

## Agenda – Petitions Committee

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Meeting Venue:

Committee Room 1 – The Senedd

Meeting date: 17 July 2018

Meeting time: 09.00

For further information contact:

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### 1 Introduction, apologies, substitutions and declarations of interest

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales

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**Meeting returns to public session (10.15)**

**7 Evidence session – P-05-799 Change the National Curriculum and teach Welsh history, from a Welsh perspective, in our Primary, Secondary and Sixth form Schools**

(10.15 – 10.45)

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Kirsty Williams, Cabinet Secretary for Education

Claire Rowlands – Deputy Director Curriculum

John Pugsley – Head of Arts, Humanities and Wellbeing Branch

**Meeting returns to private session (10.45)**

**8 Discussion of Previous Evidence Session – P-05-799 Change the National Curriculum and teach Welsh history, from a Welsh perspective, in our Primary, Secondary and Sixth form Schools**

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# Agenda Item 2.1

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

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

### **Text of Petition**

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

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

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

### **Assembly Constituency and Region**

- Montgomeryshire
- Mid and West Wales

## Petition: Newtown Brimmon Oak Bypass

Y Pwyllgor Deisebau | 17 Gorffennaf 2018

Petitions Committee | 17 July 2018

### Research Briefing:

Petition Number: P-05-824

Petition title: Newtown Brimmon Oak Bypass

Text of petition:

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### Background

The Welsh Government is currently constructing a new 6.53km [bypass to the south of Newtown](#). The bypass will connect the A489 and A483 while avoiding Newtown and forms part of the Welsh trunk road network.

## Newtown Bypass

Work began to build the new bypass in 2016 with the project expected to be completed in early 2019. Several route options for the bypass were explored with a public consultation exhibition being held in September 2009 in Newtown.

Following this, proposals incorporating the 2010 preferred route plus alternative options were displayed at a public information exhibition in July 2013, which resulted in a modified preferred route being announced in March 2014. This route was also displayed at another public information exhibition on 8 April 2014.

In June/July 2015 there was a public local inquiry before Welsh Government announced it would proceed with building the bypass in February 2016.

## Route numbering and classification

The Department for Transport has [produced guidance on Road Classification and the Primary Route Network \(PRN\)](#) (PDF,268KB).

Road classification uses a common system of route numbering, which is centrally administered for England and Wales by the Department for Transport (for example, Motorways, A-roads, B-roads etc.). Common design guidelines for signage are used for each classification of road to provide clarity to road users. In all other respects roads classification is a devolved matter outside of England.

The PRN designates roads between places of traffic importance across the UK, with the aim of providing easily identifiable routes to access the whole of the country. Newtown is included as a destination on the PRN.

The guidance states that:

The PRN is a devolved matter. Several primary routes run between England and Scotland or England and Wales, meaning cooperation between highways bodies across borders is required.

Although roads are numbered in accordance with the system, sections of trunk roads in Wales have also been named in relation to locally significant issues. For example in 2012 [a section of the A470 between Llandudno and Llandudno Junction was named 'The Royal Welsh Way'](#).

## The Brimmon Oak

The Brimmon Oak is an English oak tree located to the East of Newtown which is over 500 years old.

In 2016 the tree won the [Welsh Tree of the Year awards](#) and in December of that year was selected by judges as the [United Kingdom's tree of the year](#) beating the winners of the national awards for England, Scotland and Northern Ireland. The prize was a £1,000 care grant and entry into the [European Tree of the Year](#) awards.

In March 2017 it was announced that the tree had finished second in the European awards, determined by popular vote. The tree was second to the Józef Oak in Poland and the result was the best placed finish for a British tree in the award's history.

## Welsh Government and National Assembly Action

The tree was the subject of [a previous petition to the National Assembly for Wales](#) when the earlier preferred route for the bypass would have been constructed within 3.5 metres of the tree's trunk. Petitioners raised concerns on the impact this would have on the tree's roots.

The issue was also discussed at the public local inquiry held and following this alterations to the route were made to protect the tree. [Responding to the fourth assembly's Petitions Committee](#) (PDF,158KB), the then Minister for Economy, Science and Transport, Edwina Hart wrote:

The Inspector considered the veteran tree would not be under threat from the construction of the scheme but care in the detail of design and supervision of the works near the veteran oak is essential.

The Inspector accepted the Welsh Government's proposal to adjust the carriageway away from the tree and only carry out minimal work within the 15 metre tree root protection zone, as recommended by arboricultural specialists and British Standards.

In relation to the naming of trunk roads in Wales, previous petitions have been brought to the National Assembly. In 2012 [a petition to name the A470 'Prif Ffordd Tywysog Owain Glyndwr'](#) was considered by the fourth assembly's Petitions Committee. The then [Minister for Local Government and Communities, Carl Sargeant responded](#) (PDF,171KB) stating that:

trunk roads in Wales are numbered rather than named in accordance with a strict convention in order to ensure the continuity of routes across the UK.

A similar response was also given to another petition in 2012 calling for [Welsh names for new trunk roads in Wales](#). The petitioner highlighted that the Welsh Government had previously agreed to the naming of the 'Royal Welsh Way' section of the A470.

With regards to the naming of the new Newtown Bypass, in his letter to the Petitions Committee, the Cabinet Secretary for Economy and Transport, Ken Skates suggests that the naming of the road 'would not be the most appropriate way to recognise the tree'.

The Cabinet Secretary has outlined that he will ask Newtown Town Council to consult with local people on how the area can be recognised and suggests options such as the naming of junctions on the bypass and including information boards at lay-bys along the new road.





Llywodraeth Cymru  
Welsh Government

Your ref: P-05-824  
Our ref: KS/01562/18

David John Rowlands AM  
Chair  
Petitions Committee

government.committee.business@wales.gsi.gov.uk

*Dear David,*

30 June 2018

Thank you for your letter of 23 May regarding Petition P-05-824: Newtown Brimmon Oak Bypass.

I fully acknowledge the positive public interest in the Brimmon Oak that has been generated by the petitioners, Mervyn Lloyd Jones and Rob McBride. I congratulate them on achieving the award of the Welsh and UK tree of the Year as well as coming second in Europe Tree of the Year contest in 2017.

However having carefully considered the request to rename the Newtown Bypass, I do not think 'Newtown Brimmon Oak Bypass' would be the most appropriate way to recognise the tree.

I'm also aware of other requests to rename the bypass being made with the view to promoting and recognising Newtown's history. With this in mind, the name 'Newtown Bypass' will remain but I would like Newtown Town Council to consult with local people on what they'd like to propose for any additional promotion of the Newtown area. We have already consulted successfully and agreed the tourism signing on the bypass with the Town Council and see this as an additional opportunity to recognise local interest or history. Options could potentially include junction naming on the bypass or provision of information boards at the lay-bys that form part of the bypass.

Once I have a preferred list of options that have been consulted on locally, I'd be happy to consider further.

*Yours ever,  
Ken*

**Ken Skates AC/AM**  
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

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

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

**P-05-824 Newtown Brimmon Oak Bypass – Correspondence from the  
Petitioner to the Committee, 10.07.18**

Dear David

petition – P-05-824

In response to ken skate's comments, as stated the Brimmon Oak has benefited from a huge amount of local support.

I feel that naming the new bypass after the tree reflects WG commitment to preserving the environment by accommodating the tree at the same time as moving the welsh transport infrastructure into the 21st century. By using the name "Newtown Brimmon Oak Bypass" I believe, brings together a welsh icon that represents Wales beautiful scenery that attracts many visitors along with state of the art engineering that will make west Wales as a whole, more accessible and thus beneficial to all.

WG agreeing to name the bypass after this iconic tree would be a present and future statement to the people of Newtown that they have an ongoing respect for their local environment.

I hope you can give the matter further consideration.

Kind Regards

## Agenda Item 2.2

### **P-05-825 Protect children's lungs from harmful pollution whilst at school**

This petition was submitted by British Lung Foundation Cymru, having collected 159 signatures.

#### **Text of Petition**

People in towns and cities across Wales are breathing in levels of air pollution that are illegal and harmful for their health. Children are among those most vulnerable to air pollution. Their lungs are still growing, and polluted air can stunt the growth of their lungs and increase the likelihood of asthma and other health problems later on in life.

A freedom of information request by the BLF to local authorities in 2017 found that 68% of respondents (15 out of 22) were not monitoring air pollution within 10 metres of any of their schools.

We, the undersigned, call on the Welsh Government to require all Local Authorities to monitor the quality of the air children breathe whilst at school so decision-makers have the information they need to take action on air pollution.

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

- Cardiff South and Penarth
- South Wales Central

## Petition: Protect children's lungs from harmful pollution whilst at school

Y Pwyllgor Deisebau | 17 Gorffennaf 2018

Petitions Committee | 17 Iulv 2018

### Research Briefing:

Petition Number: P-05-825

Petition title: Protect children's lungs from harmful pollution whilst at school

Text of petition:

People in towns and cities across Wales are breathing in levels of air pollution that are illegal and harmful for their health. Children are among those most vulnerable to air pollution. Their lungs are still growing, and polluted air can stunt the growth of their lungs and increase the likelihood of asthma and other health problems later on in life.

A freedom of information request by the British Lung Foundation (BLF) to local authorities in 2017 found that 68 per cent of respondents (15 out of 22) were not monitoring air pollution within 10 metres of any of their schools.

We, the undersigned, call on the Welsh Government to require all Local Authorities to monitor the quality of the air children breathe whilst at school so decision-makers have the information they need to take action on air pollution.

Note: A response to the petition from the Welsh Government had not been received at the time of writing this brief.

### Background

The World Health Organisation (WHO) states that [air pollution is the largest contributor to the burden of disease from the environment](#) (PDF, 2.20MB). In 2012, the WHO estimated that air pollution was responsible for 7 million premature deaths globally.

Poor air quality is recognised as an issue across the UK and it was announced on 17 May that the [European Commission is pursuing infraction proceedings against the UK Government](#) for air quality breaches as well as other EU member states. The Commission has referred the UK,

France, Germany, Italy, Hungary and Romania to the European Court of Justice for violating clean air rules.

Although a UK wide issue, Wales has some of the worst air quality and the Research Service has produced a [recent briefing on the issue](#). Cardiff and Port Talbot both have [higher particulate matter levels](#) than Birmingham or Manchester, and a [road in Caerphilly](#) is the most polluted outside of London. Public Health Wales (PHW) figures show that air pollution contributes to around [2,000 deaths per year in Wales](#) and PHW has described it as an urgent public health crisis, second only to smoking. Some areas have breached EU Regulations for several years, culminating in the Welsh Government also being taken to court.

The [Air Quality Wales website](#) states that:

Government statistics estimate that air pollution in the UK reduces the life expectancy of every person by an average of 7–8 months, with an associated cost of up to £20 billion each year.

## Pollutants

The primary air pollutants that impact health are nitrogen dioxide (NO<sub>2</sub>), ozone (O<sub>3</sub>) and other small, particulate matter (PM) (PM<sub>10</sub> for matter <10 µm in size or PM<sub>2.5</sub> for matter <2.5 µm). These pollutants come from a range of sources, but the vast majority arise from the burning of fuels. A [report from the European Environment Agency](#) highlights:

Road transport remains an important source of some of the most harmful air pollutants. In particular, road transport is responsible for significant contributions to emissions of nitrogen oxides (NO<sub>x</sub>) and particulate matter (PM). Pollution released by vehicles is particularly important, as emissions generally occur in areas where people live and work, such as cities and towns. Therefore, although emissions from the transport sector may not be as great in absolute terms as those from other sources, population exposure to the pollutants released by road transport can be higher than for sources such as power plants or large industrial facilities, which often tend to be located in remoter, less populated areas.

## Monitoring

Air quality data is collected from active and non-active monitoring sites. There are around 40 active monitoring sites in Wales, primarily located in Swansea, Port Talbot, Cardiff and Wrexham. These provide continuous measurements that can be [viewed online](#). There are over 1000 non-active monitoring sites (primarily NO<sub>2</sub> detectors) that provide data over longer periods of time (typically monthly).

The data from active monitoring sites is used to inform the public about potentially hazardous, brief increases in air pollution levels and also to measure compliance with EU directives.

NO<sub>2</sub> is the subject of all the [Air Quality Management Areas \(AQMA\)s](#) in Wales, except Neath Port Talbot. [Road transport is specified as the main source for NO<sub>2</sub>](#) (PDF,5.16MB) in 96% of the AQMA's declared for exceeding NO<sub>2</sub> limits.

## Health impacts

[A recent Public Health Wales report](#) (PDF, 2.36MB) highlights that the effects of air pollution can disproportionately affect vulnerable population groups including children.

[British Lung Foundation research](#) suggests that long-term exposure to air pollution can contribute to the development of lung conditions. There's good evidence that outdoor air pollution contributes to lung cancer, and it's possible that long-term exposure to air pollution is linked to the development of asthma. Research also shows that if [children are exposed to air pollution for a long period of time](#), it can affect how their lungs develop. The long term impacts of air pollution are not fully understood and children are particularly vulnerable, meaning the effects of today's air pollution may be seen well into the future.

The [foundation also highlights](#) that

high concentrations of air pollution can ...lead to respiratory problems – even in otherwise healthy children. Long-term exposure has been linked to worsening symptoms of conditions such as asthma, which is common in children. Diesel emissions have even been linked to an increased risk of lung cancer. And research has also shown that pollution levels increase at lower heights, potentially exposing children to greater concentrations than adults.

For their size, children also breathe more air each minute than an adult and buggies and prams put them at the level of car exhausts.

