

Cofnod y Trafodion The Record of Proceedings

[Y Pwyllgor Amgylchedd a Chynaliadwyedd](#)

[The Environment and Sustainability Committee](#)

16/09/2015

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Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

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

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

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Mick Antoniw	Llafur Labour
Jeff Cuthbert	Llafur Labour
Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Llyr Gruffydd	Plaid Cymru The Party of Wales
Janet Haworth	Ceidwadwyr Cymreig Welsh Conservatives
Alun Ffred Jones	Plaid Cymru (Cadeirydd y Pwyllgor) The Party of Wales (Committee Chair)
Julie Morgan	Llafur Labour
William Powell	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Jenny Rathbone	Llafur Labour
Joyce Watson	Llafur Labour

Erail yn bresennol
Others in attendance

Nicola Charles	Cyfreithiwr Lawyer
Dr Andy Fraser	Pennaeth Rheoli Adnoddau Naturiol Head of Natural Resource Management
Lori Frater	Cynghorydd Technegol – Diwygio Deddfwriaethol Technical Advisor – Legislative Reform
Carl Sargeant	Aelod Cynulliad, Llafur (Y Gweinidog Cyfoeth Naturiol) Assembly Member, Labour (The Minister for Natural Resources)

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

Alun Davidson	Clerc Clerc
Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Nia Seaton	Y Gwasanaeth Ymchwil Research Service
Adam Vaughan	Dirprwy Clerc Deputy Clerk

Dechreuodd y cyfarfod am 09:02.

The meeting began at 09:02.

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introductions, Apologies and Substitutions

[1] **Alun Ffred Jones:** A gaf agor y pwyllgor a chroesawu'r Aelodau yma? Os bydd larwm tân, dilynwch yr ystlyswyr allan. Ffonau symudol wedi'u diffodd, os gwelwch yn dda. Rydym yn gweithredu'n ddwyieithog a chroeso i unrhyw un gyfrannu, felly, yn Gymraeg neu yn Saesneg. A oes unrhyw fuddiant yr ydych chi eisiau eu datgan, gan eich atgoffa bod yna reolau newydd? Bore da, Weinidog.

Alun Ffred Jones: May I open this committee meeting and welcome Members here? If there's a fire alarm, please follow the ushers out. Please ensure that mobile phones have been switched off. We operate bilingually and everyone's welcome to contribute either in Welsh or in English. Are there any declarations of interest—may I remind you that there are new rules? Good morning, Minister.

[2] **Joyce Watson:** Does this mean that we now have to declare membership of organisations like the RSPB that I've written down?

[3] **Alun Ffred Jones:** Not unless it's—. Well, it's up to you to declare; I can't judge on that. It would have to be up to you, but I wouldn't think that you have to declare that in this sort of session.

[4] **Joyce Watson:** Okay.

09:03

Bil yr Amgylchedd (Cymru)—Cyfnod 1: Sesiwn Dystiolaeth 21
Environment (Wales) Bill—Stage 1: Evidence Session 21

[5] **Alun Ffred Jones:** Iawn. A gaf Alun Ffred Jones: Right. May I
eich croesawu chi yma, Weinidog? welcome you here, Minister? Thank
Diolch ichi am ddod yma atom ni. A you for coming to the committee this
fyddech chi, jest er mwyn y record, morning. Just for the record, could
yn datgan eich safle a safle'ch tîm you please state your position and
sydd wedi dod gyda chi? that of your team that you have with
you?

[6] **The Minister for Natural Resources (Carl Sargeant):** Thank you, Chair.
Good morning to you. Carl Sargeant, Minister for Natural Resources. I'll ask
my team to introduce themselves with their names and titles. Andy, first.

[7] **Dr Fraser:** Dr Andy Fraser, head of natural resource management in
the Minister's department.

[8] **Ms Frater:** Lori Frater, technical adviser on legislative reform.

[9] **Ms Charles:** Nicola Charles, Welsh Government legal services.

[10] **Alun Ffred Jones:** Diolch yn Alun Ffred Jones: Thank you very
fawr iawn. A gaf i ddiolch i'r much. May I thank the Minister for
Gweinidog am ei ymatebion his written responses following the
ysgrifenedig yn dilyn y sesiwn gyntaf? first session? They were very
Roedden nhw'n llawn iawn ac rydym comprehensive and we're very
ni'n ddiolchgar iawn. Mae yna nifer o grateful. There are a number of
gwestiynau rydym am fynd trwyddyn questions that we want to go through
nhw'r bore yma, wrth gwrs, hefyd, yn this morning, of course, in addition
ychwanegol at hynny. A gaf i ofyn, i to that. May I ask, first of all,
ddechrau, Weinidog, ynglŷn â Minister, regarding something that
rhywbeth sydd wedi codi o'r blaen? has arisen before? When you
Pan gyflwynoch chi'r Bil i'r Cynulliad, presented the Bill to the Assembly,
nid oedd adrannau 6, 11(2) a 21 sections 6, 11(2) and 21 were not
ddim o fewn cymhwysedd within the Assembly's legislative
deddfwriaethol y Cynulliad. Roedd competence. The consent of the
angen cydsyniad yr Ysgrifennydd Secretary of State was needed to
Gwladol er mwyn dod â'r bring this provision within the
ddarpariaeth hon o fewn Assembly's competence. Have you
cymhwysedd y Cynulliad. A ydych chi received the Secretary of State's

wedi derbyn cydsyniad yr consent?
Ysgrifennydd Gwladol?

[11] **Carl Sargeant:** After a lot of work by my team and the team from UK departments, we've been seeking to receive agreement around the Crown consents. I met with Lord Bourne just pre-summer recess to discuss the issue again. He did confirm to me that he would push the process as fast as he possibly could. So, with regret, we had a letter, received yesterday afternoon, from the Secretary of State for Wales, where they have agreed to consent to part of the Bill, but have refused consent on one element of that, around biodiversity. It is very difficult to comprehend the reasoning behind the correspondence, and we are working with the Secretary of State's department and UK departments to continue some dialogue there, but, I must say, Chair, and to committee, this puts the whole Bill at risk in this context. I think it is incredibly surprising that the UK Government have decided not to confirm part of an agreement of—. They've agreed three of the four and refused one on the grounds of concern. There is a precedent around this already where they have confirmed competence to the Scottish Government, but not the Welsh Government. It does present me with the difficult decision of whether to withdraw this Bill at this stage or not.

[12] **Alun Ffred Jones:** Can you be more specific? Obviously, this is news to us, as it was to you. Can you be a bit more specific as to why this particular consent would endanger the whole Bill?

[13] **Carl Sargeant:** The principle of what they have not agreed on is around the consenting around biodiversity duties on public bodies. That includes, my understanding would be, a large proportion of Crown estates and also of Ministry of Defence land. As you are aware, the MOD has significant interests in Wales, of land base, which I think would be disproportionate to the elements of risk to the Bill, where there would be large swathes of Wales not covered by a biodiversity duty. I think that's completely unacceptable where we are asked to manage our natural resources with competence around areas of Wales, and where that is being prohibited by the UK Government in certain areas. I think it's completely unacceptable. The UK Government have, as I've said, given the Scottish Government agreements around this in their Bill; we have been refused. But the negotiations will continue, and if I fear, at a stage later in the proceedings—. I am quite content to take some risk in taking the Bill forward at this stage, but I will have to give some further consideration as to whether I withdraw the Bill at the next stage.

[14] **Alun Ffred Jones:** Well, obviously, since this is a very serious issue, do any other Members—? Joyce Watson.

