance is issued on it.’

[131] The committee is aware that the Minister now in post decided not to issue that guidance, but the letter says very clearly that ‘that is not our legal view’. What we have going on in paragraph 1.25 looks very much like it is their legal view, and I am quite concerned about the Government’s intentions. Perhaps, in terms of making a recommendation to the committee, it might be advisable to ask what the Government’s legal advice has been around the statutory purpose, because it is not in the public domain.

[132] My second point would be, given all of this confusion and woolliness around this framework Bill, particularly the lack of clarity of what the Government’s intentions are around NRM11, that the committee calls for a draft Bill to be put in place. That would be the only way that I would feel comfortable with taking forward NRM11 at all—when we know exactly what it is being proposed for.

[133] **Lord Elis-Thomas:** This committee is always calling for draft Bills and I am glad that we get them, but, sometimes, we do not. My view is that there should be always draft Bills, but I do not entirely share your distinction about primary and secondary legislation. In the area of planning guidance, subordinate legislation and regulation have always been mixed and that is part of the difficulty of what we have, both in the environment Bill and, even more so, without straying too much into the planning Bill. I do not know how that is resolved, but I am not here to discuss the issues of how legislation should be written, but it will be relevant when we come to scrutinise it, obviously.

[134] **Ms Luxton:** I will hand over to Gill, who has some points on the marine elements.

[135] **Ms Bell:** Good afternoon, everybody, I am conscious of the time and that we

overrunning, so I will be brief. I wholly support everything that was said, and we would like to raise the point that we appreciate the need for clarifying the legal framework, but we were disappointed that the paper has little detail on how it will help to deliver the Welsh Government's legal and aspirational targets for an ecosystem-based approach. We would have liked to have seen a greater emphasis on marine—I would say that, coming from the Marine Conservation Society, of course—and recovery and sustainable management, given that the Welsh Government has accepted all the comments made by this committee in its review of marine policy. There is very little detail on marine environmental management, with a focus on fisheries, and we would have liked to have seen a dedicated section on holistic ecosystem management and resilience, upon which all resources, including fisheries, are based, and Anne made that point.

[136] We welcome that, within the Bill, the ambition is to address older legislation like the shell fisheries Act, and we hope that it will make it easier for sustainable activity to be licensed in compliance with the habitats regulations.

[137] With regard to marine plans, we are concerned that there was very little mention of protected areas, as Rachel mentioned. There is a reference to intending to meet good environmental status for the marine strategy framework directive, but there is very little detail, again, on that. We would also like to know how the area-based plans will fit in with marine planning and how collective pressures will be measured and mitigated, and, again, there is little detail. We are pleased that there are sections on a cross-border and catchment-based approach; at least they are highlighted within it.

[138] With regard to marine licensing, we understand that, with the background of this, you have to be aware that, compared with the terrestrial environment, when you are licensing, the marine environment is very data deficient. When it comes to any enabling of verification of environmental impact assessments and any resourcing for research and monitoring of sites prior to licensing, because we are not as informed in the marine environment, we would welcome any opportunities to be able to develop those.

[139] That is everything that I have to say, and I will hand over to Gareth.

[140] **Mr Clubb:** Diolch yn fawr. Dim ond dau beth sydd gennyf i'w dweud, a'r ddau beth yn atgyfnerthu, yn y bôn, yr hyn a ddywedodd Katie-jo. Un peth y mae'r papurau hyn yn ei ddweud yw y dylai Cyfoeth Naturiol Cymru ystyried ffactorau cymdeithasol ac economaidd yn ogystal â ffactorau amgylcheddol wrth roi cyngor gerbron. Nid yw'r sefydliad hwn, yn ei ffurf bresennol, yn gymwys i wneud hynny. Nid oes arbenigedd ym maes economeg nac ym maes cymdeithaseg. Nid oes un person yn cael ei gyflogi ar hyn o bryd gan y corff, hyd y gwn i, sydd â'r arbenigedd penodol i allu rhoi cyngor yn y meysydd hynny. Felly, gellid holi ai cais yw hwn i ehangu ymerodraeth Cyfoeth Naturiol Cymru. Pwy a wŷr? Efallai fod bwriad i gyflogi 200 o weithwyr newydd er mwyn cyflawni'r ddyletswydd arfaethedig hon, neu efallai mai'r pwrpas yw osgoi cyfrifoldeb a democratiaeth, oherwydd rôl Aelodau

Mr Clubb: Thank you very much. I want to concentrate on two issues, which basically echo some of the comments made by Katie-jo. One of the things that these papers say is that NRW should take into account economic and social considerations as well as environmental considerations when giving advice. This institution, in its current form, is not competent to do that. There is no expertise in terms of economics or sociology. There is no single individual employed at present by NRW, as far as I know, who has the specific expertise to be able to provide advice in those areas. So, the question could arise as to whether this is a bid to expand the NRW empire. Who knows? Perhaps the intention is to employ another 200 members of staff in order to achieve this proposed duty, or perhaps this is an effort to shirk responsibility and evade democratic accountability, because it is the role of elected Members to consider, weigh up and

etholedig yw ystyried, pwysu a mesur a phenderfynu, a rôl Cyfoeth Naturiol Cymru yw rhoi arbenigedd amgylcheddol. Felly, gall rhywun gymryd penderfyniad lle mae arbenigedd amgylcheddol yn cael ei leihau oherwydd pwysau economaidd, a dylai'r Gweinidog ei hun gymryd y penderfyniad ar sail economaidd neu gymdeithasol oherwydd dyna yw rôl Llywodraeth a Gweinidogion, sef cymryd penderfyniadau ar sail yr holl wybodaeth. Nid rôl Cyfoeth Naturiol Cymru yw rhoi barn yn cynnwys materion cymdeithasol ac economaidd.

decide, and it is the role of Natural Resources Wales to give advice based on its environmental expertise. Therefore, one could take a decision where environmental expertise is diminished because of the pressures of economic considerations, and the Minister should take a decision on an economic or social basis, because that is the role of a Government and Ministers, namely taking decisions having taken all the information into account. It is not the role of NRW to give an opinion that would include economic and social issues.