## Air quality near schools

The environmental law charity [ClientEarth](#) has started a UK wide '[posioned playgrounds](#)' [campaign and petition](#) stating that 'across the country, children are exposed to illegal and harmful levels of air pollution while on their way to and at school'. As part of the campaign a publically available tool has been produced showing how far a school is from a road where NO<sub>2</sub> levels exceed legal limits. The analysis shows that across the UK, pupils at almost 1000 schools are exposed to NO<sub>2</sub> levels that endanger their health. The tool shows there are schools in Wales that are less than 150m from an illegally polluted road in Newport, Port Talbot and [nine schools in Cardiff](#).

Although the tool is unable to give an exact measure of air pollution levels in playgrounds, the campaign highlights that children are also exposed to harmful air pollution when travelling to and from schools.

The British Lung Foundation has also raised awareness of the issue through the [#DropOffSwitchOff](#) campaign. This campaign aims to raise awareness of the fact that:

Idling in cars, which means keeping the engine running while stationary when waiting to drop off or pick up your child from school, increases the amount of this toxic vehicle exhaust in the air.

## Welsh Government Action

### Local Air Quality Guidance

In June 2017, the Welsh Government issued [local air quality management \(LAQM\) policy guidance](#) to local authorities. The guidance recognised the role of schools in air quality management, highlighting:

the significant contribution made by the “school run” to levels of air pollution and traffic congestion on roads within many school catchment areas during term-time rush-hours...[and] the potential for schools to help educate children and parents on the issues around air quality and explore potential solutions, such as car sharing and no-idling policies on and around school grounds.

The policy guidance states:

Local Authorities should consider engaging with schools as part of their LAQM activities, both to explore options for mitigating the impacts of the school run on society in general and children in particular, and to educate children and grown-ups on local air quality more generally.

### Legal Challenge

In February 2018, the High Court ruled that the Welsh Government had failed to meet EU targets to cut air pollution in a case brought by the environmental group ClientEarth. The ruling in the court case, which also included the UK Government, placed a legal obligation on the Welsh Government to draft a plan by the end of April 2018, and have a final plan in place by 31 July 2018, to improve air quality across Wales in line with EU law.

### Clean Air Wales Programme

On 24 April the Minister for Environment, Hannah Blythyn, made a [statement in Plenary](#) announcing that the Welsh Government will establish a Clean Air Wales Programme. The “immediate aim will be to achieve compliance with existing legislative air quality obligations”. The Minister stated that should the programme identify “gaps in the necessary levers to make required air quality improvements” she will seek to develop new legislation to address this.

Within the statement, the Minister also announced a number of other measures being taken by the Welsh Government.

- Planning Policy Wales (PPW) has recently been rewritten and restructured around the principles of the *Well-being of Future Generations (Wales) Act 2015*. The new version of the policy contains a section on air quality and soundscape. The consultation closed on 18 May and the new PPW is expected to be published before the end of the year;
- A Clean Air Plan will be published for consultation by the end of 2018 setting out in greater detail how the Welsh Government will action improvements in air quality;

- An Air Quality Monitoring and Assessment Centre will be established in 2019;
- On 25 April the Welsh Government launched its [consultation on a draft Clean Air Zone Framework for Wales](#). A Clean Air Zone is a defined geographical area where a range of actions can be applied with the purpose of significantly reducing public and environmental exposure to airborne pollutants;
- The Welsh Government has published a [consultation on its supplemental plan to the UK plan for tackling roadside nitrogen dioxide \(NO<sub>2</sub>\) concentrations](#). The plan sets out how the Welsh Government will reduce concentrations of NO<sub>2</sub> around roads where levels are above legal limits; and
- Over £20 million has been allocated for an Air Quality Fund through to 2021.

## National Assembly for Wales Action

With regard to the location of air quality monitors, in May 2017, the then Minister for Social Services and Public Health, Rebecca Evans [stated in plenary](#):

Local authorities really do have to take a risk-based approach in terms of siting their monitors, and that should be based on the evidence that they have in terms of areas that are likely to be exposed, or areas where people are likely to be exposed to the highest levels of air pollution.

A [written question was tabled by David Melding AM](#) on 23 April 2018 on mitigating children's exposure to air pollution in schools and nurseries throughout Wales. Responding, the Minister for Environment, Hannah Blythyn highlighted that local air quality management statutory policy guidance was issued by Welsh Government in June 2017. The Minister highlighted that the:

policy guidance recognises schools, amongst others, as “sensitive receptor locations” and in doing so requires local authorities to give special consideration to the same when carrying out their duties of local air quality management

The Minister also highlighted that she had agreed funding to ‘support an awareness raising and behaviour change project around air quality with school children through the Eco Schools programme.’ More information on the project was given during a [cross-party Members debate on air quality on 20 June 2018](#), to coincide with Clean Air Day (21 June). During the debate the Minister stated that:

Schools that are involved have been sent 10 diffusion tubes, and they are invited to put these up at various locations around the school...by the main gates, by the car park, and one was right the way through, across the field by the trees, but there was also one that was neighbouring a busy road going past the side of the school. Those results will then be sent off to be analysed and then will come back to the schools and the children can develop their own campaigns in terms of how they can tackle this and how they can encourage the adults around the school to take this on board...The project introduced pupils to the cause and impacts of air pollution, and information on how they can make these changes.



On 25 May 2018, Simon Thomas AM [tabled a written question regarding air quality monitoring equipment](#). The question asked:

What consideration has the Welsh Government given to requiring the installation of air quality monitoring equipment on all school buildings in receipt of 21<sup>st</sup> Century Schools funding.

The response from the Cabinet Secretary for Education, Kirsty Williams stated that:

The 21st Century Schools and Education Programme is delivered in partnership with local authorities, who may choose to install air quality monitoring equipment if they consider it appropriate.

## Agenda Item 2.3

### **P-05-826 Pembrokeshire says NO!! To the closure of Withybush A&E!**

This petition was submitted by Myles Bamford-Lewis having collected 40,045 signatures.

#### **Text of Petition**

We the undersigned are calling on the Welsh Government and Hywel Dda Health Board to reverse their decision to downgrade our county hospital and to remove our A&E.

The Hywel Dda Health Board has proposed drastic changes to how hospital services are provided in West Wales. They propose a downgrading of our county's Withybush general hospital and Carmarthenshire's Glangwili general hospital, both to community hospital standard and a new general hospital to be built around the Whitland area. But this also means that we will no longer have a fully functioning A&E department within our county as it will be replaced by a minor injury unit at the Withybush site. In doing so patients who require emergency care in our county will be faced with traveling for up to an hour, possibly even more if you live in our county's more rural areas just to have that life-saving emergency care in a hospital that will be outside the county. A time scale that not only is putting Pembrokeshire lives at risk but doesn't even factor in that added time of having to wait for an ambulance to get to where a patient may be, stabilising the patient, then transporting that patient to a hospital that is beyond the borders of our county. Crucial minutes lost in a situation where time is already not on your side.

Having no A&E department within our county is completely unacceptable and is all in the name of cutting costs but more importantly cutting corners. Well Pembrokeshire is one corner of Wales that we will not let them cut us off the map!

Please sign and share, we can't let the Welsh Government and the Hywel Dda Health Board take our county's greatest asset away from us. They've already taken our SCBU, our Consultant led maternity and our 24 hour paediatric care away from us.. already putting our babies, children and mothers at great risk! Now they are coming to finish off the rest of our county's hospital services. Please don't let that happen!

Together we will send Steve Moore and Vaughan Gething a message that they can think again if they think Pembrokeshire will go down without a fight while they strip our hospital away from us!

Save Withybush A&E! Save Withybush Hospital!

**Assembly Constituency and Region**

- Preseli Pembrokeshire
- Mid and West Wales

## Briefing for the Petitions Committee

Y Pwyllgor Deisebau | 17 Gorffennaf 2018

Petitions Committee | 17 July 2018

**Petition number:** P-05-826

**Petition title:** Pembrokeshire says NO!! to the closure of Withybush A&E

**Text of petition:** We the undersigned are calling on the Welsh Government and Hywel Dda Health Board to reverse their decision to downgrade our county hospital and to remove our A&E.

The Hywel Dda Health Board has proposed drastic changes to how hospital services are provided in West Wales. They propose a downgrading of our county's Withybush general hospital and Carmarthenshire's Glangwili general hospital, both to community hospital standard and a new general hospital to be built around the Whitland area. But this also means that we will no longer have a fully functioning A&E department within our county as it will be replaced by a minor injury unit at the Withybush site. In doing so patients who require emergency care in our county will be faced with travelling for up to an hour, possibly even more if you live in our county's more rural areas just to have that life saving emergency care in a hospital that will be outside the county. A timescale that not only is putting Pembrokeshire lives at risk but doesn't even factor in that added time of having to wait for an ambulance to get to where the patient may be, stabilising the patient, then transporting that patient to a hospital that is beyond the borders of our county. Crucial minutes lost in a situation where time is already not on your side.

### Background

Hywel Dda Health Board launched its formal public consultation on its proposals for changing the way health services are provided across the health board on 19 April 2018 '[Our Big NHS Change: Consultation document](#)'. The consultation will run for 12 weeks until 12 July 2018. The Health Board will make a decision on how to proceed later in 2018.

The Consultation has [three proposals](#) which aim to move more services out of hospitals into communities and provide care where possible in patients' own homes. In all three proposals:

- Bronglais District General hospital will continue to provide services for mid Wales.
- A new hospital will be built near the Carmarthenshire–Pembrokeshire border including an A&E unit.
- There will be 10 community hubs, providing a range of health and care services including some treatment that used to be done in hospital.

Under all three proposals, Withybush hospital in Haverfordwest would be downgraded from a district general hospital. The proposals are that Withybush general hospital will become one of a network of community hospitals.

Community hospitals will provide non-medical beds (for people who need a little more treatment than they can have at home); treatment for minor injuries; tests including scans and midwife led services.

## Discussions in Plenary

The potential downgrading of Withybush hospital and the related consultation are issues that have been raised on a number of occasions in recent months during Plenary. It has been [noted](#) that as a result of the plans, more patients in Pembrokeshire will need to travel further for health services which could have an impact on communities across the county.

Most recently in [June 2018](#), concerns were raised that each option offered as part of the consultation leads to the downgrading of Withybush hospital with no option to safeguard the services offered. In response to these concerns, the Welsh Government noted that a wide-ranging consultation was taking place and that the options had been developed with 'doctors, nurses and staff, people who provide care, representatives of patient groups and their partners'. It was also highlighted that it is vital that people express their opinions about the future structure of the services in west Wales.

During [Plenary](#) in May 2018, an Assembly Member stated that they had been informed of low awareness of the Health Board's consultation and that it could have been made more accessible. The need for the Health Board to engage openly was seen as important. The Welsh Government responded by saying that it acknowledged the need for the Health Board to recognise where people are not being reached and would be willing to discuss any improvements that could be made to how the Health Board engages with the public.

Problems with out-of-hours doctors in the Hywel Dda Health Board area was raised by an Assembly Member in [May 2018](#) and it was also noted that as a result of this more pressure could be placed on A&E services. This could subsequently be an issue if the A&E department is taken away from Withybush hospital. The Welsh Government confirmed that it had succeeded in attracting doctors to the Ceredigion and northern Pembrokeshire area and it

would expect Hywel Dda to continue to attract more doctors to ensure that there is a sufficient number of doctors available out of hours.

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

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



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref VG/01956/18

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

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

21 June 2018

Dear David,

Thank you for your letter of 6 June on behalf of the Petitions Committee regarding Petition P-05-826 about the closure of Withybush A&E.

Hywel Dda University Health Board began formal public consultation on its proposals to transform community and hospital services in mid and west Wales on 19 April. The consultation '*Our big NHS Change*' runs until 12 July and involves a number of events for communities.

The health board is proposing change so that it can make the most of every opportunity to improve population health and health services locally; as well as face its challenges and ensure services are the safest and highest value they can be for communities in the region.

I welcome this important consultation to improve services for the population of Hywel Dda. The proposals have been clinically-led and developed in conjunction with doctors, nurses, wider staff groups, people who help provide care, patient representatives and partners.

At this stage, the proposals are a matter for Hywel Dda UHB to determine using these well-established procedures. After the public consultation has been concluded, the health board will consider the outcome and make recommendations to its Board, who will then take final decisions on the future of services in the region.

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CF99 1NA

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[Correspondence.Vaughan.Gething@gov.wales](mailto:Correspondence.Vaughan.Gething@gov.wales)

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

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

As you will appreciate, it would not be appropriate for me to comment on the health board's proposals at this time, as it may compromise any future role I may have to play in the process.

Yours sincerely,

A handwritten signature in black ink, reading 'Vaughan Gething'. The signature is fluid and cursive, with the first name 'Vaughan' being more prominent than the last name 'Gething'.

**Vaughan Gething AC/AM**

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



# Agenda Item 3.1

## P-05-774 Pass Wide and Slow Wales

This petition was submitted by Jocelle Lovell, having collected 723 signatures online and 1,032 on paper – a total of 1,755 signatures.

### **Petition text:**

We call on the National Assembly for Wales to urge the Welsh Government to implement an annual ‘public education’ road safety campaign to educate all road users how to pass horses and riders safely, and one that highlights the dangers/consequences of not doing so. We are aware of, and support, a UK wide petition that is campaigning to make it law to pass horses wide and slow (<https://www.change.org/p/uk-govt-make-it-law-to-pass-by-a-horse-wide-and-slow-and-abide-by-our-hand-signals>), but would prefer to see education and prevention rather than prosecution after a serious or fatal incident had occurred. Welsh Government has the opportunity to capitalise on the materials and information already available from existing campaigns such as; the British Horse Society’s road safety campaign Dead Slow (<http://www.bhs.org.uk/safety-and-accidents/dead-slow>), whilst emphasising particular issues facing Welsh road users. These include the close links between urban and rural communities in Wales, and the popularity of Wales as a tourist destination. In more urban communities (e.g. the commuter belt around Cardiff), there is a volume of traffic using country lanes, either as a short cut or main access route. In other parts of Wales (e.g. Carmarthen and Pembrokeshire) there is an annual influx of holidaymakers with little experience of encountering horses on the roads. All we ask is that drivers, recognise horse riders as vulnerable road users, and be more considerate when passing horses. We feel the best approach to achieving this is by the Welsh Government taking a lead, in line with their commitment to 'Work with representatives of the horse riding community to understand their road safety concerns and facilitate engagement with other partners.' (Welsh Government Road Safety Framework (July 2013)).