[15] **Joyce Watson:** Thank you. Well, this is a bit of a body blow, because we've been working very hard on this Bill and are very much signed up to it, as we know the people out there are. You say in the letter that there's been a refusal on the Crown estate and Ministry of Defence land, and lots of that, of course, where I live in Pembrokeshire, does exist, and it would make it extremely, extremely difficult. Have you had any explanation, Minister, as to why we in Wales are being treated differently to those in Scotland, because that's the real rub of this question?

[16] **Carl Sargeant:** Can I just be clear that we received the letter late yesterday, so we were as surprised as you are? I am grateful to the Secretary of State for responding to us pre-committee, which is helpful to give us a view on their current position. It has taken quite a long time, but at least we've got a view now. We interpret the letter, in the detail, to be concerning Ministry of Defence land. It doesn't say that in the letter, but the content, as we understand, around Crown consenting, is that the main land base for Crown consent is what we believe to be Ministry of Defence land.

[17] It is quite bizarre, really, because, from your evidence sessions—we've looked at those very carefully, as well—we've got some third sector organisations that would suggest that our biodiversity duties don't go far enough, whereas the UK Government suggests that our duties on them, or their organisations that aren't devolved, are too onerous. So, we're sort of like, 'Who's right here?' Either way, I think it's wholly inappropriate that we're not able to manage our natural resources in Wales, for Wales, and that the letter is scarce of detail, but our teams are prepared to work with the offer, which is in the letter, to discuss further. That's why I'm being cautious in my approach to this. I think this is very significant into the detail of the Bill and how the biodiversity duty impacts on Wales. I think it would rip holes in the Bill if we were to remove that section, and therefore I wouldn't think it would be a credible Bill to take forward. We have to get this resolved. I understand that the First Minister is meeting the Secretary of State for Wales today, and I understand that he intends to raise that issue with him too.

[18] **Alun Ffred Jones:** I will allow all the other Members to ask questions, of course, but obviously this is a very, very serious issue. It isn't an issue that we can actually affect this morning. So, Julie Morgan and Llyr, and then Jenny.

[19] **Julie Morgan:** Yes, obviously, if a huge tranche of land is excluded in Wales, it's going to make it very difficult to have any reality in the proposals that we've got here. Do we have any knowledge of what percentage of the land in Wales would be affected by this?

[20] **Carl Sargeant:** I'm sorry, I don't have that detail, but, just from my general knowledge and geography of Wales, it's significant. I don't know what, percentage-wise. Maybe we can try and work that through for the committee, but I think it's just that the principle is just wrong in the refusal when there is already a precedent set.

[21] **Julie Morgan:** Obviously, I think the principle is very surprising. Perhaps you could try and find out that information, because I think it would be helpful to know how much of the land would be affected.

[22] **Carl Sargeant:** Indeed. I would be happy to do that.

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

[24] **Alun Ffred Jones:** Jenny Rathbone.

[25] **Jenny Rathbone:** Could you just clarify for us how the law stands at the moment, because there have been precedents where the Crown has put itself above the law that applies to other organisations? If there was a serious pollution on Crown land, what controls are there to prohibit that and to rectify it?

[26] **Carl Sargeant:** My understanding is that public organisations—Crown organisations—are already controlled by a biodiversity duty. That's the irony of this: there is already a duty placed. What they're suggesting is that the duty is becoming more onerous. I don't agree with them. The content of detail is to be discussed, but I couldn't offer any legal position on that. All that I know—or that I am aware of—is that there are currently duties on public organisations to comply with biodiversity.

[27] **Jenny Rathbone:** Okay. Is your legal adviser able to clarify?

[28] **Carl Sargeant:** I actually wouldn't feel very comfortable to issue that. We will look at that and perhaps send the committee a note on that, but it wouldn't perhaps be fair to ask my legal team to have a view on that today.

[29] **Alun Ffred Jones:** Llyr.

[30] **Llyr Gruffydd:** Well, I share your disappointment, Minister, clearly, and whilst you're right to say that MOD land, for example, is quite significant, of course the rest of Wales is much more significant. So, are you suggesting that you're going to throw everything out because you can't accommodate some land in Wales?

[31] **Carl Sargeant:** I think what I've got to be balanced on in that decision is what the effects would be or wouldn't be in terms of this significant change in the potential for this Bill. I don't know what the number is, and that's why I think Julie Morgan's question is an important one in terms of the percentage of Wales covered by biodiversity or not. I think we have to remember that the natural landscape doesn't recognise these artificial boundaries of MOD land or not and, therefore, how do we manage that proportionately? My view is that we have to consider very carefully the significant impact on what it will look like on the Bill. I share the Chair's concerns that the committee cannot influence that today. However, the discussions must continue, and we have to make a balanced view on whether the Bill should move forward or not because the biodiversity duty, I think, is a very important part of this Bill. It would be foolish to take the Bill forward in that guise to cover only a percentage of the parts of Wales in its management. It just flies in the face of the devolution settlement, to be perfectly honest. Why wouldn't we want to manage the environment in Wales holistically? That's what the Bill's for. So, it does compromise the Bill, and it's with regret I say that, but it's unfortunate that we are put in this position.

09:15

[32] **Alun Ffred Jones:** But other Bills obviously also have exemptions because of the Crown—

[33] **Carl Sargeant:** Of course.

[34] **Alun Ffred Jones:** —so it's not unique, this situation. It's not unique. Right, Mick, and then I'm going to go on.

[35] **Mick Antoniw:** Just very quickly—my apologies for just missing the very early part, but I think I've picked up on what the issue is—is this purely an issue relating to the financial implications for Crown land, or has there

been a broader explanation as to why there is the opposition? Is this a matter, therefore, on which you have a series of meetings lined up with the Wales Office in order to try to explore and resolve the issue?

[36] **Carl Sargeant:** We've had significant dialogue with UK departments on this issue, and we've, on several occasions, responded to their detailed questions with detail. There was a short period of time, pre-election, where there was, I assume, activity at the UK Government end deciding on what this meant or what it didn't mean, but there was very little conversation with us, despite us asking for some clarity. Now we've received that clarity, only yesterday. I still think there is an opportunity for us to discuss further what the detail is, because it does not detail in the letter exactly what the issues are apart from that there are concerns and, therefore, they're not agreeing to grant consent. But we will continue dialogue with the UK. I do think it is an important point, but, on the Chair's point saying there is already a precedent where there are exemptions for Crown consents in other Bills, he's absolutely right, but I think the significance of this—of the landmass that, potentially, is being affected by this—is significant to the whole management of natural resources in Wales. Why would we exclude significant areas of land in terms of our natural resources management on area-based statements? Why would we do that? It just doesn't make sense.

[37] **Alun Ffred Jones:** I going to bring this section to a close now, because, in effect, we can't influence that at the moment. We may have views later on and, obviously, you will have to make decisions based on your further discussions. So, I'm going back to the Bill as it stands and I'll kick off some of the opening questions. Can you clarify, Minister, whether the Bill is intended to be the Welsh Government's main tool for the delivery of its commitment under the UN convention on biological diversity?

[38] **Carl Sargeant:** Yes.

[39] **Alun Ffred Jones:** In light of the evidence the committee has received, have you given any further consideration to the inclusion of definitions of the terms 'biodiversity' and 'ecosystem' on the face of the Bill?

[40] **Carl Sargeant:** Thank you, Chair. Again, I think I recognise some of the questions from previous Bills around definitions. I, of course, welcome the scrutiny around that. I think what we have certainly done in this Bill and in others is to try to pick up definitions based upon recognised areas across the UN or UK legislation, where we have used the term 'biodiversity'. Our

understanding is that this is the principle adopted under the UN convention on biodiversity. We use exactly the same principles as that. While it doesn't say that in the Bill, it is our interpretation of how the Bill has been designed. I, of course, recognise that third-party organisations, non-governmental organisations et cetera, always like to have clarity around that. I can give clarity that our basis of this Bill is about UN recognition of biodiversity.