12:30

[141] Mae'r ail beth y leiciwn i ei ddweud eto yn atgyfnerthu'r hyn a ddywedodd Katie-jo. Roedd pwyllgor cyfansoddiadol a ddaeth i gasgliadau ac a wnaeth argymhellion. Argymhelliad rhif 2 oedd:

The second thing that I want to say also supports the comments made by Katie-jo. There was a constitutional committee that came to conclusions and made recommendations. Recommendation No. 2 was:

[142] 'that before any new laws are proposed in future, the Government sets out very clearly in a White Paper why the new law is needed and why the policy it seeks to achieve cannot be achieved through other action.'

[143] Derbyniwyd yr argymhelliad hwnnw gan Lywodraeth Cymru, ac un o aelodau'r pwyllgor a wnaeth yr argymhelliad hwnnw oedd Alun Davies, sef y Gweinidog dros yr amgylchedd. Felly, nid yw'n gallu honni nad oedd yn deall nac yn gwybod am y ffaith bod Llywodraeth Cymru wedi derbyn yr argymhelliad hwnnw.

The Welsh Government accepted that recommendation, and one of the members of the committee that made that recommendation was Alun Davies, who, of course, is now the Minister with responsibility for the environment. So, he cannot claim that he was unaware of the fact that the Welsh Government had accepted that particular recommendation.

[144] Eto, rwy'n dod i gymal 3.50:

Again, I return to clause 3.50:

[145] 'It is not currently known when and how Welsh ministers might use the enabling powers set out in NRM11.'

[146] Mae hynny'n gwbl groes i'r hyn a argymhellwyd gan y pwyllgor hwnnw ac a dderbyniwyd gan Lywodraeth Cymru. Nid oes digon o fanylder yn y Papur Gwyn i allu cymhwyso'r mesur hwnnw. Wrth gwrs, mae problemau craffu, a phroblemau pleidleisio, achos, os ydych yn mynd trwy broses ar gyfer is-ddeddfwriaeth, mae honno'n llai tebygol o gael pleidlais gan bawb, ac mae gan is-ddeddfwriaeth broblemau ymgynghori, achos ni allem ni, gyda'r adnoddau prin sydd gennym, ymgynghori ar bob un cymal mewn darn o is-ddeddfwriaeth gan y dylem fod yn

That is entirely contrary to the recommendation made by the committee I referred to earlier, and that recommendation was accepted by the Welsh Government. There is not adequate detail in the White Paper to be able to quantify that point. Of course, there are problems in terms of scrutiny, and of voting, because, if you go through a subordinate legislation process, it is less likely to be voted on by the Assembly as a whole, and, again, there are consultation problems with subordinate legislation, because, with the scarce resources available

canolbwyntio ar Filiau.

to us, we would not be able to consult on each and every clause in a piece of subordinate legislation when we should be concentrating on Bills.

[147] **Lord Elis-Thomas:** Is that the view of you all, as they say? I see that it is.

[148] **Llyr Gruffydd:** Codais gwestiwn ddoe gyda'r Gweinidog am y berthynas, fel mae ef yn ei gweld hi, rhwng y fframwaith datblygu cenedlaethol arfaethedig sydd yn y Bil cynllunio a'r strategaethau datblygu lleol—y strategaethau datblygu rhanbarthol, sori; mae'r derminoleg yn 'gwneud fy mhen i mewn' weithiau—a'r cynlluniau datblygu lleol, gyda'r argymhellion yn y Papur Gwyn a'r Bil amgylchedd am gynllun adnoddau naturiol cenedlaethol a'r cynlluniau lleol. Dewisodd wrthod ateb oherwydd bod ymgynghoriad yn mynd rhagddo, ac roeddwn i braidd yn siomedig oherwydd, os bydd rhywun yn dod â rhywbeth i'r bwrdd, dylai allu esbonio sut y mae pethau yn ffitio ynghyd yn lle dibynnu ar yr ymgynghoriad i esbonio hynny. Byddwn yn leicio clywed sut yr ydych yn gweld y berthynas rhwng y gwahanol gynlluniau, fframweithiau a strategaethau hynny, ac, wrth gwrs, pa un sy'n cael gwruchafiaeth pan fo gwrthdaro.

Llyr Gruffydd: I raised a question yesterday with the Minister about the relationship, as he sees it, between the proposed national development framework in the planning Bill and the local development strategies—sorry, the regional development strategies; the terminology does my head in, truth be told—and the local development plans, in addition to the recommendations in the White Paper and the environment Bill for a national resources scheme and the local plans. He refused to answer because there was an ongoing consultation, and I was slightly disappointed because, if somebody comes to the table with evidence, he or she should be able to show how things fit together, rather than depending upon a consultation to explain matters. I would like to hear how you see this relationship between these different schemes, frameworks and strategies, and, of course, which of them has priority when there is conflict.

[149] **Ms Sharp:** I am happy to take this question. Certainly, we are as confused as you are. We have to have a real realisation of what it is that local authorities are going to do—and I know that you are about to hear from local authorities next. What will they have to do, given the economic climate at the moment? Actually, how statutory is the Wales spatial plan? So, I have a real concern that, although there is the best of intentions behind the national resource policy, we are going to have a plethora of plans. We have the local service boards, so we will also have their plans, and we are going to have to see how we will look at infrastructure plans and things like that. So, there is going to be a huge plethora, and I think that what will end up happening is that local authorities will just look at what is on the statute book and what they have the resources to apply to. There is a real need here to clarify the status of these new plans, who is going to be responsible for them, and who is going to pay for the processes required. None of those questions has been looked at. I genuinely think that it is well-intentioned, because it is what is required, and I heard Emyr Roberts this morning, the CEO, talking about how they want to work with people and how they want to develop these plans, and they are also steering away from public bodies having a duty. Instead, they want to engage with them in the delivery of the plans. Well, you can have the best of intentions, but without the resources, I am not clear as to how they are going to do that.