### **Additional information:**

The British Horse Society (BHS) estimates the economic value of the horse industries across the UK to be worth £7 billion, and to employ 220,000 – 270,000 people. This, alongside, the health and wellbeing benefits associated with horse riding make it an important part of Welsh life. But,

increasingly, if feels that the voice of equestrians is not being heard. Many equestrians would rather not ride on public highways, but as the availability of accessible bridleways varies across Wales, we often have little choice. Welsh Governments Road Safety Framework (July 2013) recognises that horses and their riders (as well as carriage drivers) are vulnerable on the road network, and that a collision between a horse and a vehicle can have life threatening consequences for the horse, rider and those in a vehicle. It also states that there is evidence to suggest that the number of road traffic collisions involving horses is underreported. As the number of new houses being built in rural/semi rural locations increases, it brings with it an increase in the volume of traffic, on country roads that are frequently used by farm machinery, horses and riders. Many drivers, new and experienced, are often unaware of the potential dangers of driving fast on these roads, and many do not know how to pass horses safely. Just because the legal speed limit on these roads is 60, does not mean it is safe to drive at that speed. Furthermore, evidence from the BHS (<http://www.bhs.org.uk/our-charity/press-centre/news/jan-to-jun-2016/riding-and-road-safety-campaign>) shows that there is an increase of incidents involving horses, riders and motor vehicles in June. Although the reasons for this increase remain unclear, there is a potential correlation with holidaymakers driving on unfamiliar roads in unfamiliar circumstances.

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

- Cardiff South and Penarth
- South Wales Central



Eich cyf/Your ref P-05-774

Ein cyf/Our ref KS/05380/17

David John Rowlands AM  
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

9 January 2018

*Dear David,*

Thank you for your further letter of 8 December regarding P-05-774 Pass Wide and Slow Wales.

A summary of progress to date on the actions within the Road Safety Framework for Wales will be published in the New Year.

The Framework recognises the vulnerability of equestrian road users and contains one action for the Welsh Government in relation to them:

‘Work with representatives of the horse riding community to understand their road safety concerns and facilitate engagement with other partners.’

My Officials have developed a productive working relationship with the Welsh National Manager of the British Horse Society. They regularly discuss how the safety of the horse riding community can be improved in Wales and how the Welsh Government can support the British Horse Society’s work.

The Welsh Government has offered its support to the Pass Wide and Slow campaign since 2015, but to date no specific request for assistance has been submitted. We remain supportive of the campaign and willing to assist where that would be of use.


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Caerdydd • Cardiff  
CF99 1NA

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[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

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

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

My Officials have assisted the Welsh National Manager to develop working relationships with the Welsh Police Forces, including an introduction to the Welsh Roads Policing Group. They have also brokered introductions to road safety colleagues in our local authorities. My Officials have also worked with the local authorities to ensure that the safety of equestrian road users is included in the Pass Plus Cymru and Megadrive courses for young drivers.

*Yours ever,*  


**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

Swyddfa Comisiynydd yr Heddlu a Throseddu, Gwent  
Office of Police and Crime Commissioner, Gwent  
Pencadlys Heddlu Gwent | Gwent Police Headquarters,  
Croesyceiliog, Cwmbrân, NP44 2XJ  
Ffôn | Tel: 01633 642 200  
E-bost | Email: [commissioner@gwent.pnn.police.uk](mailto:commissioner@gwent.pnn.police.uk)  
Gwe | Web: [www.gwent.pcc.police.uk](http://www.gwent.pcc.police.uk)

Comisiynydd Heddlu a Throseddu Gwent | Police and Crime Commissioner for Gwent:  
**Jeff Cuthbert B.Sc., MCIPD**



2 February 2018

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

Dear Mr Rowlands

**PETITION P-05-774 PASS WIDE AND SLOW WALES**

I have raised the issue with the Chief Constable of Gwent and he has responded as follows:

“In 2017 we have not recorded any injury road traffic collisions involving horses.

Our Schools’ Liaison Officers currently deliver road safety lessons at primary school level. This lesson is not mandatory, however, so will only be delivered if a particular school requests it.

I know this is only at consultation stage, but if there was a campaign we could give a level of support.”

This would be an operational matter so it is for Gwent Police to lead rather than my office. However, we would be happy to be involved should the Welsh Government decide to have a national campaign.

Best wishes.

**Jeff Cuthbert B.SC, MCIPD**  
**Police and Crime Commissioner for Gwent**

*Rydym yn croesawu gohebiaeth yn y Gymraeg, a phan ddaw i law, byddwn yn ateb yn y Gymraeg – ni fydd hyn yn gohirio ein hymateb. Os hoffech dderbyn gohebiaeth yn y Gymraeg o hyn ymlaen, neu os ydych wedi cael eich gwahodd i gyfweiliad neu gyfarfod ac yr hoffech ddefnyddio'r Gymraeg, anfonwch e-bost at: [Commissioner@gwent.pnn.police.uk](mailto:Commissioner@gwent.pnn.police.uk). Darperir gwasanaethau cyfieithu.*

We welcome correspondence in Welsh and where received, we will reply in Welsh - this will not delay our response. If you wish to receive correspondence in Welsh hereafter or if you have been invited to an interview or meeting and you wish to use Welsh, send email to: [Commissioner@gwent.pnn.police.uk](mailto:Commissioner@gwent.pnn.police.uk). Translation services will be provided.

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

Ein Cyf / Our Ref: SH/AMJ/1735

25 June 2018

Dear Mr Rowlands

**PETITION P-05-774 – PASS WIDE AND SLOW WALES**

I apologise for the delay in responding to the above petition.

North Wales Police are running several operations during the summer months. As you are aware North Wales is a popular holiday destination for many and there is a high likelihood of encountering motorists and holidaymakers with little or no experience of horses and as such North Wales Police have chosen to move forward with these operations during the summer months. They believe that this will be an excellent opportunity to educate before the need to enforce.

North Wales Police will also take the opportunity to promote Operation Snap (details of the operation - <https://gosafe.org/faq/operation-snap/>) and encourage horse riders to report any experiences of dangerous/careless driving they may have encountered direct to North Wales Police.

Planned operations within North Wales are:


1. North Wales Police have been liaising with the British Horse Society in respect of their “Dead Slow / Close Pass” campaign and have arranged to run an operation with them in July in the Pwllheli area.

This campaign will be run on both urban and rural roads with a view to educate all road users how to pass horses and riders safely. We are aware that other police forces have already taken part in the campaign to publicise the safety of horses and riders on our roads and we are also keen to assist.

This campaign will be publicised by way of social media on the day and literature will be provided to motorists which has been provided by the British Horse Society.

2. Go Safe Wales are launching "Safe Pass" on the 7<sup>th</sup> of July in South Wales. This will be done with a pedal cycle which has cameras fitted and the drivers will be pulled over and educated by the fire service and police. They have mats which show 1.5 meters and the education/leaflets include horse riders as well as cyclists as they are both vulnerable road users.

Yours sincerely



Mr Arfon Jones  
Police and Crime Commissioner

**P-05-774 Pass Wide and Slow Wales – Correspondence from the petitioner to the Committee, 11.07.18**

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

Dear Chair/David Rowlands,

We welcome the responses that have been received to date from both the Gwent and North Wales Police and Crime Commissioners, and the Cabinet Secretary for Economy and Transport Ken Skates. Likewise the BHS are doing fantastic and innovative work to make a difference including ‘Operation Safe Pass’ with local police forces.

Other positive developments include the formation of a Wales Equine Crime Group being led by South Wales Police. Members of the group include the four Welsh police forces, PWAS Wales, the BHS, WG and other interested stakeholders. The inaugural meeting is being held on July 24<sup>th</sup>.

As residents of Wales we fully understand the pressures that Welsh Government face including; cuts in public spending, Brexit, increased demand for Health & Social Care services and Education, which may make the safety of riders and carriage drivers less of a priority. But that said the PWAS Wales community are residents of Wales, we are the voters, and tax payers and our children will be the future generation of voters. PWAS Wales want to ensure that people of all ages and abilities have the opportunity to experience horse riding and/or carriage driving, should they wish to, without the fear of being hit by a car and having abuse hurled at them by drivers who do not know (or in some cases do not care) how to pass horses appropriately and safely.

PWAS Wales want to protect the equine industries which contribute significantly to the Welsh economy. Working together co-operatively we can and will have a more sustainable impact that will ensure horse riding on public roads remains



an option for our future generations and in doing so fulfills the Welsh Government Wellbeing of Future Generations Act.

There is an opportunity here for Welsh Government to not only show the Welsh horse community that the safety of riders and carriage drivers is taken seriously, but also to influence UK Government that more needs to be done where legislation is non devolved i.e. reduction of the national speed limit on rural roads.

PWAS Wales has now written to the Cabinet Secretary for Economy and Transport requesting a meeting to discuss the following:

- A Welsh Government backed national (annual) awareness day for riders
- Help to galvanise the public and third sectors activity
- Show leadership and put Wales in the forefront of rider and carriage driver road safety, using the powers bestowed to the Welsh Government
- Work across Cabinet portfolios to increase the availability of off road riding routes
- Local community/parish/town councils awareness events

PWAS Wales would welcome the opportunity to take the Cabinet Secretary or any of the

Petitions Committee members out on horseback to experience first-hand the challenges that riders are faced with.

Your faithfully

Jocelle Lovell (lead petitioner)

Rachel Francis

Ulrike Smalley

Angela Baker

# Agenda Item 3.2

## **P-05-780 Reopen Carno Station**

This petition was submitted by Carno Station Action Group, having collected 877 signatures on paper.

### **Text of Petition**

We, the undersigned, welcome the development of a Business Case for the re-opening of Carno station, following Carno Station Action Group's petition to the Assembly 10 years ago. We note that the revised Business Case demonstrates a ratio of benefits to costs of 1.65 and that the stopping of most trains at Carno is compatible with the existing enhanced timetable. Carno is a relatively remote community on the longest stretch of railway without an intermediate station in the whole of Wales and a station here would open up dramatically improved, sustainable access to jobs and services. We therefore call on the National Assembly for Wales to urge the Welsh Government to reopen Carno station within a 5 year timescale.

### **Assembly Constituency and Region**

- Montgomeryshire
- Mid and West Wales



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-780  
Ein cyf/Our ref KS/01490/18

David John Rowlands AM  
Chair - Petitions committee.

government.committee.business@wales.gsi.gov.uk

4 July 2018

Dear

David,

Thank you for your letter of 17 May regarding petition P-05-780 - Reopen Carno Station.

We are taking a number of named stations through a 5-case business model process, in order to identify and evidence future Welsh Government priorities to the UK Government against potential future tranches of New Station Fund grant, as they retain non-devolved responsibility for rail infrastructure. Two previous tranches provided the majority of funding for the very successful Pye Corner, and for the Bow Street interchange, currently under development, with important Welsh Government funding contributions, as required by UK Government grant rules. Should there be future NSF tranche then we would sponsor applications in respect of our priorities as identified through the business case process and commit the requisite match funding contributions.

In the case of the South Wales Metro, the Operator and Development Partner is developing infrastructure on our behalf, including new Metro stations as announced.

Yours ever,  
Ken

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

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[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

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

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

Ken Skates AM,  
Cabinet Secretary for Economy and Transport

8 June 2018

## Reopen Carno Station

Dear Cabinet Secretary,

I have received a letter dated 18 May 2018 from the Chair of the Petitions Committee which I note you have also been sent a copy regarding a petition to reopen Carno station.

Following on from your announcement on the Procurement for the Wales and Borders Rail Service and South Wales Metro made on the 4 June, the Committee would welcome an update on what plans the new franchise will afford for new stations in Wales, what process is in place for communities to campaign for new stations in general, and specifically at Carno.

Best wishes,



Russell George AM,

Chair, Economy, Infrastructure and Skills Committee



David Rowlands AM  
Chair Petitions Committee

9 July 2018

**Petition P-05-780 Reopen Carno Station**

Dear David,

Following on from your letter dated 18 May 2018 regarding a petition to reopen Carno station, I wrote to the Cabinet Secretary for Economy and Transport on the 8 June and have now received his reply which I'm forwarding on for your information.

Best wishes,



Russell George AM,

Chair, Economy, Infrastructure and Skills Committee





Ein cyf/Our ref MA-P/KS/2392/18

Russell George AM  
Chair  
Economy, Infrastructure and Skills Committee

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

06 July 2018

Dear Russell

Thank you for your letter of 8th June following a letter you have received from the Chair of the Petitions Committee regarding a petition to reopen Carno Station.

Our vision is to improve connectivity and enrich communities through improved transport systems and we are currently moving forward with our ambitious plans to reshape public transport infrastructure and services across Wales. The £2 billion investment proposed by Keolis Amey will play a major part in delivering this vision.

With the exception of the Core Valley Lines which will transfer to Welsh Government's ownership and thus why Keolis Amey are proposing to open new stations on this network, the remainder of the rail infrastructure will continue to be the responsibility of UK Government. Despite this, we continue to develop potential project business cases to bring investment to Wales and fund a programme of rail infrastructure improvements to enable additional and enhanced rail services.