[41] **Alun Ffred Jones:** Just to help me, how do you understand the terms 'biodiversity' and 'ecosystem'? How do they differ?

[42] **Carl Sargeant:** The convention on biodiversity has three main objectives: conservation of biological diversity, sustainable use of components of biological diversity and the fair, and equitable sharing of benefits arising out of the utilisation of a generic source. Those are the principles, as we understand, of biodiversity, and that's what we've interpreted it as in the design of this Bill.

[43] **Alun Ffred Jones:** And how does that differ from ecosystems?

[44] **Carl Sargeant:** I will have to get some detailed advice from my team.

[45] **Dr Fraser:** Chair, if it's helpful, in terms of biodiversity or biological diversity, it's about the diversity and richness of the species, habitats and nature, whereas the term 'ecosystem' refers to just the things that make up ecosystems—species and habitats. So, the difference is the diversity element.

[46] **Alun Ffred Jones:** I'm sorry; I'm sure it's me, but I don't quite follow that. I understand the description about biodiversity, but what do you mean by the term 'ecosystem'?

[47] **Dr Fraser:** We define—. In terms of ecosystems, they are composed and comprised of species and habitats, and the underpinning systems that form an ecosystem. When we talk about biodiversity, it's about the richness and diversity of nature of species and habitats.

[48] **Carl Sargeant:** There is a legal definition, if it's helpful, Chair.

[49] **Alun Ffred Jones:** Do you have it there?

[50] **Ms Frater:** Yes. 'Ecosystems' is actually the interactions between the biological elements, but also all of the non-living elements. So, the physical,

the chemicals, air, water—they're commonly referred to as the abiotic, and it's the interactions and the inter-relationships of those, the living and the non-living, coming together to create a functional unit. So, it's much more than just the biological elements. Although biodiversity is very important within ecosystems, it's actually about all of the other, non-living elements as well—so, our geology, air, water and the climatic features that impact on those systems as well.

[51] **Alun Ffred Jones:** Thank you. That's very useful for me, anyway. Minister, have you given any consideration to the inclusion of the precautionary principle within section 4 of the Bill?

[52] **Carl Sargeant:** There's no direct reference in the Bill to the precautionary principle, Chair. The approach we've set out in the Bill enables the precautionary approach to be adopted, however, and that's what we use in many functions, including the planning system that the Chair will be aware of. In practical terms, when you are considering an action, you have to build into that the potential benefits or risks to that process. So, by it not stipulating a precautionary principle, it's not prohibitive in doing that.

[53] **Alun Ffred Jones:** Some people who've come before us have referred to the absence of the word 'landscapes' in the Bill, and I think one of the expert witnesses referred to ecosystems existing in landscapes, and therefore the landscapes themselves having an important role to play. Have you considered making direct reference to the role of landscapes in the Bill?

[54] **Carl Sargeant:** We have, and to be blunt with you, Chair, there are two elements to this. First of all, we cover the principle of landscapes in the directions and descriptors that we use within the Bill, so we think that landscape is generally covered in that principle in the way that we consider the actions taking place. I would also flag up, in my opinion, that the use and inclusion of landscapes into the descriptor of the Bill would actually cause some indirect consequences in other areas of landscape management. In fact, to put that quite bluntly, I think that, by including the word 'landscape' in this process, it may be a consideration around planning issues, where protection of a landscape may be used in this form to protect an area because of development, including wind turbines, et cetera. So, we believe that we have encompassed the principle of landscape management in the directions that we have in place, but I would not want it to be on the face of the Bill as specific, because I think it would be a cause for concern in other areas of legislation.

[55] **Alun Ffred Jones:** If I can just turn to consultation, a number of people have made representation about the lack of specific consultation provision in Part 1 of the Bill, and that that does not meet the requirements of the Aarhus convention on public participation in environmental decision-making. Have you any comments on that?

[56] **Carl Sargeant:** I don't accept that, Chair. I think actually we're very good at consulting with third party organisations—

[57] **Alun Ffred Jones:** But it's the lack of reference in the Bill that—

[58] **Carl Sargeant:** We have an underlying principle of Welsh Government activity and how we do business, and how other organisations associated with us do business. We also have the strength of the Well-being of Future Generations (Wales) Act 2015, which no other country has in place in terms of that process of inclusion and public participation. So, public bodies now also have an additional duty, I would say, as part of the WFG Act. The principle of full engagement, we believe, does, if not mirror, then certainly adds value and is a comparator to the proposals that your stakeholders may wish to have in place. I think, actually, our consultation processes are robust, and I don't accept the fact that we probably need to have any further detail in the Bill.

[59] **Alun Ffred Jones:** Iawn. Diolch **Alun Ffred Jones:** Okay. Thank you yn fawr. very much.

[60] Llyr Gruffydd, on area statements.

[61] **Llyr Gruffydd:** Yes, I'd like to ask a few questions around the area statements, because we've received considerable evidence from a number of stakeholders expressing concerns about the lack of clarity around the area statements, particularly purpose, time frames and the intent of area statements. I was wondering whether you could maybe put our minds at rest, or at least give us your perspective.

[62] **Carl Sargeant:** Okay. Thank you, Llyr, for your question. Again, we have looked at the evidence sessions that have been taking place, and I recognise some of the concerns that have been raised. I would like to put people's minds at rest, because I think this is an exciting time for the process of how the Bill will develop. For clarity, Chair, it might be worth

saying that I do recall saying that area statements may not cover all of Wales. That is my interpretation of that now and, from speaking to my team and Natural Resources Wales, we believe that there will be a full complement of area statements covering all of Wales. That's just for clarity. We believe the Bill and the supporting documentation around this is clear on the purpose of the area statements. They provide an evidence base, providing information on the natural resources in an area, the benefits that they provide in evidence relating to the priorities, risks and opportunities that need to be addressed in that area.

[63] In terms of the timing—and the Member is right to raise this issue—this is a new duty, and we intend this to—. The timing of the roll-out of the area statements will be determined through the commitments set out in the natural resource policy. That policy is due to be published in the spring of 2017, and the roll-out of the statements therefore will follow that proposal, post 2017. Through a number of consultations that we have undertaken, many stakeholders have indicated their support for the area statement approach already. So, we are confident that this is the right way to move forward and we have, as you are aware, already started some pilot approaches pre 2017, with three areas being piloted with NRW on how area statements can be developed and managed accordingly. So, we will have some real-life timescales on implementation and development to work out how the rest of Wales will be covered post 2017.

[64] **Llyr Gruffydd:** Just picking up on the timing, then, would you intend to express an end date by which you expect all area statements to be in place? Otherwise, how long is a piece of string? There's always a danger then, isn't there?

[65] **Dr Fraser:** As the Minister indicated, the nature of area statements would depend on the content of the national natural resources policy and would follow the publication of that document. So, we would probably be looking at a roll-out from May 2017 up to December 2019, at which point there would be a commitment to review the national natural resources policy for the second round. So, it would be reasonable to assume that the roll-out of area statements would happen during that period.

[66] **Llyr Gruffydd:** So, at the end of 2019, you would expect that all of those—

[67] **Dr Fraser:** You'd expect to have the full complement, yes.

[68] **Llyr Gruffydd:** Okay. There we are; that's clear enough.

[69] Can I ask as well how area statements will actually co-ordinate actions between marine and terrestrial environments?

[70] **Carl Sargeant:** There'll be the marine planning process, which the area statements will have to take into consideration. The area statements will be based on all the best available evidence to inform them. Marine planning will be part of that, and other aspects of local development plans, et cetera, will be brought into the area statement. I think it's important to remember that there may be also the complexities of cross-boundary working, so an area statement may, indeed, cover two or three local authorities. Again, all of the available data for that will have to be included in the area statements as NRW produce them.