[150] **Lord Elis-Thomas:** Antoinette Sandbach is next, then Russell George.

[151] **Antoinette Sandbach:** I know that this committee has made the comment previously that the cart has gone before the horse, but what I am struggling with is how we define sustainable development and whether it means the same thing for the proposed planning Bill and future generations Bill and this Bill. We have had evidence that there is some overarching board in the Welsh Government that is reviewing this and making sure that there is

consistency between these three Bills. Have any of you been given the opportunity to talk to that board and to look at the definitions? Sorry, I can see you shaking your head, but you will need to talk, because it will not be picked up otherwise.

[152] **Ms Luxton:** We are all shaking our heads.

[153] **Antoinette Sandbach:** You are all shaking your heads; you are all saying ‘no’.

[154] **Ms Luxton:** It has been an issue that has been raised. I am on the Living Wales reference group, which is the Natural Resources Wales reference group, and on the future generations reference group, and we have another colleague on the planning Bill group, and we have all been raising concerns about the drawing up and the fit together.

[155] **Ms Meikle:** The natural resources reference group and the future generations reference group had a joint meeting in October or November to try to look at areas of overlap. We had a presentation on the White Paper, and we tried there jointly to address some of this. We both have reference group meetings next week, but they are at that level; they are not the internal project boards that you are referring to. We do not have any input to those directly.

[156] **Antoinette Sandbach:** In terms of the blank-cheque approach—and I do not know whether you heard some of my questions to Emyr Roberts before you came in—

[157] **Ms Luxton:** No, we had moved from the gallery by that stage.

[158] **Antoinette Sandbach:** Are you saying that, given the way in which the White Paper is drafted at the moment, this is an ineffective consultation and, until you see an actual draft Bill, you simply do not know what you are being asked to agree to?

[159] **Ms Luxton:** Certainly, with regard to NRM11, it is very unclear what we are being asked to agree to. More than that, we are concerned that we are being asked to agree to something that we believe could be used against the interests that our members are supporting us to campaign for. The whole Bill could do with further detail in it. It is very much a framework Bill; it leaves a lot to secondary legislation. However, the particular concern is about NRM11, because there are 230 or so bits of legislation that sit behind NRW alone, and any one of those could be changed through secondary legislation with potentially very little scrutiny and public engagement, and some of them have very far-reaching implications.

[160] **Lord Elis-Thomas:** I am sorry, we have started to have this argument before, but are you seriously saying that the system of primary and secondary legislation that we have inherited from Westminster should remain intact and that we should not be, when we legislate in Wales, trying to do something more creative and more intelligible?

[161] **Ms Luxton:** If we want to change primary legislation, we now, thank goodness, have primary law-making powers in Wales and we should bring forward primary legislation—Bills—in Wales to make amendments to those other pieces of legislation as and when we know what we want to do. The problem here is that this is just saying, ‘We don’t quite know what we want to do yet; we will make it up as we go along and we will cede that power from the legislature to the Government’.

[162] **Lord Elis-Thomas:** So, you are opposed to the principle that it would be possible for Welsh Ministers, by secondary legislation, to amend primary UK legislation that affected Wales. Is that what you are saying?

[163] **Mr Clubb:** Gyda phob parch, efallai **Mr Clubb:** With all due respect, perhaps that bod hwn yn drafodaeth y dylai'r Pwyllgor is a debate that the Constitutional and

Materion Cyfansoddiadol a Deddfwriaethol ei gynnal, oherwydd, yn y bôn, rydym yn canolbwyntio ar yr agweddau amgylcheddol, er bod yna, wrth gwrs, agweddau cyfansoddiadol iddynt. Fodd bynnag, nid ydym yn mynegi barn ynglŷn â pha un a hwn yw'r lle sydd â'r cymhwysedd mwyaf dros deddfwriaeth ai peidio, ond dyma yw ein barn ynghylch y Bil penodol hwn.

[164] **Yr Arglwydd Elis-Thomas:** O'r gorau, ni af ymhellach â hyn. Fodd bynnag, mae'n rhaid imi ddweud fy mod yn siomedig bod cyrff amgylcheddol yn credu bod y ffordd yr ydym wedi deddfu yn San Steffan dros y canrifoedd yn werth ei gadw fel ag y mae. Dyna fy marn i.

Legislative Affairs Committee should have, because, essentially, we are concentrating on the environmental issues, although, of course, there are constitutional issues to these things. However, we are not expressing a view as to whether this is the place that should have greatest competence over legislation or not, we are expressing a view on this specific Bill.

Lord Elis-Thomas: Okay, I will not go further on this point. However, I have to say that I am disappointed that environmental bodies believe that the way in which we have legislated in Westminster for centuries is worth maintaining as it is. That is my opinion.

[165] **Ms Luxton:** To be clear, we accept the primacy of the Assembly. If this body wants to make primary legislation that changes any primary legislation in Westminster, that is fine, and we will participate in the process. The issue is whether we write a blank cheque to allow Ministers to make those changes with limited scrutiny. We think that that should come through the proper full procedure of the Assembly.

[166] **Lord Elis-Thomas:** Well, that is a matter for us in changing our Standing Orders. We can examine secondary legislation in any way we wish to choose, provided that that is in our Standing Orders.

[167] **Ms Sharp:** The other point regarding the constitutional matters is that we feel that we do not have the resources or the expertise to undertake that. You could, but what about civic society, our membership and us as organisations? We simply do not have the resources to undertake that.

[168] **Mr Clubb:** Rwy'n gallu rhoi enghraifft o'r Bil hwn. Mae cymalau yn ymwneud â gwastraff sydd yn fanwl, a lle mae, rwy'n credu, ystod eang o gefnogaeth gan y sector amgylcheddol, nid i bob cymal, ond mae manylder yno, ac rydym yn gallu gweld beth yw cynlluniau'r Llywodraeth a beth yw ei bwriad o ran deddfu. Fodd bynnag, mewn rhai meysydd nid yw'r Bil yn dilyn argymhelliad y pwyllgor cyfansoddiadol. Am y rheswm hwnnw yn unig, efallai, mae'n werth ystyried a yw NRM11 yn gymwys fel ag y mae ar hyn o bryd.