We are using our existing powers and resources to accelerate the chance that rail stations in Wales are in a position to benefit from any station funding opportunities that may come forward from the UK Government. We have been doing this by taking forward the development work to prepare the early stage business case for new stations across Wales including Carno, and it should be noted that any proposal would only likely to be successful in securing funding if it is supported with a sound business case.

The development of a robust business case to support a proposal for a new rail station can be both lengthy and expensive. We have therefore developed a methodology to accelerate the development work that is needed and develop a project pipeline so that, when UK

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[Correspondence.Ken.Skates@gov.wales](mailto:Correspondence.Ken.Skates@gov.wales)

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

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

funding opportunities occur, there are Welsh projects at an appropriate stage of development that can be submitted for consideration and stand the best possible chance to secure funding. We have commissioned Transport for Wales to assist us with this exercise.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Ken', with a long, sweeping horizontal stroke above the letters.

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

# Carno Station Action Group

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

Blaenglanhanog  
Carno  
POWYS  
SY17 5JU

July 9th, 2018

Dear Mr Rowlands,

## **Petition P-05-780 Reopen Carno station**

Thank you for forwarding us copies of your letter dated 17<sup>th</sup> May 2018 to the Cabinet Secretary for Economy and Transport and of his reply dated 4<sup>th</sup> July 2018. Thank you also for inviting us to comment on his response.

We are extremely disappointed that the Cabinet Secretary has completely failed to answer your clearly stated questions as to when, and for what reasons, the Welsh Government revised its policy in relation to directly funding new station developments in Wales.

As we pointed out in our petition background document, there has been a step-change in WG policy. In the 10 years to 2015 it pro-actively funded on average one new station per year from its block grant, but now leaves new stations to the Department for Transport's New Stations Fund – ie to Westminster. As a result, no new stations have opened in Wales since 2015 and only Bow Street will open in the foreseeable future. Even if another round of the New Stations Fund is announced soon, Wales is extremely unlikely to benefit, because it won 2 out of 10 stations in the first two rounds, despite having only 5% of the population.

We would therefore request that you point out to the Cabinet Secretary that he has not answered your questions and ask him to do so.

Clearly his answer to this question would have a crucial bearing on the prospects for re-opening not just Carno station, but many other deserving candidates as well.

Is the Economy, Infrastructure and Skills Committee going to look into the change in WG policy for funding new stations, as we suggested?

Yours sincerely,

Cllr Jeremy Barnes,  
Chairman



# Agenda Item 3.3

## P-05-811 Stop Using Worker Certification On Welsh Government Projects

This petition was submitted by Paul Fear having collected 66 signatures.

### Text of Petition

We call on the National Assembly Of Wales to urge the Welsh Government to stop using and promoting worker certification on Welsh Government contracts.

Worker certification is a privatised occupational licensing scheme.

- 1) It is undemocratic and circumvents the principles of our common laws. (Grandfather rights)
- 2) It puts the cost of training & qualifications onto workers, especially self employed and agency employment workers who have little chance of grants or funding.
- 3) It reduces the chances of upward mobility for the poorest in society.
- 4) It prevents worker mobility, at a time when we need a flexible workforce.
- 5) It allows corporate interests to have control over the entire workforce of our economic sectors, increasing costs of small businesses & sub contractors.
- 6) It promotes rent seeking, meaning that consumers pay more for products & services.
- 7) It reduces productivity.
- 8) It is prolific and will spread to all economic sectors.
- 9) It can create conflicts of interest.
- 10) There is no evidence that worker certification improves quality or standard of workmanship.
- 11) Experience, skill and knowledge reduce health and safety risks, these can be achieved and proven without qualifications.
- 12) It increases the cost of public projects.
- 13) If an industry needs qualification requirements then our democratically elected government should create legislation.

### Assembly Constituency and Region

- Newport East
- South Wales East



Eich cyf/Your ref P-05-811  
Ein cyf/Our ref MD/00284/18

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

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

20 June 2018

Dear David,

I refer to your letter of 17 May regarding Petition P-05-811 *Stop Using Worker Certification on Welsh Government Projects*.

I have noted and considered Mr Fear's points but as stated in previous correspondence from the Cabinet Secretary for Economy and Transport, the former Minister for Skills and Science and the Minister for Welsh Language and Lifelong Learning, the Welsh Government has no direct influence on the CSCS card scheme.

CSCS is an industry-wide standard certification, which is often required by contractors as it provides important assurance that individuals working on construction contracts are qualified to undertake the work they are to perform and have received health and safety training. As such, I have no plans to interfere with the scheme.

However, where Mr Fear makes specific observations in his petition, for example about the need to ensure that the CITB health and safety test does not discriminate against people with dyslexia, we will ensure that his points are drawn to the attention of the CITB and seek a response from it.

My officials have made enquiries with colleagues in several other departments and there is no evidence the Welsh Government has made any assessment of the impact of certification schemes such as CSCS on insurance costs for individuals or companies.

*Best wishes,*

*Mark*

**Mark Drakeford AM/AC**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance



Eich cyf/Your ref P-05-811  
Ein cyf/Our ref MD/00284/18

Ms Sarah Beale  
Chief Executive  
Construction Industry Training Board (CITB)  
Bircham Newton  
Kings Lynn  
Norfolk  
PE31 6RH

20 June 2018

*Dear Sarah Beale,*

I am writing following a letter I have received from Mr David Rowlands AM, Chair of the Petitions Committee, in relation to a petition brought by Mr Paul Fear regarding use of worker certification in Welsh Government contracts – CSCS cards in particular. A link to the petition, which has attracted 66 signatories, is provided below:-  
<http://www.senedd.assembly.wales/mglIssueHistoryHome.aspx?Id=21489>

One of the concerns raised by Mr Fear is that the CITB health and safety test discriminates against people with dyslexia. I have provided the relevant excerpts from his letter below for your reference:-

'The CITB health & safety test discriminates against people with dyslexia, learning difficulties and poor education. The test requires revision of a rather large health and safety book, the test is done on a touch screen computer terminal. The test centre will read out questions and answers for the applicant, however many forms of dyslexia are auditory as well as visual. Also no extra time is given. Rather than a test, a health and safety course with visual aids should be used to stop this discrimination.

It has also come to my attention, talking to my apprentices, that CITB requires minimum GCSE requirements in Maths and English for apprenticeships. Again this is discrimination. I am dyslexic, I failed both English and Maths in school. Yet I am a very skilled carpenter and I also achieved a business HND. My lack of GCSE qualifications has never stopped me being skilled in carpentry, carpentry actually helped me to learn Maths and English.'

I informed Mr Fear I would draw these points to your attention and seek your views so would be grateful if you could consider and let me know your thoughts.

I look forward to hearing from you.

Yours sincerely,  
Mark Drakeford

**Mark Drakeford AM/AC**

Ysgrifennydd y Cabinet dros Gyllid  
Cabinet Secretary for Finance

cc. David Rowlands AM, Chair, Petitions Committee  
Mark Bodger, Director of Strategic Partnerships, Wales



David J Rowlands AM  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

03<sup>rd</sup> May 2018

Dear Mr Rowlands AM,

**RE: Petition under consideration – Stop using Worker Certification on Welsh Government projects**

It has come to our attention that the Petitions Committee is considering a petition regarding the Construction Skills Certification Scheme (CSCS). Having read the petition we have noticed a number of inaccuracies raised by the petitioner that we would appreciate the opportunity to address.

Before responding to the points raised in the petition we thought it would be useful to clarify CSCS's role within the UK construction industry.

CSCS was set up with the principal objective of providing the construction industry with a means to certify that individuals working on construction sites have the required training and qualifications for the type of work they carry out. By certifying construction workers have the correct training and qualifications CSCS is playing its part in improving standards and safety on UK construction sites.

Successful applicants are issued with a card that confirms the holder's identification, qualifications and training and also shows the holder has met the necessary Health and Safety requirements for their occupation.

Whilst the majority of employers require their on-site workers, supervisors and managers to hold a CSCS card it is not a mandatory or legal requirement. It is entirely up to the individual employer whether workers should hold a CSCS card before they are allowed to work on site.

CSCS is a not for profit organisation which is registered as a company limited by guarantee and has no shareholders. CSCS is owned equally by employer organisations and unions representing the breadth of the construction industry. More information on CSCS can be found at [www.cscs.uk.com](http://www.cscs.uk.com).

With regard to many of the concerns raised in the petition it is important to understand that CSCS, together with our 35 partner card schemes, are bound by the requirements of the Industrial Strategy for Construction, published in July 2013. The strategy was established by the industry and government working in partnership, setting out a number of objectives for the construction industry to achieve by 2025. The full document can be viewed at [www.cscs.uk.com/construction2025](http://www.cscs.uk.com/construction2025).

The Action Plan contained within the strategy included the identification of one identifying card scheme logo (CSCS) to be promoted through public procurement and the development of a transition plan for all card schemes to cover all occupations at the appropriate level of qualification.

The Industrial Strategy is overseen by The Construction Leadership Council (CLC), a partnership between industry and government to transform the construction industry by building greater efficiency, skills and growth within the sector.

In 2015 the CLC announced that all construction industry card schemes, including CSCS, must operate with nationally recognised qualifications (usually NVQs) in place for all occupations. The full requirements can be viewed at [www.cscs.uk.com/clcreqs](http://www.cscs.uk.com/clcreqs).

In regards to the specific issues raised by the petitioner:

**Worker certification is a privatised occupational licensing scheme.**

This is incorrect. Worker certification involves certifying that a worker has the training and qualifications required for their role. The CSCS card is not a license and is not a legal requirement in order to work in the construction industry. The CSCS card is a voluntary scheme adopted by industry with the aim of improving safety and productivity on construction sites.

**It is undemocratic and circumvents the principles of our common laws. (Grandfather rights)**

In the context of CSCS, “Grandfather rights” was an application method whereby an applicant could obtain a CSCS card based on an employer’s recommendation only, rather than needing to obtain a nationally recognised construction related qualification. It became known as Industry Accreditation. The petitioner appears to be linking CSCS’s Industry Accreditation process to English common law. CSCS’s Industry Accreditation was in no way linked to or required by common law.

CSCS stopped issuing cards under Industry Accreditation in 2010 because applicants were not required to achieve a qualification. This decision was further supported by the Construction Leadership Council in 2015 when they announced that all construction industry card schemes, including CSCS, must operate with nationally recognised qualifications (usually NVQs) in place for all occupations.

The petitioner contends that experience alone should be the determining factor in assessing suitability for the role. Whilst experience is an important factor it does not provide an assurance that the worker is suitably qualified. Work practices and materials change over time. Up to date training leading to a recognised related qualification provides greater assurance to the employer.

**It puts the cost of training & qualifications onto workers, especially self-employed and agency employment workers who have little chance of grants or funding.**

CSCS’ role is to verify qualifications, not provide the training required to achieve them. Training costs are not established by CSCS but by the numerous training companies delivering training. Costs will vary depending on who is delivering the training and course location.

We understand the cost of training to obtain a qualification can be an issue for many within the industry. Equally it should be appreciated that there is an inevitable cost related to properly trained and qualified workers. It is worth noting that experienced practitioners can get qualified via an Onsite-Assessment, which generally costs half as much as a normal NVQ.

Most construction workers have their training and qualifications paid for by their employer, who can claim some of the cost back from the CITB in the form of training grants. These grants are also open to the self-employed and to employment agencies. If the petitioner is concerned that construction employment agencies are not providing sufficient training for their workforce, then we would advise that he take it up with them as the funding is already available.



There is further financial support available to both employees and the self-employed seeking to achieve qualifications within the UK construction industry. More information on this can be found on the CSCS website at [www.cscs.uk.com/funding](http://www.cscs.uk.com/funding).

**It reduces the chances of upward mobility for the poorest in society.**

CSCS provide the necessary routes for those wishing to enter the industry or move to a recognised qualification. CSCS issues cards to apprentices and those in training without the initial requirement of a qualification. These cards are issued on the basis of the applicant working towards a recognised qualification within a prescribed period. This allows new entrants to construction to work while they get qualified. We also issue an Experienced Worker card to those already working in the industry wishing to achieve a qualification, again within a prescribed period. Lastly a short-term card (without qualification requirements) can be issued to workers on probation whilst they and their employers decide if they wish to continue working in the construction industry.

**It prevents worker mobility, at a time when we need a flexible workforce.**

One of the advantages of the CSCS card is that it improves worker mobility by providing a single system all sites and companies can use. When a worker changes employer or construction site their card remains with them as proof of their training and qualifications which their new employer can instantly rely on.

**It allows corporate interests to have control over the entire workforce of our economic sectors, increasing costs of small businesses & subcontractors.**

Small businesses & subcontractors are well represented on the board of CSCS by the Federation of Master Builders (FMB) and Build UK, both of which are also owners of CSCS. The FMB represents many small businesses while Build UK represents many subcontractors and businesses throughout the construction supply chain. The cost of a CSCS card is the same whether it is being ordered by a major contractor or a small business.

**It promotes rent seeking, meaning that consumers pay more for products & services.**

CSCS is a not-for-profit company limited by guarantee. CSCS only charges what is necessary for the production of CSCS cards and the continued operation of the scheme. Any surplus is reinvested to improve the scheme or from time to time financial donations are made in support of industry wide initiatives that support the development of apprenticeships.

**It reduces productivity.**

CSCS cards provide proof that individuals working on construction sites have the appropriate training and qualifications for the job they do on site. By ensuring workers are qualified the card plays its part in improving standards and productivity. A qualified workforce is a productive workforce.

**It is prolific and will spread to all economic sectors.**

We do not view this as relevant to the work of CSCS.

**It can create conflicts of interest.**

CSCS is owned by the construction industry for the benefit of the construction industry. CSCS is a not for profit organisation which is registered as a company limited by guarantee and has no shareholders.