[71] **Llyr Gruffydd:** That leads me, really, to my next question, because there is a view that maybe new governance mechanisms for the delivery of area statements might be needed, because, clearly, if we're looking at public service boards, then we need stakeholders from outside the public realm, but also maybe from cross-boundary areas.

09:30

[72] **Carl Sargeant:** I'm not convinced of that, and I think what we'll be able to see are issues that may arise following the pilots and the response we get from NRW when the detail is available for that. The PSBs obviously will operate on a regional basis within their constituency. But, again, it isn't unusual for plans to lift out of local plans to have a more holistic view. Part of the strategic planning panels in the planning Act will be about taking evidence from locally-based plans. So, extracting evidence from local areas is not new and we don't think there should be a need for a new governance approach to this; NRW should be able to manage that very effectively.

[73] **Llyr Gruffydd:** So, how do external stakeholders get involved in the delivery of area statements?

[74] **Carl Sargeant:** Again, the process of NRW consulting, and we've discussed that process—. The future generations Act has a duty on all public bodies, including NRW, to have that proposal in place where they have to be able to demonstrate that, in the way that they do business, one of their core

elements will be creating area statements of how they've consulted with third-party organisations. So, it will be a consultation process.

[75] **Llyr Gruffydd:** One last question, if I may. Could you explain why there's no duty on Welsh Ministers to deliver area statements in the exercise of their functions, and also why there isn't a general duty on public bodies to deliver area statements?

[76] **Carl Sargeant:** Technically, there is already a duty on Welsh Government Ministers; there's already a relevant requirement on Welsh Ministers to do this. The Bill requires Welsh Ministers to take all appropriate steps to implement natural resource policy under section 9 of the Bill. Welsh Ministers are also required to apply the principles of sustainable development management under section 4, and therefore need to draw on all relevant evidence. So, area statements will be an important source of evidence for us going forward too. So, the duty is not explicit, but, actually, Welsh Ministers are already tied into this principle because of what's in the Bill.

[77] **Llyr Gruffydd:** And would the answer be the same for other public bodies as well?

[78] **Carl Sargeant:** Yes.

[79] **Alun Ffred Jones:** The problem with area statements, it seems to me, is that we're buying a pig in a poke here, aren't we, because we don't know what they look like. Have you seen an example of one of the three trial areas?

[80] **Carl Sargeant:** I have; I have been and visited them. I'd prefer you not to buy a pig in a poke and go and see them as a committee; they're very effective. I went to see the one in Rhondda Cynon Taf, and again, it's a new way of doing business and I think it's quite an exciting proposal where we look at an area-based approach to land and ecology management, as opposed to a very specific item. Actually, there are many more implications. One example would be around flood risk. I visited, actually—. It's not an area statement, but the principle of what they're doing is already advanced. I was visiting—I think it may even be in your constituency on the edges of Snowdonia—the upland peat bogs in Snowdon where the work that they're doing of closing drainage pits on the Snowdonia plains means that, downstream, there is less likelihood of flooding. This is the principle of the area statement—actually looking at what we're doing in area and how it has

an impact on another. So, there are some great examples. I would encourage committee to go and see them.

[81] **Alun Ffred Jones:** That work probably started with the Countryside Council for Wales. I have been to see one in the Dyfi, in fact, over the summer and I didn't get a clear idea of exactly what it would look like at the end. And there was a mixed picture in terms of the stakeholder engagement. But, anyway, I'm not getting into that; what I'm really looking for is: when are we going to see examples of what they will look like in order to be able to judge how effective they might be in the future?

[82] **Carl Sargeant:** Okay. You're aware of the three pilot schemes. I think we're awaiting the further detailed outcomes of how they've performed, and when we have that detail—. Look, they're pilot schemes; that's about learning what works and what doesn't work. And I think that's what will be really important in advance of 2017 when we start the implementation of these area statements. As soon as we have that detail, I'd be more than happy to share with that committee, but I'm very positive about the actions that are taking place. There is some positive action with stakeholder groups. Of course, not everybody's going to like them, but I think what we have to do is make sure that we are responsible in the actions that take place in public bodies and the management of our natural resources, and I'm very confident that these will be the tools to do that.

[83] **Alun Ffred Jones:** Russell George, you wanted to come back.

[84] **Russell George:** Yes, thanks, Chair. Following your opening comments on landscape, we've had some evidence that points to article 5 of the European Landscape Convention. I won't read it all, but the gist of article 5 talks about,

[85] '(a) to recognise landscapes in law as an essential component of people's surroundings,'

[86] '(b) to establish and implement landscape policies aimed at landscape protection'.

[87] I'm no expert on article 5 of the European Landscape Convention, but have you or your officials considered that article in bringing this forward these proposals?

[88] **Carl Sargeant:** As I said earlier, Chair, we believe that we have scoped the principle of ‘landscape’ into the definition of the Bill. The scale of landscape, which can be of any size, is clearly reflected in section 4 in the principles of sustainable management of natural resources. The principles require that it is important to consider the appropriate scale for decision making and for delivery. Landscapes can be viewed as a particular scale for decision making and delivery in this context. We don’t believe we need to define it in any other way; we think it’s already inclusive.

[89] **Russell George:** That’s fine.

[90] **Alun Ffred Jones:** Can I just also refer to something that I didn’t talk about? It is the criticism that the number of duties in Part 1 of the Bill, in national or international terms—and I’m quoting here from the UK Environmental Law Association—are ‘relatively weak’ and that there have been direct references to some of the language contained in the Bill, such as ‘seek to’ and those rather vague terms. Have you any intention of addressing this comment?

[91] **Carl Sargeant:** I think there is always a view on the drafting of Bills. I’d welcome the committee’s responses to that in terms of some of the definitions that we seek to use. It has to be taken into context in terms of some of the language in part of the Bill, where the duty of the regulator, NRW, are—. We use the words ‘seek to’ on the basis that they are not the primary body in terms of delivery and they will ‘seek to’ enact the appropriateness of this Bill, but actually the duty is based upon another third party, possibly the Ministry of Defence, if we can get them to be part of the biodiversity duties. So, we believe the language is appropriate in the Bill, but if there are specific areas that you raise concerns about, Chair, I’d be more than happy to either clarify that or make amendments at a further stage.

[92] **Alun Ffred Jones:** Diolch yn fawr. Jenny Rathbone.

[93] **Jenny Rathbone:** I think, obviously, the environmental bodies are generally very supportive of the Bill, but there’s some concern that there is insufficient clarity and targets about how it’s not just going to halt the erosion of biodiversity, but will address restoring the environment where it’s been eroded. You’ve already mentioned blocking up drainage on the Snowdonia range to restore peat bogs, but what consideration have you given to having some interim targets so that we don’t wait until December 2019 to know whether or not we’re making any progress on restoring the

environment?

[94] **Carl Sargeant:** I've met with many of the NGOs in the environment sector as well and I think it's really important that we have that dialogue to understand how, collectively, we can make a better Bill, and I'm up for that, certainly now and as we move forward through the scrutiny processes. I think the word 'restore' is complex; it's what do we restore it back to, and what was the original state of that area. And, again, there will be many views on that, as I'm sure you'll agree with me: in the whole environmental movement, there are many views on many things on the same subject. I think that's what we've got to try and get our way through. The wording we use with 'enhance' probably does cover that, because, actually, when we enhance an environment, that might mean, like we're doing on the edges of Snowdon, that it's having a double effect; it's enhancing the opportunities there, but also it's restoring too. So, I don't think we need to have the inclusion of 'restore' in the Bill, because I think we actually do that anyway.