Mr Clubb: I can give you an example from this Bill. There are clauses related to waste that are detailed, and where, I believe, there is broad-ranging support from the environmental sector, not for each and every clause, but there is detail there and we can identify the Government's proposals and what its intention is in legislating. However, there are other areas where the Bill does not follow the recommendation of the constitutional committee. For that reason alone, it is perhaps worth considering whether NRM11 is within competence as it currently stands.

[169] **Yr Arglwydd Elis-Thomas:** Nid af i ddadlau beth yw statws penderfyniadau pwyllgorau cyfansoddiadol, ond dim ond argymhellion i'r Cynulliad ydynt.

Lord Elis-Thomas: I will not argue what the status of decisions of constitutional committees is, but they are only recommendations to the Assembly.

[170] **Russell George:** In your opening remarks that you each provided as different organisations, is there any element of what each of you said this morning that someone else

disagrees with?

[171] **Ms Sharp:** We have been very surprised, Russell, because we all represent Wales Environment Link, and we are a very broad-ranging element. There are also different focuses within the organisations from a heritage and landscape perspective. However, fundamentally, we have been quite surprised that all of the concerns have all come forward together, and we have been able to get consensus. I chair the WEL natural resources group, which is very aware of what we are saying today and what our position is on things. It has been consulted and it is in broad agreement with what we are saying here.

[172] **Russell George:** That is good. You sounded co-ordinated and it is good that you are co-ordinated, but I just wanted to check that each of you was agreeing with each other, because you were dealing with different aspects. May I just ask you about waste proposals in the Bill as well? Were you consulted on that prior to the White Paper?

[173] **Ms Sharp:** No. In general, not at all. For example, Keep Wales Tidy is a member of the Wales Environment Link, and it will be making the bulk of the response to the waste proposals. We also sit on other panels. I sit on the independent environmental assessment panel for Welsh Water, so we have had input through other forums. I think there is a general point on the waste proposals around the single-use carrier bag levy. We have not been able to garner all the opinions of the WEL members on this, but we are concerned about the changing of the emphasis on good causes. This is an environment Bill, and, fundamentally, we need to find more resources to undertake all the ambitions in the Bill, because there is great ambition in there. However, this opportunity is to give it to good causes rather than to environmental good causes. In particular, we would like to see it go to Welsh initiatives. At the moment, we do not know where this money is going. We understand that some money is going as far away as America. I do not think that anyone wants to see that, and we have a real opportunity here just to have the recognition that an environment Bill should be supporting environmental organisations to help implement this. That would be really positive.

12:45

[174] **Ms Bell:** Although we have not polled all of the WEL organisations, we believe that there would be overall agreement to enabling powers to charge for other types of bags. We believe that we would get agreement from the WEL organisations for that.

[175] **Lord Elis-Thomas:** William Powell is next.

[176] **William Powell:** Good afternoon, everyone. I would like to change the focus just a little to matters marine. What are your views on the proposals in the White Paper to extend the scope of charging for certain licensing activities that are currently not subject to charge?

[177] **Ms Bell:** As I mentioned before, because marine is a data-deficient area, I think that, overall, we are in favour of enabling the capacity to be able to investigate pre-application. We are disadvantaged because of marine, and anything that we can do to provide greater resources, particularly for research and monitoring, because it is not a level playing field compared to terrestrial, would be good. Also, 'out of sight, out of mind' is quite common when it comes to marine. So, you may grant licensing, and obviously there will be, within that, the duty on the licensee. However, as I mentioned in my small part, we were a little bit concerned about the collective pressures and how these would be measured and militated against. Again, that is very difficult for marine. It is a whole different environment. So, we would like to see that there is capacity to be able to ensure that any licensing that is granted could be properly investigated prior to licensing.

[178] **William Powell:** Picking up the theme earlier of the proceeds from the carrier bag

levy, would I be right in assuming that you would wish for those fees levied to be ring-fenced for marine-related activity, because of the resource deficiency that you mentioned?

[179] **Ms Bell:** It would be lovely, but I do not think that I could—. I am not sure that my colleagues would support me on that one.

[180] **Russell George:** So, there is potential disagreement.

[181] **Ms Bell:** Yes, there is potential for disagreement. [*Laughter.*] I was one of the people who gave evidence to help get the carrier bag levy in. As the Marine Conservation Society, we collect the data that tells you about the carrier bags and how many you find in the marine environment. Obviously, it would be fantastic if some of the money does come to us, but I will go back to Rachel's point: this is an environmental levy, all of our organisations are struggling in this current financial climate, and anything that we can do to help to develop this—. Bear in mind that we all try to help you with your policies, and we spend a lot of time and resources to provide you with information, such as the Beachwatch report that the MCS produces, which gives you all of the information about marine litter, and we do not get any support for that. So, anything that we can do to enable us to continue the work that we do and support our members, we would obviously support.

[182] **Ms Sharp:** I would also just emphasise that a lot of our organisations are already in receipt of single-use carrier bag moneys, and we use that across a wide spectrum. So, the Wildlife Trust will use it for things from terrestrial through to marine, but we have also embraced this whole thing around society and the economy, so we are also doing a lot of work for society in general. So, this will benefit society in general.

[183] **William Powell:** That is helpful. I have one more question, if I may, Chair. With relation to the shellfisheries several and regulating Orders, to what extent were your organisations consulted on the proposals that are actually present in the White Paper?

[184] **Ms Bell:** I am afraid that I do not know for definite. We do have representation on the inshore fisheries groups. I am afraid that I would have to get back to you on that, because the person within WEL who sits on that group is not here today.

[185] **William Powell:** I realise that you have a broad coalition and you cannot all be experts on everything.