CSCS is owned by three employer organisations and two unions representing the breadth of the construction industry. CSCS is managed by CSCS Limited whose seven non-executive Directors are

nominated by the owners. In addition there are two independent Directors and an independent Chairman. We see no conflicts of interest.

**There is no evidence that worker certification improves quality or standard of workmanship.**

CSCS is simply a tool construction companies can use to ensure that their workforce is qualified for the job for which they are employed, to the standards that the Construction Leadership Council recommend. It is the Construction Leadership Council who set the base requirements of all card schemes operating within construction and one of the key aims of the Construction Leadership Council is to improve productivity in construction by utilising an appropriately qualified construction workforce.

**Experience, skill and knowledge reduce health and safety risks, these can be achieved and proven without qualifications.**

Only qualifications can provide a consistent means of proving an individual's skills. This is why the Construction Leadership Council requires that all skilled level CSCS cards be linked to a recognised construction related qualification.

**It increases the cost of public projects.**

There is no evidence that CSCS card costs are borne by public projects. In most cases the cost of a card is picked up by the individual or their employer.

**If an industry needs qualification requirements then our democratically elected government should create legislation.**

The government has confirmed via the Construction Leadership Council (which is co-Chaired by the Minister for Business and Energy) that it would prefer to work in partnership with the construction industry, rather than to legislate.

We further note the discussion regarding the use of alternatives to the CSCS card scheme. As CSCS is not a legal requirement any company is free to use any other system. However, we would advise the committee that the Highways England Safety Passport that was mentioned as an alternative model is used in addition to, not as a replacement for CSCS cards. This is because of the highly specialised training that is required for working on major Highways. We met with Highways England recently and they confirmed that their Safety Passport is in no way a replacement for CSCS cards, it is simply a way of recording their training requirements.

We hope the details contained in this letter help clarify CSCS' position on the issues raised in this petition. Should you require any further information your office can contact our Head of Communications Alan O'Neile via email at [communications@cscs.co.uk](mailto:communications@cscs.co.uk).

Yours sincerely



Graham Wren

CSCS Chief Executive

WALES/CYMRU

Our Ref: AJR/JDC

14 June 2018

Mr Graeme Francis  
Committee Clerk at National Assembly for Wales  
Petitions Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Dear Mr Francis

**Reference Petition: P-05-811 Stop Using Worker Certification on Welsh Government Projects**

We are writing to you as the listed point of contact for correspondence to the Petitions Committee at the National Assembly for Wales.

Unite the Union have had the above petition brought to our attention regarding the Construction Skills Certification Scheme (CSCS), and an article supporting the position of the petition by the free market think tank the Institute of Economic Affairs (IEA).

Unite believe that the petition and IEA article are misguided, and would ask that you therefore pass on our following to the Petitions Committee regarding the petition in question.

The CSCS scheme is a not-for-profit limited company, being an industry led initiative with the support of, and established by, the Employers' Associations and Trade Unions. The administration of the core CSCS scheme is undertaken by CITB. Furthermore, other established industry skills certification schemes in specialist trades and occupations exist as partner card schemes to the CSCS which also carry the CSCS logo. (e.g. CPCS in plant, CISRS for Scaffolders, JIB/SJIB ECS for Electricians, etc.), with such schemes periodically and objectively demonstrating to CSCS that they meet the requirements and standards laid down by their respective industries.

Importantly, it should be noted that the core CSCS scheme recognises the legacy qualifications of those who undertook industry apprenticeships to qualify in their trade prior to Vocational Qualifications (NVQs, SVQs, and CQFW, RQF, QCF and SCQF equivalents) being embedded in the frameworks. Those individuals do not have to undertake an NVQ, and to say otherwise is incorrect.

A blue or gold CSCS card is issued to skilled workers, who have the demonstrable skills, knowledge, training and experience in their relevant occupational discipline/trade. For example, Blue Craft or Gold Advanced Craft cards are issued to those who have achieved either:

- A construction related NVQ or SVQ at Level 2 (Craft) or Level 3 (Advanced Craft) in the relevant occupation being certified; **or**
- An apprenticeship which included the achievement of a City and Guilds Craft Certificate (CSCS will require a copy of the City and Guilds (or SCOTVEC (SQA)) certificate and evidence of apprenticeship completion with the original employer).; **or**
- Where a full construction related NVQ or SVQ does not exist but a trade specific unit has been passed, particularly for some highly specialised niche occupations.

CSCS have also mapped other historical equivalent qualifications. For workers whom may have lost their apprenticeship and/or City & Guilds certification due to the passage of time, both CITB and City & Guilds hold extensive archive records, enabling individuals to apply for duplicates of their previously achieved qualifications and apprenticeship completion records, thus enabling them to proceed with the CSCS application process.

Furthermore, 'Grandfather Rights', also known as Industry Accreditation, whereby experienced but part-qualified or unqualified individuals applied for a card was discontinued by the construction industry as part of the process of moving towards a goal of achieving a qualified workforce based on objectivity, skills, knowledge, training, experience, qualifications and health and safety awareness. Conversely 'Grandfather Rights' had inherent issues, not least subjective employer testimonials. In its place the objective NVQ/SVQ assessment system enables experienced workers and mature candidates to be assessed, so that their skills, knowledge, training and experience are then objectively accredited by a quality assured and recognised awarding organisation.

Unite's construction members work across the total construction, engineering, energy and infrastructure industrial process, serving the built environment we all rely upon. They are therefore rightly proud of the skills, knowledge, training, experience and qualifications that they have gained, not least through industry recognised apprenticeships or equivalent adult craft training programmes. This is through hard work and study, meeting the industry and National Occupational Standards (NOS).

Therefore, our construction members repeatedly and understandably voice through their branches, national and regional sector committees, their concerns and frustration that people who have not met the established national and industry standards are able to use occupational titles, describing themselves as 'Joiners', 'Plumbers', 'Electricians' and so on, when clearly those individuals are not. In what is such a highly skilled and safety critical industry, Unite maintain that this should not continue to be the case, and that specifying occupational registration as a requirement is essential and not just an option, meeting the industry and National Occupational Standards under the CSCS and its partner schemes.

The CSCS card costs £30 and the CITB Health, Safety and Environment test costs £19.50, these then being valid for 5 years. Unite do not believe that these basic charges are onerous on the industry.

Furthermore, in-scope employers, SMEs and bona fide sole traders have access to the CITB grant system under the levy, and moreover, many micro businesses, small businesses and sole traders are exempt from paying the levy as their turnover does not meet the threshold, but are still eligible for financial support in training costs. However, notwithstanding this, the term 'self-employed' in the UK construction industry is a significant issue.

You will no doubt be aware that Unite has consistently campaigned for direct employment and against the endemic bogus and false self-employment in the UK construction industry and the wider economy. Decisive action needs to be taken by the UK Government and HMRC on the issue of employment status throughout the United Kingdom.

Furthermore, Unite believe that alongside eliminating bogus self-employment and circumvention of employment rights, that CITB funding should be made much more accessible to individual workers, in what is a peripatetic industry characterised by poor job security and market failure in long term investment in employee skills. Without such action many workers will continue to be the victims of having to fund their own training and assessment costs, effectively a 'job tax' on them, this must be addressed, and only can be effectively by addressing the scandal of false self-employment.

As a consequence the progressive steps undertaken by the Welsh Government, including specifying CSCS on public projects, and through the 2015 *Procurement Advice Note (PAN) for the Public Sector in Wales: Employment Practices on publicly funded projects*, and strengthened by the Code of Practice: Ethical Employment in Supply Chains, outlawing precarious employment practices, zero hours contracts and blacklisting on Welsh public sector contracts, are a significant step forward in addressing such issues. It should also be noted that the ReAct scheme in Wales which assists people affected by redundancy, including access to vocational training grants, is a commendable initiative that the UK as a whole can learn from.

In the interests of protecting the hard won skills and safety of workers on construction sites, qualifying the workforce, recognising and accrediting their skills, knowledge, training and experience, Unite the Union call for the continued support of the CSCS scheme on construction projects in Wales.

If you have any questions regarding the above, please do not hesitate to contact us.

Yours sincerely

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

**Andy Richards**  
**Wales Secretary/Ysgrifennydd Cymru**

**P-05-811 Stop Using Worker Certification On Welsh Government Projects –  
Correspondence from the petitioner to the Committee, 09.07.18**

Paul Fear

Date 27/06/2018

For the attention of the petitions committee, National Assembly of Wales.

Your reference P-05-811.

Response to the correspondence ref (MD/00284/18) from Mark Drakeford AM.

1. The Construction Skills Certificate scheme is NOT a legal requirement it is voluntary. The client, the Welsh Government can choose not to use CSCS on public contracts if it so wishes.
2. There is no legal requirement for construction workers to be qualified, CDM regulations 2015 state.

“ 164 When appointing individuals who may be skilled but who do not have any formal qualifications, contractors may need to assess them in the working environment.

I welcome the ministers comments as regards to dyslexic workers, I wonder if while talking to CITB about dyslexia, could he also ask them about CITB grants funding for employment agency workers?

Data I received from CITB shows that in 2016, payroll companies used by employment agencies to pay their workers, paid £11,878,420.50 in CITB levy they only received back from CITB, training grants for their workers of £667,594.03 and only £166,296 Of this amount was for workers NVQs.

Proof, if any more were needed, that NVQ requirements for CSCS are not properly funded by CITB!

What happened to over £11 million ? Agency workers are some of the lowest paid, temporary workers in the UK and CITB can't return the grants due to them? Why Not?

By requiring that tradespeople now have a minimum of NVQ2 in their trade to receive a CSCS card, the scheme has become an occupational licence by stealth. No

political debate, no democratic oversight, no legislation and no social or economic impact studies. Skilled & competent tradespeople who have worked in the construction industry for decades are now being refused the right to work unless they pay up to £1,500 pounds for an NVQ2 one day assessment.

Those with less than 5 years experience need to pay thousands of pounds for an NVQ2, meaning that they are stuck in low paid labouring jobs if they cannot afford the time & money required.

It is well proven that occupational licensing puts a cost burden onto practitioners who want to enter an occupation. This prevents the poorest in society from working in that occupation, it also restricts people's ability to change jobs, it removes mobility & flexibility of labour and drives up costs for consumers.

Given the extremely high percentage of child poverty in Wales, why would the Welsh Government want to voluntarily restrict employment opportunities and upward mobility to the parents of these poverty stricken Welsh children?

Wales has seen a significant increase in self employment, often referred to as the GIG economy. Schemes like CSCS that use health & safety as an excuse for occupational licensing thrive in this type of economy. The cost of training & qualifications needed for these schemes are placed onto the self employed worker. Worker certification schemes are like Japanese knotweed, they are prolific they strangle society and the economy.

The real question for the petitions committee regarding CSCS is not one of health & safety or competence. A health and safety test or course is relatively inexpensive & as shown in the above CDM regulations employers should be able to judge employees competence . The real question is, should private limited companies and trade bodies have the power to restrict the employment rights of Welsh people ?

If the Welsh government refused to use CSCS on its contracts, it would send a clear signal to CSCS and CITB that experienced workers rights should be protected and CITB should fund the qualification requirements for the scheme, so as not to disadvantage the poor in our society.

If occupations need to be licensed then only parliament should have this tremendous power.

I hope that Welsh Assembly Ministers get a chance to debate this removal of Welsh peoples employment rights & opportunities now voluntarily promoted and supported by the Welsh Government.



Response to correspondence from Unite The Union. Ref AJR/JDC

As explained in my previous correspondence to the committee, the vast majority of construction workers are not members of a union. They do not represent the majority of construction workers.

I have emailed Unite union on numerous occasions, highlighting the problems of CITB funding for employment agency workers and the self employed. I also voiced my concerns over the removal of the right to work for construction workers who are experienced & skilled in their trades.

I have had NO reply! This is hardly surprising after witnessing first hand their contempt for agency workers and the self employed. Indeed as mentioned in their correspondence, they are lobbying to remove so called " false self employment". For decades the construction industry has used self employed labour, due to the project by project nature of the industry. I have over £ 7,000 worth of tools that constantly need replacing at MY expense. However according to unite union I should be classed as false self employed!

The purpose of a trade union is to protect THEIR members interests, it is by it's very nature a protectionist body. By supporting CSCS they can reduce the number of practitioners in a trade, this drives up the cost of labour and benefits their members.

I have no more to say about Unite Union, I hold them in the same contempt as the contempt that they have shown to workers like me!

Response to correspondence from CSCS.Ltd

CSCS is now an occupational licence! It became accepted as industry good practice after the corporate manslaughter and corporate homicide act came into force. The card proved that the holder had taken a health and safety test, it was also very hard to forge due to its security features. Corporate employers started to insist on this card as reduced legal liability from prosecution by the health & safety executive. Once promoted by trade bodies, and corporate employers it became an industry good practice. In an industrial accident employers have to prove that they did all they could to reduce risk. The only real way they can do this is to show they have used good practice. So any construction employer not using CSCS leave themselves open to prosecution by the courts.

By placing minimum NVQ requirements on their card, CSCS has become an occupational license by Stealth without legislation, thereby circumventing the non



retrospective principles of our common law. Enabling CSCS to remove the right to work of experienced, skilled but unqualified tradespeople.

CSCS is on licence to CITB, the board members of CSCS are in an ideal position to put pressure on government and CITB to fund the NVQs tradespeople need for CSCS cards. Why should I battle with CITB for funding ? This is the responsibility of CSCS as they refuse to issue cards if applicants don't have an NVQ2.

Conflicts of Interest.

I have already demonstrated how unite union members benefit from CSCS as a way of reducing practitioners in a trade.

The Federation of Master builder have been tirelessly lobbying government to introduce licencing for builders, this will mean that homeowners will no longer be able to choose who can work on their OWN property. They will only be able to choose government approved builders. ( Sounds like communism to me!)

Yet again another protectionist trade body on the board of CSCS that is seeking protectionism for its members!