[95] In terms of interim targets, I think it would be fair to say, and it's what I understood the committee to agree during the previous piece of legislation that we took forward into the Well-being of Future Generations (Wales) Act, that we would look to seek to put any milestones and targets into that Bill, and I will be consulting on the indicators shortly around issues around climate change and biodiversity issues and milestones and targets. I would ask the committee to resist the inclusion of targets in this Bill. I think the appropriateness of targets, as we discussed in a previous committee meeting, would be of that in the Well-being of Future Generations (Wales) Act process. That's where we have the measurement toolkit of the wellbeing, environmentally, socially and culturally, of Wales. I believe that's the appropriate place to do that.

[96] **Jenny Rathbone:** I think that's very clear. Could you just explain why some witnesses are saying that there's a lack of link between the biodiversity duty in Part 6, Marine Licensing, and the list of living organisms and habitats of principal importance in section 7?

[97] **Carl Sargeant:** I can't answer the reason why they believe that. We think that there are strong links within the Bill. It may be down to interpretation. I'd welcome a view of committee about whether there is an opportunity for us to clarify that further, because I think if we're creating legislation that people don't understand, while we do, that's not helpful. So, I would welcome any further advice from the committee. What I can

confidently say is that the duty that already exists, with the Natural Environment and Rural Communities Act duty, we are not taking anything away from that. Actually, we're enhancing that. So, to give organisations and the committee confidence, we're actually building on this as opposed to removing any functions. So, in my view, this can only get better. Therefore, I would be surprised if there were any organisations that were concerned about a retrograde step in the process or the definitions that we use. Maybe we can make it clearer in what we do. As I said, I welcome the committee's views on that.

[98] **Jenny Rathbone:** Okay. Thank you.

[99] **Alun Ffred Jones:** Just on that theme again, and referring to Professor Lawton, who came before us, he stated:

[100] 'there is no surrogate metric that can reliably assess conservation success or failure without knowing what is happening to populations of plants and animals in the landscape.'

[101] Do you accept that statement? If so, does that mean that there should be some objective measure of the success or failure of a Bill like this?

[102] **Carl Sargeant:** I think, as I said earlier, we'll be looking at the success, or otherwise, of Wales in the context of a broader measurement tool in the Well-being of Future Generations (Wales) Act. That will include the very high levels around climate change and biodiversity impact. I don't think it's unhelpful to have measurements such as the doctor or professor made reference to. It's just about how we're able to deliver on that. I'll give that some further thought, Chair. I think it's an important posed question. I don't think it's unhelpful, but I just think how practical it would fit into the system. What I wouldn't want to do, and what I'm clear about with my team is that we don't want to create a tick-box exercise around biodiversity or climate change et cetera. Actually, we need to get on and do it. So, we don't want organisations just continually measuring things about what they have or haven't done. Actually, how are we going to make some practical changes to the way that we manage our natural resources? I agree that we have to have a measurement matrix or a tool to do that, but I don't want it to be the other way around. I don't want that to be the main function about being measurements here. It's about making sure that we do delivery.

[103] **Alun Ffred Jones:** But how do you know whether you are succeeding or

not unless you have some sort of objective measure? Otherwise, it's just conjecture and—.

[104] **Carl Sargeant:** No, I absolutely agree. That's why I say that, with the Well-being of Future Generations (Wales) Act there'll be proposals about progress and milestones and how we do that, but what we have to make sure of is that we have a measurement tool to do that, I agree, but the main focus shouldn't be just about measurements; it's about delivery as well. The question you raise is an important one; I will take that away and give that some further thought in terms of how we are able to demonstrate that.

09:45

[105] **Alun Ffred Jones:** Joyce Watson.

[106] **Joyce Watson:** Good morning, Minister. We've had evidence from a wildlife trust in Wales, where they've raised concerns about any possible conflict that could occur on behalf of NRW's environmental purpose and their business responsibilities and duties. They raised the concern about NRW being conflicted in those two duties. What is your response, Minister, to that?

[107] **Carl Sargeant:** I think NRW act in a professional manner. I think, if there are any conflicts, that would have to be addressed by me or by the Minister responsible for natural resources. I'm not aware of any conflicts that might compromise the Bill and the proposals, but, again, if there are specifics that the organisations that have raised this have raised with you, I'd be happy to address them by letter form back to committee.

[108] **Joyce Watson:** Perhaps I wasn't clear enough: they're not suggesting it's happened. What they are suggesting is that there's a weakness in the Bill that might allow them to be put into that situation. They have suggested that we might follow the example of the Scottish Environment Protection Agency.

[109] **Carl Sargeant:** The way the management of the Bill and NRW's function will be, it will include third-party stakeholders, so there will be other land managers there. So, NRW will not always be the agent for land that makes decisions. They will have to collaborate; they will have to have discussions with other agencies. So, I don't see how those conflicts will arise. We don't see that the Bill will be prohibitive to the actions of NRW; I believe NRW are effectively the agency that manages our natural resources. They were developed in that way, and that's when the three organisations came

together. This is the toolkit for that organisation; we don't see that that's a conflict in the way that they'll be able to deliver their actions in the legislation that we intend to produce. I don't recognise that, I think we have to be very careful about actions that take place in other—. I think it's good to learn from other organisations in what they've legislated for, and we do have, and have had, some robust, helpful conversations with the Scottish Government in terms of the development of their environment Bill.

[110] We have slightly different ways of delivering services and protection of landscapes. I'd just point you back to—and you'll probably be fed up of me talking about the Well-being of Future Generations (Wales) Act by now, but, actually, there is no other country in the world that's got that principle of sustainable development embedded in their public bodies. We have, whereas Scotland are using a different route to do that, through the environment Act. We've already embedded that in a very different way and a more holistic way across the whole of Government and public bodies.

[111] **Joyce Watson:** Thank you.

[112] **Dr Fraser:** In relation to the Scottish example, in terms of the Scottish Environment Protection Agency, as I understand it, that was to address the statutory requirement on public bodies in Scotland to further sustainable economic development. So, there was a particular aspect there, which, of course, doesn't apply in Wales.

[113] **Joyce Watson:** Okay.

[114] **Alun Ffred Jones:** Llyr, on that.

[115] **Llyr Gruffydd:** But in the Scottish context, of course, it does say: to protect and improve the environment, to contribute to improving health and wellbeing of people in Scotland and achieve sustainable economic growth, except where it would be inconsistent with its primary purpose of protecting the environment. That's drastically different to what's being proposed in Wales.

[116] **Carl Sargeant:** It is different, but, actually, I believe that our FG Act encompasses that in the principle of the goals that are set out on all functions on public bodies. So, it's not even just NRW; actually, there is responsibility on all public bodies affected by the Act to deliver on environmental issues. I think the environmental Act in Scotland is very

specific in terms of what they're seeking to do through that Bill. I think our process of legislation is much more encompassing. We actually go beyond some of the actions I believe that Scotland are targeting. We have included all our public bodies.

[117] **Llyr Gruffydd:** We've had the analogy in this committee that you wouldn't take the word 'health' out of the national health service and expect them to deliver on the four pillars of sustainable development and do health as well. Now, that's what you're proposing in terms of Natural Resources Wales.

[118] **Carl Sargeant:** No, not at all. I think, actually, the title is less relevant to the actions that they pursue. If you use the analogy of the national health service, actually the national health service does much more than just managing people's health. We've got examples of that in actions that they're delivering on the future wellbeing of individuals.

[119] **Llyr Gruffydd:** But its primary purpose is to champion health.

[120] **Carl Sargeant:** Indeed.

[121] **Llyr Gruffydd:** Now, what we're finding in the new purpose for NRW is that it's not very explicit in having a primary purpose of championing the environment, if push comes to shove, over and above everything else.