[186] **Ms Bell:** Yes. So, I apologise. I did ask my colleague with regard to the shellfisheries, and, as I mentioned before, we are quite pleased that this new legislation will enable us to address the issues, such as the shellfisheries Act, but the point that I would like to highlight is that we would ensure that sustainable activities would be able to be licensed for. From a personal point of view, having looked at it, I am slightly concerned about what is said about the time frames for implementing some of them. Within that we would like some sort of clause with regard to reviewing them to ensure that there was not any environmental impact happening. Certainly, if you would like to know more about that, then we would be able to provide you with that information.

[187] **William Powell:** That would be of interest, because I know that concerns have been expressed that striking the right balance between developing a particular sector and mitigating the impacts of the economic benefits would be a cause of potential conflict.

[188] **Yr Arglwydd Elis-Thomas:** Diolch i chi am gyflwyno tystiolaeth ac am sbarduno trafodaeth ynom ar y Papur Gwyn. Mae'n sicr y bydd y materion hyn yn
Lord Elis-Thomas: Thank you all very much for presenting evidence and for encouraging debate on the White Paper. I am sure that these discussions will continue.

parhau. Diolch yn fawr iawn i chi.

Thank you very much.

[189] I have a request from a Member to go into private session, so I will put that request now. [*Interruption.*] It does not come from me; it comes from other Members. There is a move that we now adjourn and go into private session, but my wish is that we continue—I would debate the issue.

[190] **Llyr Gruffydd:** We intend to go into private session later on in the agenda; could it be dealt with there?

[191] **Lord Elis-Thomas:** Yes, as we have agreed now to take evidence from the Welsh Local Government Association.

[192] **Antoinette Sandbach:** I am sorry, Dafydd—

[193] **Lord Elis-Thomas:** Well, no; I will take your motion. The proposal is to be going to private session. Would you like to speak to that?

[194] **Antoinette Sandbach:** Yes. Basically, I have been sitting here since 9.30 a.m., and we have at least another three quarters of an hour of evidence, and I need a break. If we go beyond 1.30 p.m., I will not get any food. I have a four and a half hour journey after this evidence session on public transport, and in order to be able to concentrate and understand the evidence that I am hearing, I would like to have a break.

[195] **Lord Elis-Thomas:** Well, I will have to have a vote on that, because, clearly, my view is that we should continue with the arrangements that we have made at the request of Members in order to continue the evidence and conclude it at 1.30 p.m. I, too, will be travelling on public transport, but for only three and a half hours, so we are all in the same position. Are you proposing that we go into private session?

[196] **Antoinette Sandbach:** Yes.

[197] **Lord Elis-Thomas:** Then I will ask for a vote on the matter—although it has just been suggested that we adjourn for five minutes to discuss this matter further. Is that agreed? I see that it is.

*Gohiriwyd y cyfarfod rhwng 12:52 a 13:00.
The meeting adjourned between 12:52 and 13:00.*

**Bil yr Amgylchedd—Papur Gwyn: Tystiolaeth gan Gymdeithas Llywodraeth
Leol Cymru
Environment Bill—White Paper: Evidence from the Welsh Local Government
Association**

[198] **Lord Elis-Thomas:** I thank you very much for agreeing to come earlier for the convenience of the committee. We were very keen that we were able to examine the implications of the consultation, especially in relation to the whole waste issue. Do you have any particular further points that you want to make to us, or can we go straight into discussion? Would you want to make some general—

[199] **Dr Peppin:** If you want to, we can go straight into your questions and then perhaps we can have an opportunity at the end to mop up anything that we have not had a chance to say.

[200] **Lord Elis-Thomas:** In which case, shall I start with you, Antoinette?

[201] **Antoinette Sandbach:** There was some discussion earlier in this whole process about whether or not the environment Bill should be split into two parts. It seems to me, or at least we have had representations, that the waste element of the Bill is more detailed and has clearer waste guidelines or a waste section, if I can put it that way. It is a bit more detailed and, therefore, it is a bit easier to respond to it in terms of the consultation that is running on the White Paper at the moment. Are you clear about where that fits in together with the planning and the future generations Bills and the potential obligations that those might have on local authorities?

[202] **Dr Peppin:** I think that, as you said, there is a number of pieces of legislation going through at the moment. One of the concerns that we are picking up from the local authorities is the very fact of the amount of legislation at a time when they are dealing with serious budget cuts and we know that the Williams commission is going to be coming out shortly with the potential for some major changes in local government. At a time of great change, trying to deal with all this legislative change is going to be very difficult. So, the more that the legislation can be simplified and integrated, the better from our perspective, because trying to deal with multiple streams does make it very complex. You mentioned waste and there are parts of the environment Bill White Paper relating to waste that have caused major concerns among local authorities. In the previous session, they described it as a framework; I think that we find it a slightly odd framework, because lots of different elements seem to have been put into this legislation. So, if what you are asking is, 'Could it have been better structured?', I think that we would agree that it could.

[203] **Antoinette Sandbach:** So, if we had a blank piece of paper, how would you like that structure to be, as it were?

[204] **Lord Elis-Thomas:** There is an invitation. [*Laughter.*]

[205] **Dr Peppin:** We really welcome a lot of the discussions that are taking place around ecosystem services, but if we could have something focused on them with more detail about how they would work and their implications, that would be something that would be very useful, because there are potential income-generating opportunities through payment for ecosystem services that I think could help local authorities as they go through a transition period and budget cuts. So, that is one element that I think could be dealt with in the round.

[206] On the waste side, I think that some of the things that are in there are, perhaps, going over ground that is covered elsewhere. So, for example, we have the position with the waste framework directive, which has already said that segregated, separate collection is required unless it can be demonstrated that it would not be technically, economically or environmentally practical or if you could achieve an equivalent quality. On that front, there is already a position that local authorities are working to. By bringing in this requirement in the environment Bill, it adds to the confusion for local authorities as to what the actual position is.