It is the Construction Leadership Council that has set the minimum NVQ2 requirement on CSCS cards. The board of the CLC is mainly made up of corporate CEOs who's companies have invested in and or profit from off-site build ( prefabs).

In evidence recently given to the House of Lords inquiry into off-site build, Mr Richard Harrington MP ( co chair of the CLC) said quote! " It is the mandate or mission statement of the Construction Leadership Council to move on-site build to off-site build".

Personally, I can't think of a better way to move construction work from on-site to off-site other than to introduce minimum qualification requirements for CSCS , create a skills crisis, and drive up labour costs of traditional on-site builders!

It would be like allowing train companies to set driving license requirements for bus drivers!

As for the passport scheme now used by highways England, it uses a sponsorship of competence system. ( I read the publication released by highways England!) An employee does not need a CSCS card to get onto a highways England site!

Correspondence from Petitioner to clerking team, 09.07.18

Hi Kayleigh

Please see the web link to the latest article I had published. Could you please circulate this to the Committee.

<https://www.theconstructionindex.co.uk/news/view/carpenter-takes-campaign-against-skills-cards-to-welsh-assembly>

Kind regards

Paul Fear

## **P-04-477 Support for the Control of Dogs (Wales) Bill**

### **Petition wording:**

We call on the National Assembly for Wales to urge the Welsh Government to proceed with the Control of Dogs (Wales) Bill.

We, the undersigned, residents of Wales, call on the Welsh Government to proceed with its Control of Dogs (Wales) Bill in tackling the issue of dangerous and menacing dogs and not rely on the piecemeal proposals of the UK Government set out in its draft Anti-social Behaviour Bill and initially explained in the its White Paper “Putting Victims First, More Effective Responses to Anti-social Behaviour”.

We agree with the Welsh Government’s statement “The clear advantage of a Dog Control Notice (DCN) over all existing legislation is that a court may never become involved thereby reducing the burden on public finance” and we believe that the UK Governments proposals involving 4 different enforcement tools, namely–

- Injunctions to prevent nuisance and annoyance;
- Crime Behaviour Orders
- Dispersal Powers
- Community Protection Notices

two of which – Injunctions and Crime Behaviour Orders – must be initiated by applications to the court, are unduly complicated, cumbersome, bureaucratic and will lead to delay.

We believe the single all-encompassing Dog Control Notice proposed for Wales is by far the superior approach and we urge the Welsh Government to frame a law based on this concept as originally planned. We draw the Welsh Government’s attention to (i) the highly critical conclusions of the House of Commons Select Committee on Environment, Food and Rural Affairs report “Dog Control and Welfare” which called the UK Government’s proposals as

“simplistic” and “woefully inadequate” & recommended DEFRA and the Home Office to introduce Dog Control Notices and (ii) to the fact that the campaign coalition of Unions, Animal Charities, Police, Vets are also unhappy with the proposals.

**Petition raised by:** Cllr. Dilwar Ali

**Date petition first considered by Committee:** 30 April 2013

**Number of signatures :** 1119

**P-04-477 Support for the Control of Dogs (Wales) Bill – Correspondence  
from petitioner to the clerking team, 28.06.18**

Dear Kayleigh,

Thank you for your email below my meeting was due meet on 20<sup>th</sup> June with the Cabinet Secretary, Lesley Griffiths. Unfortunately, the meeting was cancelled by the Cabinet Secretary.

I am waiting for a new date to be arranged, and I would like the Chair and the members of the Petition committee to hold my petition until I have had my meeting with the Cabinet Secretary, Lesley Griffiths.

Regards,  
Dilwar Ali

# Agenda Item 3.5

## **P-04-648 Amendment to Unconventional Oil and Gas Direction 2015**

### **Petition wording:**

We the undersigned call upon the Minister for Natural Resources to amend the THE TOWN AND COUNTRY PLANNING (NOTIFICATION) (UNCONVENTIONAL OIL AND GAS) (WALES) DIRECTION 2015 to call in all Planning Applications for Unconventional Oil and Gas development including exploratory drilling for Shale Gas, Coal Bed Methane and Underground Coal Gasification, to the Minister

### **Additional Information**

At present the Direction only relates to applications involving certain unconventional extraction techniques where the Local Planning Authority is inclined to approve the application.

The current Direction does not apply to Underground Coal Gasification, the impacts of which would be equally damaging to the environment and communities. Nor does it apply to exploratory drilling or test drilling. There are growing concerns about the impact of exploratory drilling, particularly around noise, traffic, disturbance of water courses, the potential for seismic disturbance, industrialisation of the countryside and the impact on house prices.

If there is an effective moratorium on extraction, then what is the purpose of exploration? Allowing exploration to proceed when, at present, extraction will be prohibited is perverse and illogical

**Petition raised by:** Councillor Arfon Jones

**Date petition first considered by Committee:** 22 September 2015

**Number of signatures:** 1,254 online signatures and 293 paper signatures. A further 415 signatures have been handed in after the petition was closed.



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-04-648  
Ein cyf/Our ref LG/01880/17

David John Rowlands AM  
Chair – Petitions Committee  
National Assembly for Wales

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

26

June 2018

Dear David

Following my letter of 18 August 2017, I provide a further update on how the Welsh Government will approach the handling of existing oil and gas licenses and future policy.

The transfer of powers for onshore petroleum licencing from the Oil and Gas Authority (OGA) to Welsh Ministers under the Wales Act 2017 will commence 1 October 2018. Officials are putting in place the necessary administrative arrangements to ensure Welsh Ministers will be able to exercise the licensing functions and appropriately discharge their new responsibilities as the licensing authority in Wales from October. Regulations will be laid this summer to allow Welsh Ministers to charge fees when discharging our duties on existing licenses.

With regards to future policy, the consultation on draft Planning Policy Wales version 10 (PPW10) has recently closed. The draft policy places petroleum at the bottom of the planning energy hierarchy and requires any petroleum development to demonstrate how it will contribute to our decarbonising goals. Consultation responses on the draft policy are currently being considered.

Furthermore, in 2017, Welsh Government commissioned a review into the potential impact of onshore petroleum extraction. The review examined evidence of the impact on the environment, climate change, health, transport, decommissioning and economy. The review builds on the on earlier Welsh Government studies which considered the scale of

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[Correspondence.Lesley.Griffiths@gov.wales](mailto:Correspondence.Lesley.Griffiths@gov.wales)

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

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

potential gas resources and the potential economic impact of its extraction. The findings of the review will be published for consultation in July, along with a proposed future policy for petroleum extraction in Wales.

Regards  
Lesley

**Lesley Griffiths AC/AM**

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



# Agenda Item 3.6

## **P-05-717 Establish Statutory Public Rights of Access to Land and Water for Recreational and Other Purposes.**

This petition was submitted by Waters of Wales – WoW, having collected 3,045 paper signatures and 433 paper signatures – Total = 3,478

### **Text of the Petition**

We call on the National Assembly for Wales to urge the Welsh Government to implement a Bill to establish statutory public rights of access to land and water for recreational and other purposes. The bill should enshrine access rights and responsibilities for the public in the same way that the 2003 Land Reform (Scotland) Act encourages co-operative use of the outdoors for healthy, low impact recreation. This Bill must enshrine public rights of navigation for inland water, and permit access to and along water. It must remove the lack of legal clarity and restrictions which act as a barrier to sport and recreation and the promotion of Wales as a welcoming place for healthy recreation, tourism and adventurous activity at all levels of participation and enjoyment.

### **Additional information**

The Countryside and Rights of Way (CRoW) Act 2000 (i) was intended to deliver much-needed public access to the countryside. Before CRoW was enacted, however, it had already been stripped of many of its intended public benefits. For example, it sought to exclude the public from inland water. CRoW was complicated, expensive, and fails to deliver the access to land and water needed by the wider public. The CRoW mapping exercise alone cost nearly £8m, to address the needs of the small percentage of the public who want to access upland areas. Welsh Government took ownership of this issue in 2009 (ii), yet at the end of 2015, recreational access to land fails to meet the needs of the wider public, and the issue of access to water has not progressed. To the contrary, costly initiatives endorsed and supported by Welsh Government have led in some cases to reduced access to inland water. Two successive Welsh Governments have acknowledged the need for change, but instead chose a process which serves only to maintain the status quo. Welsh Government's 3-year process costing at least £2.4m has, by their own admission, not delivered. Rather, it has demonstrably reduced access opportunities, for example to inland

water. Scotland implemented a permanent solution through land reform legislation (iv) for the legislative cost of £200,000, with a final cost of approx. £3m including the cost of television campaigning and public education (v).

(i) Countryside and Rights of Way Act(2000)

<http://www.legislation.gov.uk/ukpga/2000/37/contents/enacted>

(ii) Report of the Petitions Committee's Short Inquiry into Access along Inland Water, March 2009 (iii)

[https://dl.dropboxusercontent.com/u/62377602/Welsh\\_Government\\_Letter\\_RefTOJG0126513\\_16Oct2013.pdf](https://dl.dropboxusercontent.com/u/62377602/Welsh_Government_Letter_RefTOJG0126513_16Oct2013.pdf) (iv) Land Reform (Scotland) Act 2003

<http://www.legislation.gov.uk/asp/2003/2/contents/enacted>

(v) LAND REFORM (SCOTLAND) BILL–EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS)

[http://www.scottish.parliament.uk/S1\\_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s](http://www.scottish.parliament.uk/S1_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s)



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**      **Summary of the responses received to the Sustainable Management of Natural Resources consultation**

**DATE**        **19 June 2018**

**BY**            **Hannah Blythyn, Minister for Environment**

Our consultation on the Sustainable Management of Natural Resources (SMNR) last year attracted a large number of responses from stakeholder organisations and individual citizens.

In total, 17,391 responses were recorded during the consultation period and all of these have been considered in preparing the Welsh Government's summary document.

I would like to thank everyone who took the time to contribute to the consultation. Some of the proposals secured wide public support where others generated a range of views. Nevertheless, the responses have allowed the Welsh Government to gain a better understanding of stakeholder views and positions across Wales informing how we take forward our ground-breaking legislation enabling us to optimise the opportunities our natural resources provide, whilst ensuring their long-term resilience.

The consultation fulfilled its purpose to collate evidence and propositions on how we can develop our policies to manage sustainably our natural resources, which underpin our long-term prosperity and well-being

The exercise also provided an opportunity to hear views on the possible benefits and challenges the UK's exit from the EU represents, as well as gain views on the regulatory approaches, which may be required in the short and long term.

It is encouraging to see that in general there is wide support for delivering a sustainable management of Wales' natural resources. Stakeholders offered new and innovative approaches for utilising and also protecting our environment, some of which could present longer term solutions in the context of regulatory reforms post EU Exit.

The summary published today presents both a quantitative assessment and an objective synopsis of the comments and views expressed by the respondents. Representative organisations and groups initiated 17 campaigns associated with specific proposals within the SMNR consultation. The campaign responses and individual contributions have all been taken into consideration during the analysis and finalising the published document.

The individual elements of the consultation document have been and will be further considered by my officials in light of the evidence and views provided.

The next stage of the process will be setting out the appropriate timescales for policy development over the short and long term, in the context of the Welsh Government's wider objectives and the UK's exit from the EU.

I have already issued a statement that our existing designated landscapes will be retained and their purpose of conserving and enhancing natural beauty will not be weakened, and a further priorities statement will be issued following the wide range of comments in response to the Future Landscapes Wales report and the SMNR consultation.

I look forward to in the coming days to providing a statement on the refreshed Forestry Strategy which takes into account the principles of SMNR and new legislation since its last update in 2009.

Doing even more to develop a more resource efficient, 'circular' economy will be taken forward in our planned consultation later in 2018 on an update of our waste strategy, 'Towards Zero Waste' and on a draft route map for a more resource efficient Wales.

Useful contributions have been received in response to smarter regulation proposals; these and other views in relation to appropriate regulatory needs for land management post EU Exit have been considered in the "Brexit and our Land" consultation document scheduled for publication in early July.

There were strong but differing views on how best to reform access legislation. We therefore believe that now is not the right time for substantive reform. But we are committed to exploring selected aspects of change where there was greater consensus, including on some of the administrative arrangements and multi-use paths. We will continue to facilitate further discussions through established groups such as the National Access Forum.

Likewise, I recognise there was strong support for the introduction of new financial penalties to help address littering from vehicles, the consultation identified a number of issues with the proposed new powers and these require further consideration. On this basis we will continue to engage with stakeholders and will explore how best to support Local Authorities in implementing their existing powers.

Marine planning for Wales is making good progress and I look forward to introducing the first Welsh National Marine Plan and will give further consideration to regional plans once we have experience from implementing the national plan.

Stakeholders and the wider public will be updated on any future developments through established working groups and other Welsh Government communications channels.

The published summary of the responses can be accessed at the following link:

<https://beta.gov.wales/taking-forward-welsh-policy-for-land-management-natural-resources>



**David J Rowlands AM, Chair; Mike Hedges AM; Janet Finch-Saunders AM; Rhun ap Iorwerth AM; Neil McEvoy AM**

Dear Petitions Committee Members

**P-05-717 Establish Statutory Public Rights of Access to Land and Water for Recreational and Other Purposes**

Thank you for the opportunity to respond to the Written Statement from the Minister for Environment, dated 19 June 2018.

Firstly, we have to say that the Minister's statement totally fails to take on board the needs of the petition, or to address any aspect of access to and along inland water.

The reaction both within the Waters of Wales - WoW community, and beyond, has been incredulity at the Minister's statement that "now is not the right time for substantive reform" citing "strong but differing views" as the reason for continued inaction. It is precisely because of these 'strong but differing views' that legislation is needed.