[122] **Carl Sargeant:** I don't think that's anything to do with the title of the organisation.

[123] **Llyr Gruffydd:** I'm not talking about title, I'm talking about the purpose of NRW as expressed in your proposed Bill.

[124] **Carl Sargeant:** And I think, as I've explained, the primary purpose, as I believe that to be, of NRW is to manage the natural environment. I think, actually, the giveaway is in the title of the organisation—Natural Resources Wales. I believe the purpose of that organisation is to manage the environment of Wales. I can't be more explicit than that. Therefore, this Bill is the toolkit for that organisation to deliver.

[125] **Llyr Gruffydd:** So, you're clearly comfortable with taking the word 'environment' out of the original purpose of NRW.

[126] **Carl Sargeant:** I am.

[127] **Alun Ffred Jones:** William Powell.

[128] **William Powell:** Diolch, Gadeirydd. Good morning.

[129] **Carl Sargeant:** Morning, Bill.

[130] **William Powell:** Do you agree with the analysis of Professor Calvin Jones of Cardiff Business School with regard to the desirability of NRW operating in a much more de-centralised manner, so as to deliver upon environmental imperatives in a more effective way, particularly in terms of its management of its own assets across Wales?

[131] **Carl Sargeant:** I think the duty and purpose of NRW—. They understand exactly what they need to do. How they go about that process is a matter for them. I think we have to make sure there is robust challenge in that process. I'm very comfortable with the operation of NRW in most aspects of their operation. They're a very professional organisation and we often have criticism for being accused of being too close to NRW. I think, actually, the relationship is very healthy. But the actions of NRW is a matter for them in terms of the delivery of the expectation of what the Act would require of them.

[132] **William Powell:** Thanks for that. Do you have any sympathy with calls that have been made by stakeholders for greater safeguards to be included within the Bill before an application by NRW to suspend statutory powers to carry out experimental schemes could be granted? I'm speaking particularly about section 22 of the Bill. It seems to be a matter that's exercising a number of the key stakeholders.

[133] **Carl Sargeant:** I believe there are already sufficient safeguards in the Bill already. For the power to be triggered, NRW must submit a detailed application to Welsh Ministers that sets out the legislative barriers that NRW have identified, why it's a barrier, and why the power should be used so they can undertake a scheme. The Welsh Ministers would then consider that and consult with the persons affected by the regulations that they're seeking. If the Minister is then satisfied, it would be down to the use of an Assembly affirmative procedure in any case. So, I believe that there are significant safeguards in that process, even down to voting in the Assembly.

[134] **Alun Ffred Jones:** Janet Haworth, did you want to come in?

[135] **Janet Haworth:** Yes, thank you. I just want to take you back, if I can, to the discussion we've been having about your discussions with the Scottish Environment Protection Agency. I do think the title of NRW is important. You pointed out that it includes management; it doesn't include that concept of protection. That's very clear in the Scottish organisation. It is the key organisation in terms of protection, and that hasn't found its place in NRW. I think, more than that, NRW is the key organisation in actually achieving the aims and principles of this Bill. In other conservation areas we come across similar terms about protecting, enhancing and preserving, but there is also an element of restoration. This is the bit of armoury in the toolbox because if somebody has maliciously and intentionally damaged and destroyed an important environment, there is the requirement to restore. It's not used very often—people knock down buildings, and occasionally they get asked to put them back up again. It's not used very often but it is there in the background as, you know, 'If you do this, you could be asked to restore'. That takes us back to the benchmarking that I know is very problematic. You know, we're beginning with this—

[136] **Alun Ffred Jones:** And the question is?

[137] **Janet Haworth:** Well, it's just these issues. I'm sure the Minister's taking all this on board. You know, linking back to the matrix of data of what that habitat was like before it was maliciously destroyed. You know, if we're going to have restoration, we're going to need to build something there, aren't we? I know he's taking it on board although it wasn't a specific question as such, Chair.

[138] **Carl Sargeant:** For information, I'm very grateful for Janet's question or information. I was with the North Wales Police, actually, with their rural crime unit, who have to consider some of these issues around—. There was, I believe, in Denbigh, the destruction of a peat bog not so long back where the police had to deal with that matter. This Bill doesn't change existing legislation where there is recourse around the restoration of purposefully damaged areas. So, I would give the Member confidence that this Bill enhances opportunity for the protection of wildlife and the environment—sorry, the protection of environment and biodiversity aspects. But, it doesn't change in any way the current existing law that protects the environment, too.

[139] **Janet Haworth:** Thank you.

[140] **Alun Ffred Jones:** Julie Morgan, we'll come to your point.

[141] **Julie Morgan:** I was going to ask about the consultation on the—. I know that this is about climate change, basically, which is what I was going to move on to. You've said that the advisory body to the Ministers will be the UK Committee on Climate Change. So, I wondered if you could tell us how that would actually work and whether there would be a cost associated with using that body as the advisory body. And what about the Climate Change Commission for Wales? What's going to happen to that? I was wondering whether you could tell us about these developments.

[142] **Carl Sargeant:** I thank the Member for her question. I think this is probably one of the really exciting parts of the Bill—climate change and the principle of the targets that's embedded in the Bill. It's going to be really important how we move forward about the advice that we receive. We currently provide support for the UK climate commission—a significant amount of funding to that organisation to work with us. They will be a very important part, as we move forward, in advising us around issues around carbon budgeting et cetera, and we will continue to do that for the short term. We have to consider that principle in the longer term about what a new body or a new advisory group would look like, but we are committed to working with the UK climate change commission in the interim, certainly.

[143] **Julie Morgan:** So, we already give some funding?

[144] **Carl Sargeant:** We do. We fund them—around about £150,000 per annum.

[145] **Julie Morgan:** Right. So, that will continue. What about the Climate Change Commission for Wales?

[146] **Carl Sargeant:** Well, we expect its current form to run until March 2016. I've already asked the climate change commission for its views on how it believes the role should be taken forward in the context of the wellbeing of future generations commissioner and how that may work moving forward. I'm still waiting for some more detail around that, but I don't think it's prohibitive. I think we'll have somebody doing that, whether that will be the future generations commissioner or part of the commission for Wales.

10:00

[147] **Julie Morgan:** In terms of the Future Generations Commissioner for Wales—. Will the commissioner be responsible for the climate change part of this Bill?

[148] **Carl Sargeant:** I think what we envisage the commissioner working towards is providing advice and opportunities, best practice from other organisations—sharing that with public bodies. We don't believe that the future generations commissioner will be the person who will instruct an organisation on how to deal with this, but it will be providing advice on best practice and the abilities to do that, including climate change, yes.

[149] **Julie Morgan:** Including climate change.

[150] **Dr Fraser:** And there'll be key requirements in terms of the Well-Being of Future Generations Act—for example, the future trends report, which would need to be taken into account in the development of the carbon budgets and reporting against those.

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

[152] **Alun Ffred Jones:** Jeff Cuthbert, do you want to come in on this?

[153] **Jeff Cuthbert:** Yes. It's answered already to a degree, but could it be the case that the two offices, that of the Climate Change Commission for Wales and the office of the Future Generations Commissioner for Wales, could merge?

[154] **Carl Sargeant:** I don't envisage that. I think the future generations commissioner, as with all the other commissioners, is pretty unique and, effectively, that's why they were created in the first place. What I do see is very close working for the future generations commissioner to work with the current commissioners that are in place for giving them information on how that activity takes place, but also for the Commission on Climate Change as well to give that advice too, but I can't actually see them merging. I never envisaged the Well-being of Future Generations Act to be—as some did—the environmental—. It was a secondary environmental Bill. That was what it was perceived to be. It is a very different Act from how it started out, and I believe this is about sustainable development embedded into the principles of all public bodies, which includes many things other than the environment.