[207] On the energy-from-waste side, the landfill ban issue has created some concerns, because contracts are being negotiated with energy-from-waste plants, and some of the things in there about banning waste going to energy-from-waste plants would create real problems for local authorities if they are made responsible for that. Local authorities pick up the waste, they pick up the black bin with the residual waste in, but they are not in a position to go through that residual waste to see whether there is any recyclate left in there. They will put recycling schemes in and they will have the collections for materials that can be recycled, and the drive is to get local residents to respond to those collection systems and make sure that they are being used. If the focus is on bans, then that creates some major problems over

enforcement, even if there is, as has been suggested, guidance on what would be an acceptable level of contamination. It would be very hard to enforce that. So, there are the waste elements in there, which perhaps complicate things. The carrier bag stuff seems like a tidying-up piece of work that is being done, but it could have major cost implications for local authorities. A lot of the effort that went in with the 5p was putting guidance together, training staff and putting publications out to let everyone know what was going on. If that all had to be redone, then there would be a cost burden associated with that. So, there are a lot of elements in there, some of which we support, but there are others that we think could cause cost pressures or complicate the existing situation.

[208] **Antoinette Sandbach:** May I just quickly pick up on this? You saw the ecosystem approach as a potential income stream; could you perhaps expand on that?

[209] **Dr Peppin:** With landholdings, local authorities will be looking closely at landholdings as possible capital assets that could be sold off to try to ease financial pressures. If the ecosystem approach works successfully, then those landholdings could be seen as potential sites for flood-alleviation works, energy generation and locally grown food production. There could be a range of opportunities where you are using the environmental asset to generate an income stream. We do not know yet in detail how those income streams will be generated. There are some ideas around, but it is an area that is worth exploring.

[210] **Lord Elis-Thomas:** I have a lot of sympathy with the general points that you have just made, because there is a tendency for the Welsh Government, the people who are drafting legislation, to think that making legislation for a Government is laying duties on other people and, of course, the first line of attack is local authorities. We came across this in relation to the Active Travel (Wales) Act 2013. This was another good example where duties were laid and the end result is delivered by somebody else. I do not know whether you have discussed this general principle with the Government as to why the laying of duties on local authorities is not necessarily the most effective way, at all times, to make changes in public policy. It seems to me that, in this area, it is an easy hit for Government to legislate by passing the ball on, as it were.

[211] **Dr Peppin:** You make a very valid point; we do not always have that discussion. We are informed that a new duty is coming out in the legislation and then we are consulted on the way in which that will operate. Picking up on some of the points that were made in the previous session that we listened in to, in terms of the powers, if those powers are used to create new duties, then that adds to the problem. I believe that it was referred to as a blank-cheque approach; that would be a cause for concern at a time when local authorities are looking to cut back their services because of the financial position.

[212] **Lord Elis-Thomas:** So, if we were to try to address, as a committee, looking at the implementation of environmental policy and the whole sustainability debate generally, and if we were to approach this issue from a point of view of considering the best way for different levels of government to collaborate in implementation, then this might be something that could feed into whatever Sir Paul Williams is dreaming up these nights.

[213] **Dr Peppin:** Yes, we would welcome that opportunity to have the more upstream discussions on this.

[214] **Mr Rookes:** I would also like to add to that. Tim mentioned the raft of legislation that is coming out and the future generations Bill is looking to embed the social, economic and environmental. This particular Bill, the environment Bill, clearly is addressing the environment, looking at NRW as being a key player, if not the key player, within the delivery of the environment. However, from the social and economic perspective of sustainable development, there does not seem to be anywhere at the moment a similar recognised expert

or expertise to deliver the social and the economic elements. If we are trying to embed SD, surely those three elements need to be addressed together.

[215] **Julie James:** On that point, the assumption is—as local authorities have a duty for economic, social and environmental wellbeing—that they have that expertise, but I may be wrong.

[216] Anyway, moving on from that, in terms of the waste streams, I think that some of the stuff coming out of local authorities is very contradictory. On the one hand, you want all local authorities to be able to devise their own waste collection arrangements, no matter how complex, but on the other hand, you do not want the Government to say that they are complex, difficult and ought to be streamlined. I am not too sure where you are coming from on that.

[217] You made a point about the contracts, but you are not going to tell me that the consortia for local government have entered into contracts that are so inflexible that they cannot adjust for future recycling streams, are you?

[218] **Dr Peppin:** On the first point on the differences in collection systems, we are working with Welsh Government on a collaborative change programme to offer support to authorities to develop a long-term plan to meet the 70% recycling goal. In some cases, that will mean local authorities looking at moving towards the Welsh Government blueprint, which is the kerbside sort. The collaborative change programme will assist local authorities in that direction. We also believe that local authorities have to be able to make their own decisions on this. If they believe—for sound technical, economic or environmental reasons—that that change is not right for them, or if they believe that they can achieve the same quality without going to kerbside sort, they need to operate within the financial constraints that they have.

[219] In some cases, authorities will have undertaken extensive community consultation to find out what local residents want, and they will be responding to feedback from local residents. They are caught between trying to establish a Wales-wide approach to things and being responsive to what local residents want to see. On the contract side, the issue is that contracts have been drawn up on the basis that a certain tonnage of waste material will be delivered, based on forecasts of the residual waste. The residual waste should only contain things that are not recyclable. All of the collections for food, plastic and everything else will take those for recycling, and the residual waste should just be the fraction that remains when all the other recyclable materials have been taken out.

[220] You cannot rule out the fact that some households may put a coke can in their black bin. When the collection comes, there is no way that you are going to have the time to go through that bin to see if there is anything in there. When it is delivered to the energy-from-waste facility, if there are some elements like that in there, they are not going to be able to sift through all of the material that is tipped into the well of the facility to separate them. They can do some pre-sort, but they will not be able to take everything out. The concern was with the mention of a ban on those things going in and how that would be policed. Since the White Paper, there has been some clarification from Welsh Government officials, who have said that they recognise that and want to work to find a way through it. There was a concern when it came out that, if it was enforced to the letter, it would be impossible to police.