In the context of the Minister's reference to "strong but differing views" it is important to note that successive Welsh governments have repeatedly used the statement that 'the law is unclear' to justify inaction. Lack of clarity in the law underlies and exacerbates conflict surrounding access, particularly in the case of inland water.

While asserting that the law is unclear, Welsh Government predicates its strategy on one, as yet untested, interpretation of the law, persisting in this, even in the face of a vast and growing body of evidence (see Appendix) that a public right of navigation (prn) exists on all rivers in Britain. This creates, promotes and maintains inequality, preventing meaningful dialogue. It is well documented<sup>i</sup>, and Welsh Government has acknowledged, that voluntary access agreements have not, cannot, and will not, deliver the access needed by the public. The claim that voluntary agreements are the way forward is untenable.

Public rights have been enshrined in modern Scottish legislation, giving clarity on both rights and responsibilities. Legislation to enshrine public rights of access to and along inland water would give the same clarity for Wales.

Three successive Welsh Governments have acknowledged the need for change, but subsequently failed to act in the public interest, instead reverting to a process which serves only to maintain the status quo. Previous Welsh Government's 3-year process costing at least £2.4m has failed, by their own admission<sup>ii</sup>, to deliver. Rather, it demonstrably reduced access opportunities, for example to inland water. The Minister's response to the latest consultation demonstrates once again, the unwillingness of Welsh Government to act in the public interest in relation to public rights of access to inland water.

The Welsh Assembly petitions committee of 2000 stated that "Access to inland water is a matter of equity and social justice". In 21st Century Wales, continued failure to address a matter of equity and social justice is surely not an option?

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy'n corffori hawliau cyhoeddus i fynedfa cyffwrdd i ddyfrffyrdd mewndirol yng Nghymru.**

Lack of clarity in the law can only be addressed by a judicial ruling, or by legislation. Welsh Government has stated that seeking a judicial ruling is not within its powers. This makes legislation to enshrine the public right, the only credible option.

Yours sincerely

Pam Bell, Bob Mackay, Andy Quick  
On behalf of Waters of Wales – WoW.

### **Timeline:**

- **The Countryside and Rights of Way (CROW) Act 2000**

Intended to deliver much-needed public access to the countryside, but was complicated, expensive, and continues to fail to deliver the access to land and water needed by the wider public. Before CROW was enacted, it had already been stripped of many of its intended public benefits. For example, it sought to exclude the public from inland water. The CROW mapping exercise alone cost nearly £8m, to address the needs of the small percentage of the public who want to access high mountain areas.

- **In 2003, at the earliest opportunity following devolution, Scotland addressed the issue for its people by passing the Land Reform (Scotland) Act.**

Scotland implemented a permanent solution through land reform legislation<sup>iii</sup> for the legislative cost of £200,000, with a final cost of approx. £3m including the cost of television campaigning and public education<sup>iv</sup>.

- **In 2008, a petition was presented to the Welsh Government:**

*“The Welsh Assembly Government is urged to consider and implement a Bill to benefit Wales that would enshrine access rights and responsibilities for the public to and along natural resources in the same way that the Scottish Land Reform Act encourages co-operative use of the outdoors for healthy, low impact recreation.*

- *“This Bill must provide and permit access to and along non-tidal water in the face of the massive lack of legal clarity and restrictions that exist at present, which act as a barrier to sport and recreation and the promotion of Wales as a place to visit for adventure tourism.”*

- **In 2009, following a short Inquiry, the petitions committee said:**

- *“Access to inland water in Wales is a right of equity and social justice. The current situation regarding rights to inland water in Wales is confusing, untenable and unworkable; there should be the same right of public access as there is in Scotland.”<sup>v</sup>*
- *“We believe that the clear balance of rights in Scotland has inherently moved the access debate forward onto a more productive footing... Different parties in Scotland have been able to leave behind cul-de-sac positions concerning who has which legal rights on their side. We therefore suggest it provides a useful basis from which a unique Welsh model may be developed.”<sup>i</sup>*

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy'n corffori hawliau cyhoeddus i fyned iaf i fforddau dyffwrdd mewn dirol yng Nghymru.**

- **Welsh Government took ownership of this issue in 2009<sup>vi</sup>**, yet mid-way through 2018, recreational access to land still fails to meet the needs of the wider public, and the issue of access to water has not progressed. To the contrary, costly initiatives endorsed and supported by Welsh Government have led, in some cases, to reduced access to inland water.
- **In 2010, contrary to the advice of its petitions committee:**
  - Unlike every other devolved administration in the World, Welsh Government decided not to pursue legislation to clarify and enshrine public rights with responsibilities, but opted to continue with the strategy that had proved unworkable over more than fifty years, by recommending:
  - *“the setting up of voluntary access agreements by landowners” ... “that SPLASH funding be targeted at these pilot projects” ... “the effects of the pilot projects should be closely monitored and the outcomes widely disseminated”<sup>vii</sup>*
- **In 2013, after spending three years and more than £2m of public money on process for access to inland water alone,**
  - Welsh Government acknowledged that the process had failed to deliver, and that legislation would be needed.<sup>viii</sup>
  - *“You will be able to have your say on proposals emerging from this review when a green paper consultation is published in December 2013.”*
- **In 2015 - more than a year after the promised publication date of the green paper,** Welsh Government embarked on a repeat of the consultation, the results of which were repeatedly delayed until just before the election when they were “left on the table to inform the next government”. Even while the consultation was in progress, Welsh Government was reported to be trying to rekindle the process which, by its own admission, failed.
- **In 2016 a petition was submitted:**

“We call on the National Assembly for Wales to urge the Welsh Government to implement a Bill to establish statutory public rights of access to land and water for recreational and other purposes. The bill should enshrine access rights and responsibilities for the public in the same way that the 2003 Land Reform (Scotland) Act encourages co-operative use of the outdoors for healthy, low impact recreation. This Bill must enshrine public rights of navigation for inland water, and permit access to and along water. It must remove the lack of legal clarity and restrictions which act as a barrier to sport and recreation and the promotion of Wales as a welcoming place for healthy recreation, tourism and adventurous activity at all levels of participation and enjoyment.”
- **In 2017, Welsh Government embarked on another consultation, following which the Minister issued the statement which is now with the Petitions Committee.**

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy'n corffori hawliau cyhoeddus i fynedol cyffwrdd i ddyfrffyrdd mewndirol yng Nghymru.**



## Appendix: The Common Law Public Right of Navigation

- Under Roman Law ([Institutes of Justinian](#) – see page 19, Book II, 1-4) all rivers were considered *res publica* and open to reasonable use, including navigation, by all. The Romans considered this a natural law which applied to all permanently flowing rivers irrespective of time or place.
- This public right of navigation was defended by Clause 33 of Magna Carta which stood witness to the existence of navigation rights in all rivers throughout the realm. Professor Nigel Saul - Professor of Medieval History, Royal Holloway University of London, in [a lecture to the All Party Parliamentary Group on the Constitution, 26 February 2013](#)) said “Magna Carta ....., clause 33 was to be of enormous significance in the history of navigation in this country, because it established the principle of free passage along England’s rivers, so laying the foundations for transport development in the Industrial Revolution”. (see page 2)
- The protections embodied in Clause 33 of Magna Carta were confirmed and developed in a number of statutes e.g. 1225 9 Henry III cap 23, 1297 25 Edward I c 23, 1350 25 Edward III C 4, 1371 45 Edward III C 2, 1399 1 Henry IV c 12, 1402 4 Henry IV cap 11, 1413 1 Henry V c 2, 1423 2 Henry VI cap 15 etc..
- The intent of Magna Carta was elaborated and confirmed by the [1472 Act for Weirs and Fishgarthes](#) “Whereas, by the laudable Statute of Magna Carta, among other Things, it is contained That all Kedels by Thamise and Medway, and throughout the Realm of England, should be taken away, saving by the Sea-banks, which Statute was made for the great Wealth of all this Land, in avoiding the straitness [obstruction] of all Rivers, so that Ships and Boats might have in them their large and free Passage...”
- Many Medieval commissions were appointed by the Kings to preserve and protect public navigation rights on a very wide variety of rivers, thereby confirming the existence of the public’s navigation rights in all rivers where navigation was then practical. See [http://www.riveraccessforall.co.uk/docs/totally\\_compelling\\_evidence.pdf](http://www.riveraccessforall.co.uk/docs/totally_compelling_evidence.pdf) (see Page 7)
- The Laws in Wales Acts (1536 - 27 Henry VIII c. 26 and 1542 - 34 & 35 Henry VIII c. 26) specifically extended to Wales the full benefit of the law in England. This applied to all laws then in force in England. All future laws enacted by Parliament in Westminster applied equally to the joint administration of England and Wales. Evidence from England, where the evidence of historic navigation rights is better documented, can therefore be used to demonstrate the existence of public navigation rights in Wales

<sup>i</sup> Negotiating recreational access under asymmetrical power relations: the case of inland waterways in England <http://eprints.brighton.ac.uk/1692/1/UT-SNR-1755.pdf>

<sup>ii</sup> [https://dl.dropboxusercontent.com/u/62377602/Welsh\\_Government\\_Letter\\_RefTOJG0126513\\_16Oct2013.pdf](https://dl.dropboxusercontent.com/u/62377602/Welsh_Government_Letter_RefTOJG0126513_16Oct2013.pdf)

<sup>iii</sup> Land Reform (Scotland) Act 2003 <http://www.legislation.gov.uk/asp/2003/2/contents/enacted>

<sup>iv</sup> LAND REFORM (SCOTLAND) BILL-EXPLANATORY NOTES (AND OTHER ACCOMPANYING DOCUMENTS) [http://www.scottish.parliament.uk/S1\\_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s1en.pdf](http://www.scottish.parliament.uk/S1_Bills/Land%20Reform%20%28Scotland%29%20Bill/b44s1en.pdf)

<sup>v</sup> [https://dl.dropboxusercontent.com/u/62377602/WAG\\_Press\\_Release\\_15\\_Apr\\_2009.pdf](https://dl.dropboxusercontent.com/u/62377602/WAG_Press_Release_15_Apr_2009.pdf)

<sup>vi</sup> Report of the Petitions Committee’s Short Inquiry into Access along Inland Water, March 2009

<sup>vii</sup> [https://dl.dropboxusercontent.com/u/62377602/Inquiry-Into-Access-to-Inland-Water-In-Wales-Committee\\_Report-2010-06.pdf](https://dl.dropboxusercontent.com/u/62377602/Inquiry-Into-Access-to-Inland-Water-In-Wales-Committee_Report-2010-06.pdf)

<sup>viii</sup> [https://dl.dropboxusercontent.com/u/62377602/Welsh\\_Government\\_Letter\\_RefTOJG0126513\\_16Oct2013.pdf](https://dl.dropboxusercontent.com/u/62377602/Welsh_Government_Letter_RefTOJG0126513_16Oct2013.pdf)

**Waters of Wales (WoW) is a community of independent campaigners for legislation enshrining public rights of responsible access to inland water in Wales.**

**Mae DC (Dyfroedd Cymru) yn gymuned o ymgyrchwyr annibynnol ar gyfer deddfwriaeth sy’n corffori hawliau cyhoeddus i fynedlaeth cyffwrdd a dyfyniadau mewn dirol yng Nghymru.**



# Agenda Item 3.7

## **P-05-750 For single use items: introduce a Deposit Return System for drink containers and make fast food containers and utensils compostable**

This petition was submitted by Marine Conservation Society and was first considered by the Committee in May 2017, having collected 1,993 signatures.

### **Text of Petition**

The Marine Conservation Society calls on the National Assembly for Wales to urge the Welsh Government to act upon the globally responsible Wales goal within the Well Being of Future Generations Act (Wales) 2015. Build on the excellent results achieved by the carrier bag charge, by implementing two further actions that would help Wales to achieve a zero waste, circular economy. Namely:

1. Introduce a deposit return system in Wales for all single use beverage containers such as glass and plastic bottles and aluminium cans.
2. Legislate that all fast food containers and utensils, as well as take-away cups and lids, if not reusable or refillable or collected for recycling in store, are fully compostable.

Deposit return systems are already in operation in over 40 countries around the world and have been proven to reduce litter, increase recycling by creating a more certain supply of affordable, high-quality materials, reduce costs for Local Authorities and create jobs.

Fast food wrappers and takeaway cups are a common litter item on our streets and making them refillable/reusable, easily recyclable or compostable would reduce litter.

Manufacturing new drinks containers and fast food containers and cups use up huge amounts of energy, which contribute to greenhouse gas emissions. The more we recycle, and the less we litter, the better for our environment and our economy.

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

- Ross-on-Wye
- Herefordshire



Eich cyf/Your ref P-05-750  
Ein cyf/Our ref HB/00530/18

David John Rowlands AM  
Chair - Petitions committee.  
National Assembly for Wales  
Cardiff Bay  
Cardiff Bay  
CF99 1NA  
[SeneddPetitions@assembly.wales](mailto:SeneddPetitions@assembly.wales)

26 June 2018

Dear David

Thank you for your letter of 4 June, regarding the petition P-05-750 related to introducing a Deposit Return System for drink containers and making fast food containers and utensils compostable.

I recognise that there is considerable interest in and support for a deposit return scheme (DRS) in Wales. However, it is clear that a UK-based scheme would be more practical for all concerned, including customers, retailers and manufacturers.

I am therefore considering a UK-wide DRS and will meet my counterparts from the UK and Scottish Governments about this issue in July. I am keen to ensure that any scheme delivers optimum benefits for Wales and that we take account of risks and benefits to existing provision and recycling levels here, including the possible effect on Local Authorities' statutory recycling targets.