And I think that's why the future generations commissioner—. I don't think it would be appropriate to merge those organisations.

[155] **Alun Ffred Jones:** Thank you. In terms of the emission targets, can you express a view on the Tyndall Centre's suggestion that the advisory body should be required to keep to the 2050 targets under review on a five yearly basis?

[156] **Carl Sargeant:** I think we will have interim targets as we move forward. I think what we've tried to do in the Bill—

[157] **Alun Ffred Jones:** How many interim targets will there be, do you know?

[158] **Carl Sargeant:** That will be for the consultation process. I'm flexible on that. I think what's really important is how we have an endgame here of what we are seeking to do. What we've done in this Bill, as you're aware, is that the way we've worded this process is that we have some flexibility of moving that upwards—moving our target upwards. A review process every five years may give us the opportunity to amend that if we so wish, but the Bill drafting is not prohibitive for more than the 80 per cent that other countries are committed to. We have been very clear in saying this is actually a minimum that we expect. I think the measurement tools, as you talk about the interim targets, will be an important factor in where we get to so we know where we're heading for.

[159] **Alun Ffred Jones:** When will you be setting these interim targets?

[160] **Dr Fraser:** I was just going to add that, in addition to whatever interim targets Welsh Ministers set in relation to the 2050 targets, you have a five-yearly process of carbon budgets for every five-year period. So, in terms of the relationship with the Tyndall Centre's suggestion for a review every five years, you have a five yearly budget process going up to 2050. So, in effect, you've got that framework already.

[161] **Alun Ffred Jones:** So, when will the interim targets be set? When are you going to do it? It's not in the Bill, so when are you going to do it?

[162] **Carl Sargeant:** The interim targets will be based upon the outcome of the consultation around the Well-Being of Future Generations Act in terms of the milestones and targets in there. There will be a reporting progress for

that. We've committed in this Bill to what our endgame is, and I think that's very flexible in terms of a minimum of 80 per cent by 2050. We have to discuss in consultation with stakeholders exactly what the reporting procedures will be through the Bill.

[163] **Dr Fraser:** There is no specific timing for setting interim targets in the Bill, but there are specific timings for setting of the five-year carbon budgets, with the first two budgets being set by the end of 2018, as the Bill's currently drafted.

[164] **Alun Ffred Jones:** What's your response to views that the Welsh Government should at least include domestic emissions from aviation and shipping from within Wales and the UK from the start?

[165] **Carl Sargeant:** Well, we kind of do already, in terms of our measurement. It's included in the UK measurements in terms of the data that are provided to the UK greenhouse gas inventory. That includes the impact of what happens in Wales. So, it is already, effectively, detailed in the national context.

[166] **Alun Ffred Jones:** But that's not specifically Wales based, is it?

[167] **Carl Sargeant:** It is a really complex process to do this. Again, it's about where, if civil aviation starts in Wales or transfers across Wales, et cetera—. What we need to do is get further, clearer, advice on the best way of measuring better data, but there is currently a measurement format that is used by the UK Government, which we feed into. There is, I do accept, probably a better way of doing this, but we need to get further advice from the advisory committee on how that will work.

[168] **Alun Ffred Jones:** Jenny.

[169] **Jenny Rathbone:** I just wanted to clarify that. How could you possibly do that, given that people live in Wales, but they may or may not travel from Cardiff Airport? They may go from Liverpool airport or Heathrow. It seems to me very difficult to capture what is Wales's responsibility. Is it because residents of Wales use aeroplanes, or is it the amount of aeroplane take-offs happening from Wales?

[170] **Carl Sargeant:** That's the really difficult one; your example shows exactly the scale of the problem that we are dealing with here. The devolved

nature of emissions doesn't recognise boundaries, and that's part of the problem. We need to seek further clarity on how this could operate better and how measurements could be better. We are aware that international aviation and international shipping emissions are generally not directly emitted in a specific country. There are no—currently—international agreements on how to allocate emissions to states. So, it's highly complex. We are part of a global context in aviation and shipping, and we are trying to understand that better, but there is a UK base on what is allocated to Wales.

[171] **Dr Fraser:** In terms of the UK greenhouse gas inventory, that is the formal data set, if you will, that's used to report against the UK's international obligations on climate change, and the way that those data are presented means that you can disaggregate specific sectors and specific areas of the UK. Obviously, underpinning that is a whole load of modelling data and empirical data, which means that, to some degree, you can isolate Wales's emissions, but there's an ongoing process of improving the data that go into the greenhouse gas inventory, and that's led by the UK Government in terms of that improvement of the data within it.

[172] **Carl Sargeant:** I think what would be helpful, Chair—. We're also looking at how we use—. It's consumption-based, so we're looking at what we use as a consumer in Wales. We're looking at that in terms of the wellbeing of future generations indicators—again, in consultation on that. So, that's just a different way—. We're trying to model it slightly differently, so not the effects, but what we consume. Again, the advice is going to be really important about how we manage that better.

[173] **Alun Ffred Jones:** Llyr.

[174] **Llyr Gruffydd:** It's just to flag up that we had evidence from the Tyndall Centre that they had actually looked at ways of calculating emissions from shipping and aviation for Wales and, you know, obviously just to suggest that you make sure that you speak to them as well.

[175] **Carl Sargeant:** I'm happy to do so, Chair.

[176] **Alun Ffred Jones:** Janet Haworth, did you want to come in on this?

[177] **Janet Haworth:** Yes, on emissions. I take your point about the boundaries and the difficulties with shipping and air. Can't we make it more simple? We know how much fuel an aeroplane uses, we know how much fuel

that company uses, and the same with shipping. It forms a critical part of a charter contract when you purchase a ship as to what fuel you are putting in and how much. And we know how much carbon that fuel will emit. Isn't that enough?

[178] **Carl Sargeant:** Those data are all really important, but how do you allocate it to a country?

[179] **Janet Haworth:** Do you need to? Allocate it to the company.

[180] **Carl Sargeant:** Well, I think what was suggested in the previous question was, 'How can Wales control and impact this?' I find the Member's question helpful in terms of the detail, but actually how we allocate that to Wales would be perhaps disproportionate. So, there may be a suggestion that every time a cruise ship comes into Ynys Môn, the carbon footprint for that global cruise would potentially be impacting on Wales's carbon footprint. I don't see how that works. So, I understand what the Member's trying to say. The simplification of that would be welcome; I just don't think it's that simple.

[181] **Alun Ffred Jones:** I think this is a very, very complex area; I think we'll bypass it for the time being. We'll leave it with you.

[182] **Janet Haworth:** I just think if you allocate it to the company, Chair, and then you allocate it to a country, you're double accounting.

[183] **Alun Ffred Jones:** Well, it seems a very complex—. It is a complex area and—

[184] **Carl Sargeant:** We have many companies that allocate themselves to other countries for various reasons, including tax avoidance, and I'm sure climate change would be included.

[185] **Alun Ffred Jones:** Okay. I'm going to draw a line under this one and try to get back to the Bill, and something we can understand. Right. We move on to Part 3, shopping bags. Any questions on this particular area? Shopping bags are simpler than carbon emissions, I believe. *[Interruption.]* It's in the bag. *[Laughter.]* Okay. Thank you. William Powell is going to ask you a complex question on this.

[186] **William Powell:** Minister, do you have any sympathy for the views

expressed by Keep Wales Tidy that allowing proceeds to be directed at all charitable purposes could lead to a risk of members of the public seeing the purchase of a reusable carrier bag as a positive act in itself, and that could have a perverse consequence of encouraging the practice?