[221] **Julie James:** Most waste facilities have some sort of pre-sort, as you well know. I do not think that they were talking about a zero-tolerance policy on single coke cans. My view is that most of those contracts are sufficiently flexible to adjust to future recycle streams. For example, today's residual waste might be tomorrow's easily recycled material. Tetra packs are an example of that.

[222] **Dr Peppin:** They have made projections with those sorts of thoughts in mind.

[223] **Julie James:** In terms of the modal shift, I am not too sure that I entirely agree with you, but I do not want to end up in a two-way argument at this point. My view is that, just because communities say that they cannot do something, it does not necessarily mean that they cannot do it. So, there is a more complex argument to be had about what can be achieved in terms of a modal shift in recycling and so on.

[224] **Llyr Gruffydd:** I am interested in your views about where local government fits in to the raft of plans, strategies and frameworks that are in the offing through the planning Bill, which was mentioned earlier. There is the national development framework, as proposed; then, you have your regional strategic development plans; then, you have local government plans, of course; and, in the environment Bill, we have a national natural resources plan and area-based plans. How do you see yourselves fitting in to that and the interface between the two?

13:15

[225] **Dr Peppin:** That is a very good question. I mentioned at the beginning that there are so many changes going on at the moment that it is hard for local authorities to keep on top of all of this and respond to it all. So, the more that these things are co-ordinated, the better. We recognise that it is not always possible for the geography to be the same for some issues like transport, labour markets and river catchments; they will operate on a wider area than individual local authorities. Therefore, you need a national framework, and some sort of regional framework to set the context for your local plans is very helpful.

[226] In terms of the resource plans that are being discussed, they could potentially be very valuable, but it is the interrelationship with the local development plan process that would be our biggest issue, and how well that works. It has been described to us as being on a spectrum: on the one end, when you have a planning application, you have regard to this resource plan, and on the other end of the spectrum, you would have almost a duty in your developments to ensure that you were delivering on the things in the natural resource plan. It is about where it is pitched along that spectrum that would be important.

[227] **Llyr Gruffydd:** Do you have a view as to where it should be pitched?

[228] **Dr Peppin:** It should be at neither extreme, and probably be somewhere in the middle. It would, perhaps, not have the impact that it needs if it was just 'have regard to', but if it was a duty to do that, it could constrain development at a time when we are trying to enable development to take place.

[229] **Llyr Gruffydd:** Do you have any thoughts about the geographical scale of the area-based natural resource plans? I imagine them being coterminous with local development plans, for example, or maybe not.

[230] **Dr Peppin:** It has been suggested to us that it could be done on river catchment areas, which might well not be coterminous. Provided that, when you are looking at your local development plan, you have a resource plan that makes sense, the geography is—to some extent—not the big issue. It might well be that there are issues outside your local authority boundary—for example, the uplands and water retention—that have a major impact on surface run-off in your area. So, in fact, knowing what the resource implications of your development are, on a wider geography, might be very important. Trying to have neatness is deceptively simple, but it is not always the right thing to have. As long as there is a clear relationship between the different plans, that is the important thing.

[231] **Mr Rookes:** You asked in your original question about how local authorities should be involved in this. Key to it all is early involvement, and that dialogue is established at an early stage, rather than, ‘This is your plan; we have got to the eleventh hour with the area-based natural resource plan’, and then start to consult on how it might have implications for other plans. There should be early engagement. We welcome the idea that it is suggesting that local authorities have a responsibility to engage with Natural Resources Wales. Likewise, or by implication, there is also an obligation being placed on NRW to co-operate with local authorities as early as possible.

[232] **Llyr Gruffydd:** Have you had any dialogue with Natural Resources Wales in developing your thoughts around some of these proposals? I know that it is at an early stage, but in formulating some of your views, perhaps, have you been bouncing some ideas around?

[233] **Mr Rookes:** We have become aware. As other people have identified, we have been involved in reference groups that have representation from NRW and some of the third sector. So, in formulating our ideas, we have taken regard—shall I use that phrase?—of how other people are approaching this particular Bill. However, in terms of direct formal arrangements, no.

[234] **William Powell:** Have you had any feedback from representatives of the three Welsh national parks that form part of the WLGA, on their perspectives on the proposals in the Bill at this time?

[235] **Dr Peppin:** We have had some dialogue with representatives of the national parks. We work very closely with them, and we recently put together a publication on the economic value of the national parks. In that, there was a strong emphasis on the benefits of the ecosystem approach. So, I think that we are at one on the potential benefits of taking an ecosystem approach. We have not had extensive dialogue over the Bill.

[236] **William Powell:** I have another question that relates to a topic that we will discuss later on our agenda—invasive non-native species. On the fight against such species—which can have a devastating effect, as the committee has found in work that it has already done—to what extent will this Bill either help or hinder the work that needs to be undertaken in that area, which places certain local authorities under such a strain, as we heard from some of your colleagues who fed in to our short report on that matter?

[237] **Mr Rookes:** Integrating natural resource management is one element of this. I suppose that in some respects we are forced—I will use the word ‘forced’ although it is probably not the most appropriate one—due to legislation and directives that come from Europe, to develop legislation, to an extent, in a silo. INNS is seen as a separate problem and the water framework directive and water quality are seen as a separate entity, et cetera. However, in fact, you can achieve the objectives if you address the INNS issue. You can improve water quality, biodiversity and habitats through one action. I do not see INNS being addressed as an individual issue within this environment Bill, but, in the broad terms of the environment, it may be that if you address INNS it may improve the environment and if you address the water quality it could have an impact on INNS.

[238] **William Powell:** Just a couple of weeks ago we were on a visit to Snowdonia as a committee. We heard of the impacts that were felt in their experience with rhododendron when grazing patterns changed. That was another illustration of the interconnectivity of all these issues. I appreciate your response.

[239] **Mr Rookes:** The ecosystem involves mankind as well.

[240] **Lord Elis-Thomas:** It is always good to be reminded of that.