The Eunomia study on Extended Producer Responsibility, which I referred to in my letter of 23 April has now been published at:  
[http://gov.wales/topics/environmentcountryside/epq/waste\\_recycling/publication/final-report-options-for-extended-producer-responsibility-in-wales-final-report-executive-summary/](http://gov.wales/topics/environmentcountryside/epq/waste_recycling/publication/final-report-options-for-extended-producer-responsibility-in-wales-final-report-executive-summary/)

This has helped paint a picture of what is best for Wales. To ensure that we have the best evidence available to inform the scope and design of a DRS, I have agreed to commission feasibility studies to assess how a DRS might impact on our municipal recycling performance, and to look at the composition and sources of litter in Wales. This will help

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

inform our thinking and will also provide a baseline by which we can measure the impact of any new initiatives.

This is a fast-moving policy area and we need to keep track of other developments at a UK level which may have an impact. In particular, we need to take into account UK proposals to amend the Producer Responsibility Obligations (Packaging Waste) Regulations 2007 (the Regulations) and to consider a UK single-use plastics tax.

It is widely recognised that amendments to the Regulations are necessary to ensure that producers and retailers pay a larger share of waste management costs. The Regulations could also be designed to drive greater levels of waste prevention, reuse and recycling, increased recycled content, and less litter. We will be working closely with Defra on these amendments.

My colleague Mark Drakeford AM, Cabinet Secretary for Finance, is providing you with an update regarding the development of a potential tax on single-use plastics (Our Ref: MD/00302/18). Therefore I have not addressed the issue in this response, apart to confirm that we are working together closely on this.

With regard to the proposal in the petition that we should legislate to ensure that all single-use food and drink containers and utensils are fully compostable, I think we should consider this carefully because there are so many complex issues at play here.

There are many shops, communities, environmental groups and people who, with the best intentions, believe that biodegradable and /or compostable plastic is the solution to plastic pollution. However, the use of these materials brings its own set of issues, including perverse outcomes such as contamination of the plastic recycling stream, and the food waste stream. While some materials claim to be compostable, that may only be the case in specific circumstances such as in large scale, industrial composters. The same outcome is not achievable in home composting, and Anaerobic Digestion facilities, which are widely used to deal with food waste in Wales, cannot handle plastic packaging, biodegradable or not. People are often confused by what is becoming an increasingly complex area, and do not know what the best option is when they are trying to do what they think is most beneficial for the environment. The end result can be that much of the biodegradable plastic material ends up in landfill, emitting greenhouse gases – an outcome that no-one wants.

Another issue is that alternatives to conventional plastics are usually plant-based, and the increasing demand for these materials could potentially contribute to the global food crisis by taking over large areas of land previously used to grow crops for human consumption.

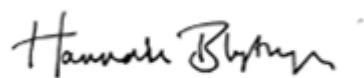
There is an urgent need for independent, scientifically evidenced advice on whether, and in what circumstances, it would be acceptable to use biodegradable / compostable plastic. This should include advice on how it should be labelled and managed at end of life, for example, the use of an on-pack recycling label and specific signage on relevant bins to ensure that it does not end up in the plastic or food waste streams. As part of their work to support their Plastics Pact, WRAP is developing guidance on the use and end of life management of materials which claim to be biodegradable or compostable.

I am clear that we need to take a comprehensive, well thought out, long term approach to the management of plastic waste so that it has a positive and sustained impact. Our success to date at recycling in Wales is not down to a quick solution to a current problem but more a strategic approach to creating a long term policy that delivers.

I do not, therefore, intend to put in place piecemeal solutions to topical issues without considering whether this will work for Wales and how it will impact on our long term strategic

goals and the welfare of future generations. Wales has a long history of ground breaking environmental policy and delivery and I intend to continue this approach.

Yours Sincerely

A handwritten signature in black ink, reading 'Hannah Blythyn'.

**Hannah Blythyn AC/AM**  
Gweinidog yr Amgylchedd  
Minister for Environment

# Agenda Item 3.8

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

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

### **Text of Petition**

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

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

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

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

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

**Additional information:**

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

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

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

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

**Assembly Constituency and Region**

- Wrexham
- North Wales



Eich cyf/Your ref P-05-783  
Ein cyf/Our ref KW/01582/18

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

[government.committee.business@wales.gsi.gov.uk](mailto:government.committee.business@wales.gsi.gov.uk)

2 July 2018

Dear David

Thank you for your letter of 20 June about the petition calling for action to ensure the equality of curriculum for Welsh Medium Schools; as you note in your letter we have corresponded previously on this matter.

May I begin by saying that I do appreciate the frustration felt by teachers and learners at being unable to study for certain qualifications in the language of their choice. Looking to the future, equal rights for both languages is central to the planning for the new curriculum for Wales. Let me reassure you that the specific needs of Welsh medium teaching and learning are being fully considered as the arrangements for the new curriculum structure, including assessment arrangements, are developed.

Turning to your specific questions, the Welsh Government's expectations of Qualifications Wales are set out in the Qualifications Wales Act 2015. The Act gives Qualifications Wales two principal aims and the organisation must act in a way it considers appropriate for the purpose of achieving them (Qualifications Wales Act 2015 s.3).

These aims are about ensuring that qualifications and the qualifications system are effective for meeting the reasonable needs of learners in Wales and promoting public confidence in qualifications and the qualifications system. Qualifications Wales must, when considering what is appropriate for the purpose of achieving these aims, have regard to various matters. These matters include the "the desirability of promoting and facilitating the use of the Welsh language, including through the availability of assessment arrangements that provide for assessment through the medium of Welsh language, and of qualifications that otherwise promote or facilitate the use of the Welsh language" (Qualifications Wales Act 2015 s.3(2)(b)).

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


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

Qualifications Wales advise me that it works with awarding bodies to encourage them to offer Welsh medium and bilingual provision. For example, Qualifications Wales has established an awarding body group in order to work together to identify some of the challenges awarding bodies face and identify ways of supporting them in the development and quality assurance of Welsh-medium and bilingual qualifications and assessment.

Qualifications Wales, via the grant allocation it receives from the Welsh Government, provides financial support for awarding bodies to provide Welsh medium qualification specifications and assessment through its competitive grant process. In financial year 2017/18 £158K was claimed against this grant of which £121K was claimed by awarding bodies based outside of Wales.

The Welsh Government invests around £2.6m annually on resources to support the teaching and learning of Welsh as a subject and other subjects and qualifications through the medium of Welsh. These are resources which are not available commercially as the market is not financially viable. Resources are commissioned following consulting with practitioners and other stakeholders to identify their needs and the gap in current provision.

Yours sincerely

A handwritten signature in cursive script, appearing to read 'Kirsty Williams'.

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education



# Agenda Item 3.9

## **P-05-805 Fair Deal For Supply Teachers**

This petition was submitted by Sheila Jones, having collected 997 signatures online and 428 signature on paper, a total of 1,425 signatres.

### **Text of Petition**

We, the undersigned, request that all supply teachers be paid fairly and have full access to training opportunities and other terms and conditions. There should be a qualified teacher in every classroom and taxpayers' money should be going directly into education and not into the pockets of private agencies.

Supply teachers are being exploited and teachers are leaving the profession as they cannot afford to be supply teachers.

Agencies reduce teachers' pay by forty to sixty percent and teachers lose their pensions, this is public money going into the private sector for profit. Lessons are being covered by unqualified staff.

### **Assembly Constituency and Region**

- Caerphilly
- South Wales East

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



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref P-05-805  
Ein cyf/Our ref KW/01592/18

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2 July 2018

Dear David

Thank you for your letter of 21 June enclosing one received from the Fair Deal for Supply Group in support of its petition.

In response to the points raised by the petitioners it is important to note that it is the governing bodies of maintained schools and local authorities that have the statutory responsibility to determine how they employ and deploy their workforce and how they manage staff costs within their delegated budget. Schools are able to use this discretion to employ supply staff directly should they wish and many already employ staff in this way. We are continuing to encourage and support schools to consider this direct employment approach and the added benefits involved.

The £2.7m direct employment school based supply pilot I announced last October is being implemented within 15 local authority areas across Wales. The trial arrangement provides funding to local authorities to support clusters of schools to employ recently qualified teachers on a supernumerary basis to provide cover for unplanned and/or planned teacher absence. It supports a more sustainable, collaborative model of working to support the professional learning of our newly qualified teachers. The pilot evidences our commitment to ensure that a number of our teachers who might otherwise find themselves in supply roles are supported at the beginning of their career. We will evaluate the pilot to see if direct employment of supply teachers offers a viable alternative model for schools and will identify best practice and exemplar case studies to be shared with the sector. We will continue to encourage local authorities and schools to consider adopting this approach as a viable alternative and sustainable model to meet their staff cover needs. Teachers employed directly in this way are being paid via the School Teachers' Pay and Conditions Document and are able to access the Teachers' Pension Scheme.

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

I am pleased to note that the group have included an excerpt from the guidance on *Effective Management of School Workforce Attendance* which my department issued last December. This document clearly sets out the roles and responsibilities of all involved in deploying and employing temporary staff including the various safeguarding checks required and the benefits of a direct employment approach.

Powers to determine teachers' pay and conditions will be formally transferred to Welsh Ministers in September 2018. Decisions around teachers' pay and conditions for academic year 2018/19 will already have been determined for all teachers in Wales and England by the Department for Education. Work is already underway to consider how we might set teachers' pay to underpin our aspirations for the wider education system, to raise standards and support and develop the teaching profession including those who work flexibly. The Fair Deal for Supply Group has been sent all links to the relevant consultation and calls for views to provide comment. Practicably, and to ensure changes implemented are duly considered this means the earliest that any changes specific to teachers' pay here in Wales will take effect will be from the 2019/20 academic year.

In September 2017 officials met with their counterparts in the Department for Education in Northern Ireland and with officers from the Education Authority in Northern Ireland (since April 2015 all local education boards including Belfast became one authority) to discuss their centralised matching and pay system. As the direct employers of teachers and holders of a centralised payroll (teachers' pay and conditions has been devolved to Northern Ireland for sometime) the systems and governance structures operating there make it possible for a matching pay system of this type to operate.

Commercial supply agencies are private businesses. The Department for Business Energy and Industrial strategy are responsible for managing the *Agency Worker Regulations 2010* and associated employment legislation including that related to the Conduct of Employment of Agencies and Employment Businesses legislation and off-payroll working in the public sector legislation. Following the Taylor review into modern working practices published last summer the Westminster government has consulted on proposed changes to legislation which if implemented will directly affect the way in which agencies operate. Officials have ensured that the Fair Deal for Supply Group was made aware of the public consultations underway in order for them to provide comments directly to the Whitehall Department responsible for legislation in this area.

You asked for a view on the potential for regional education consortia to take a role in organising the provision of supply teaching. The regional consortia does not have a direct employer function, however, they work to improve schools by providing support and challenging performance to drive up standards. They could consider the impact of supply cover on learning and improvement and create opportunities to support the professional learning of our supply teachers. There is nothing to prevent local authorities and schools as the employer of teachers working with local consortia officers to better support supply provision.

The Supply Working Group has held discussions with a number of organisations and groups with an interest in supply, including the Fair Deal for Supply Group. Within the statutory powers available to us we are actively exploring how implementing quality assurance standards might support and improve provision. We are working with the Supply Working Group to consider draft proposals. If implemented, any commercial agency wishing to supply temporary teachers to a maintained school in Wales would need to meet the quality standards. If introduced, these standards would support schools, supply teachers and improve the quality of teaching and learning. This work is currently at an early stage in

terms of policy development, but if implemented would add an additional layer of quality assurance to all involved in the process. This work would also support the developmental work currently being undertaken by the National Procurement Service (NPS) in reviewing the current managed service framework. The NPS, together with its local authority client group, has extended the current arrangement to August 2019 while it revises the tender specification requirements to ensure that it is current and fit for purpose. I understand that a revised contract will be let by the NPS next April with a view to it going live from August 2019. The revised specification would include requirements for ensuring supply teachers employed by agencies received appropriate professional learning opportunities.

Only qualified teachers and others in certain limited circumstances can undertake the full range of specified work (teaching) as set out in the Education Workforce Council Function Regulations. Officials issue termly reminders to commercial supply agencies operating in Wales and to the school sector to ensure their statutory employer obligations are met. A copy of the guidance (last issued to commercial agencies on 15 June) is attached here for reference. <http://learning.gov.wales/docs/learningwales/publications/171023-employing-and-supporting-supply-teachers-in-a-school-environment-en.pdf>

Finally, as set out in my earlier letter to you in March I would like to assure you and Committee members that the Welsh Government will continue to work with and support employers to explore all options available to develop flexible working arrangements and promote fairness across the teaching workforce.

Yours sincerely

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

**Kirsty Williams AC/AM**

Ysgrifennydd y Cabinet dros Addysg  
Cabinet Secretary for Education

Eich cyf/Your ref P-05-716  
Ein cyf/Our ref KS/01663/18

David John Rowlands AM  
Chair - Petitions committee.

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25 June 2018

Dear David,

Thank you for your letter of 4 June regarding petition P-05-716 Free Train Transport for school pupils with Arriva Trains Wales.

I have asked my officials to share your letter with KeolisAmey, and to discuss with them the issues raised by the petition.

Yours ever,  
Ken

**Ken Skates AC/AM**

Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth  
Cabinet Secretary for Economy and Transport

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# Agenda Item 6

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

Document is Restricted

# Agenda Item 7

**P-05-799 Change the National Curriculum and teach Welsh history, from a Welsh perspective, in our Primary, Secondary and Sixth form Schools.**

This petition was submitted by Elfed Wyn Jones and was first considered by the Committee in February 2018, having collected 5,133 signatures online and 661 on paper – a total of 5,794 signatures.

## **Text of Petition**

We are calling on the National Assembly for Wales to change the Curriculum and teach Welsh history, from a Welsh perspective, in our Primary, Secondary and Sixth form Schools.

## **Assembly Constituency and Region**

- Dwyfor Meirionnydd
- Mid and West Wales

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

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