[241] **Russell George:** Going back to waste, I am aware that we have had some discussion on different kinds of collections and systems. Very often, local authorities use the same systems but with different colour coding—I think that I am right to say that; I think that that is what Professor Matthews from NRW was saying when he gave evidence earlier. He went to great lengths to stress that that was not his opinion. I want your view on that. Is there a joined-up approach in authorities to ensure that systems used across Wales are at least using the same colour-coding structure?

[242] **Dr Peppin:** There are differences, but there are also discussions going on. We are working under the Wales waste improvement programme, which is looking at joint procurement. For example, for caddy bin liners, work has been done to make sure that there is one contract that they can all sign up to get the benefits from that. From that, they are moving on to start looking at the potential for procuring other items, such as bins. If they do a joint procurement it may well be that they can look at the colour issue and deal with it as a part of that. Equally—we have mentioned the Williams commission—if we see authorities being brought together in the future, that will be another time when they will have to sit down and think about making changes to that, to standardise it.

[243] **Russell George:** The poor public of Wales. I am just getting residents in my local area used to one system and one colour system when they change again, but that is just the way it is.

[244] **Dr Peppin:** That is important point. Going back to the change issue, getting residents to participate is the key to making this successful. Changing systems is always a risk, but that does not mean that we do not change. However, it is a risk, because you could have the best set of collection arrangements, but if the residents do not participate you will not achieve your goals. Any change situation needs to be managed very carefully. Within WLGA, we have Waste Awareness Wales. It has played a big role in working with authorities to make sure that, when there is a change, there is blanket publicity with local residents to try to smooth the process.

[245] **Russell George:** I agree completely. My local authority is not strong on enforcement, but it is strong on training and individual conversations with households. So much time and resource has gone into that, only for a system to be changed and you have to re-educate people all over again. So, I agree with your point. The last question is on the single-use carrier bag charge. I am interested in your view on that because local authorities are responsible for policing the policy and retailers, and I think that I am correct in saying that they have had no extra resources or extra cash from Welsh Government to do that, for their environmental health departments or their trading standards departments. I am conscious that if there are further changes to carrier bag charges, and more requirements put on retailers, there is an issue there of the value of that if nothing has been enforced.

[246] **Dr Peppin:** That is a very good point. We have spoken to colleagues within the WLGA who have liaised with trading standards and environmental health teams in local authorities. The feeling is that we can understand why there is a drive to tidy up some of the legislation around here, but it does create problems in terms of enforcement. Under the better regulations drive, it is an evidence-led enforcement approach and what they look for is a proportional approach. As I said earlier, if they have to start imposing minimum charges for bags for life, that is another thing that would have to be policed, so it would be an extra burden. It would also mean that all the literature that has been produced on the 5p bag, which I think has worked very successfully, would have to be revisited; it would mean that people would have to be trained again and that shops would have to be explained to; so, it would involve a cost burden.

[247] **Russell George:** Have any local authorities taken any action against any retailers that have been found to be flouting the law?

[248] **Dr Peppin:** I believe that there have been a few instances where there have been complaints that have been investigated or people have referred the matter to the local authority, but I am not sure if there have been any prosecutions as such.

[249] **Joyce Watson:** On this point, we have heard repeatedly here this morning that managing system change costs money and I accept that. However, local authorities have had plenty of warning about working together and it seems that some have and most have not. You mentioned the Williams review. These things are relevant because this is a system change; this policy is going to be a system change. So, my question to you, because you are the WLGA, not one single local authority, is: how are you preparing for that system change now to save public money, instead of constantly complaining about having to spend and duplicate costs?

[250] **Dr Peppin:** I would disagree that local authorities have not worked well together. Over the last few years, there has been an enormous amount of joint work going on. There is a lot of co-operation between authorities. We undertake an annual assessment of performance on waste and we benchmark that. We have regular sessions where the County Surveyors' Society gets together to look at the best practice and share it. So, there is a lot of joint sharing of information and advice across authorities. As far as the WLGA's role in this is concerned, we are keeping a very close eye on developments relating to the Williams commission and we will be working with local authorities to look at our response to that. There is a meeting set up at the end of January with all the leaders and chief executives to discuss exactly how we will respond. So, we are aware that there is big change coming and we are looking at how we can deal with it through a whole-system approach, because we recognise in terms of the future generations Bill that the old approaches of salami-slicing and giving each department a percentage cut are not going to meet the requirements, so we need a total revamp of the systems. So, I do not think that we have any choice but to look at where the best practice is and to help to advise local authorities to bring in the best system, if they are going to continue to provide the same level of service.

[251] **Lord Elis-Thomas:** Thank you very much for accommodating our timings. We will no doubt be in touch with you on some further issues as we, first of all, produce our initial response to the evidence that we have been taking today, but also as we come to scrutinise the Bill. I was particularly taken by your description of sitting there, as it were, observing duties coming from all directions from Cathays park. It is something that we need to do something about, because we need to make sure that the legislation we produce in a devolved Wales is not simplistic, but does deal with the reality of implementation. Anyway, thank you very much; diolch yn fawr.

13:30

Papurau i'w Nodi Papers to Note

[252] **Yr Arglwydd Elis-Thomas:** Mae gennym ni fusnes sef nodi papurau mewn sesiwn gyhoeddus o'r pwyllgor cyn i ni fynd i sesiwn breifat fer, sef cofnodion y cyfarfod ar 4 Rhagfyr ac, fel yr addewais yn y cyfarfod cyhoeddus diwethaf, rwyf wedi

Lord Elis-Thomas: We have business, papers to note, in public session before we turn to a brief private session, namely the minutes of the meeting on 4 December and, as I promised in the previous public meeting, I have produced a report on the events

cynhyrchu adroddiad ar y digwyddiadau ar ôl following the draft budget.
y gyllideb ddrafft.

[253] Felly, awn i mewn i sesiwn breifat, So, we will now turn to private session, as
fel y cytunwyd yn gynharach. agreed earlier.

Daeth rhan gyhoeddus y cyfarfod i ben am 13:30.
The public part of the meeting ended at 13:30.