[187] **Carl Sargeant:** Well, that's an interesting concept. People nowadays are having trouble buying their shopping, never mind carrier bags, I think. The purpose of this Act was to reduce the number of carrier bags used. I perhaps don't subscribe to that suggestion that people would buy more carrier bags in order for the charitable purpose, to go to an organisation. I'm sure there are many other more important things than buying carrier bags that would be welcome—in fact, just giving them a donation. So, no, I don't.

[188] **William Powell:** I'm grateful for that clarification, Minister. Also, as we're all aware, local authorities are under major pressure at the moment, and that's only going to become worse in the immediate time to come, because of expenditure reductions that have been imposed from elsewhere. The potential for an additional burden in the administration of the carrier bag charge is causing some disquiet in parts of local government. Could you confirm whether it's your intention that local authorities should actually carry that burden, and whether any additional resource will be available to them to that end?

[189] **Carl Sargeant:** We don't envisage this to be overly burdensome. I do recognise the comments made by the Member that local authorities are under financial pressure for the reasons that the Member alluded to, but we don't see that this is any further a duty than that they are currently under in order for enforcement of the carrier bag regulations already in place.

[190] **William Powell:** Finally, Chair, if I may, we did have some quite clear evidence from small business organisations during our scrutiny process of the Bill that there was a concern that this could be particularly burdensome for smaller businesses and shops. Is it your intention that any new carrier bag regulations will still build in the exemption from record-keeping for our smaller businesses in Wales?

[191] **Carl Sargeant:** I'm still giving this some thought, actually, Chair, because it is an interesting part of the Bill. We should celebrate—we've had great success in the introduction of this. In fact, in England now they're following our line in terms of delivery of some sort of carrier bag levy process. I do recognise that there are challenges in the delivery of this. I also

think that it's a very important practice, which is why we introduced this in the first place—it's about reducing the impact of the carrier bag on our environment. It has a massive effect. I'm still concerned about process and some of the processes involved in this. I think there are many, many small businesses who act appropriately in the interpretation of this scheme, but there are a small minority, I fear, that will seek to circumvent what they're supposed to do. Some may have experience where they are charged for carrier bags in their local shops and have no idea where that finance is going to, or indeed, questionably, if that finance ever leaves that shop. That would be really unfortunate, and I would hope that we can build into this process some safeguards around that.

10:15

[192] So, there's still a little bit more work for us to do and I will explore that as we go through the scrutiny process, but we are looking at exactly the pathway of what the involvement of the charge means, because, ultimately, we are seeking that no-one will have to pay for carrier bags, because we won't be selling any. We will be using sustainable shopping bags, like the Chair. [*Laughter.*] So, the process for us is about making sure that this legislation works and works well in the way it was designed to do.

[193] **Dr Fraser:** And for clarity, Chair, the post-implementation review report indicated that 87 per cent of businesses feel that the single-use carrier bag charge has a positive impact on business, and the other thing to say is that it's likely that, when a European directive comes in in relation to plastic carrier bags, there may be a requirement that means the exemption in relation to small retailers might not continue.

[194] **Alun Ffred Jones:** But the suggestion in that report is that about 10 per cent of businesses may or do not pass on that charge to charities.

[195] **Carl Sargeant:** Which could make a massive impact to some local communities.

[196] **Alun Ffred Jones:** Jenny Rathbone.

[197] **Jenny Rathbone:** Most people recognise that paying 5p where they do acquire a bag is a fair cop, but if there is a suspicion that the small business is not passing that money on, it does undermine that acceptance. I just wondered if, instead of being overly bureaucratic about small businesses,

requiring them to actually have a notice saying which charity they're donating it to this month, somewhere in view, would help get that transparency.

[198] **Carl Sargeant:** I'd welcome any suggestions like that. I agree; what I don't want to place on small businesses is a recording procedure of how many carrier bags sold versus—. It just wouldn't work and would be very difficult to do, but actually the process of, I suppose, something similar to the scores on the doors mechanism, informing people of what the detail is, may be—. I'd welcome the view of committee on whether that would be something that we could put in regulations; I'd be happy to discuss.

[199] **Janet Haworth:** One way of doing that, of course, is that a business will have their accounts. They will have purchased bags to sell to the public; that figure is there and available. If local authorities are going to be involved in recording this business of the carrier bags, and, as you pointed out, environmental health are already going into premises and awarding a certificate, it shouldn't be that burdensome for a business to say, 'Well, this is how many bags we've purchased for sale to the public and this is how many we've sold.' That should be there in their accounting; those data should be there, and I think having some sort of certificate on doors—. I know it seems a very simple thing but I think small businesses really do engage and respond with these awards, particularly when they're given by their local authority and they're invited into the town council and so on; they do seem to respond quite well to this. So, maybe there is a way.

[200] **Alun Ffred Jones:** Thank you for that suggestion. Right. Part 4—Jeff Cuthbert.

[201] **Jeff Cuthbert:** Thank you very much. Waste, Minister, and first of all, the separation of waste and three linked points. The Federation of Small Businesses and the Association of Convenience Stores have expressed concerns to us about what they describe as an onerous impact of any separation requirements on small businesses over and above what they do now. Can you comment on that? But then, how will the Welsh Government ensure that the separation requirements match the collection services that are available for that waste? And there is the suggestion that street-level recycling schemes could address some of the storage concerns about non-domestic properties.

[202] **Carl Sargeant:** I think change is always difficult, welcomed by some

and not by others, and I think that goes for all things in life; with the implementation of the seatbelt law, I remember many people being hostile to at the time, but now it's natural to do so. We've had great success in municipal household waste collection. We are the leaders in the UK and in the top four in Europe because we took a very strategic view on making sure we do our business differently in terms of recycling. We are now completing the package here in terms of ensuring that commercial waste is encompassed in that proposal. Of course, it will be a new way of doing business for some, but already I'm seeing across Wales some companies recognising that the waste stream actually can be a positive feedstock supply in terms of finance too. Indeed, I visited a company in Mick Antoniw's constituency that have turned their business round on the basis of managing their waste streams better. So, I recognise change is going to be challenging. I also recognise the question the Member raised about making sure the industry are able to deal with the separation of waste. There's money in rubbish and money in waste and, believe me, these companies will not be slow off the mark in creating a market for separated waste. There is much more added value if you can have clean waste, as they would associate that.

[203] As regards street-level waste collection schemes, I'm not opposed to that, and whether that could be developed in a particular area by traders or third-party partners, I'd be happy for that to be considered. But, it's not my responsibility to get rid of other people's waste. That is a purpose for operations of organisations and households. What we would like to do is try to enable a smooth transition, but this is something that we believe is just completing the principle of household waste, recycling and commercial waste recycling, which I think will put Wales in a very good place in the environmental stakes across the globe.

[204] **Jeff Cuthbert:** Okay, fine. Can I move on to the ban on food waste from sewers? We've had matters raised with us, including from a firm, Mechline, in my own constituency based in Bedwas, as to the fact that the assumptions made from the figures used in the regulatory impact assessment on cost savings et cetera are incorrect, and that there ought to be more consideration of some of the techniques that those firms have developed that could, in their view, remove many of the nasties from any food waste deposited in sewers and, indeed, prevent some of the build-up of oils and fats. I'm fairly sure you're aware of those concerns and that the companies have been in touch with you. What is your view on their comments? To what extent are your officials discussing issues with the companies and their fears—on the surface, valid fears—that it might impact upon their businesses

and, therefore, employment? Do you feel that those fears are justified or, indeed, if in terms of the bigger picture, are not the primary concern for you? And, can I just ask you, when we're talking about food waste, are we including fat oil and grease in that?

[205] **Carl Sargeant:** Let's take the last question first, and the answer's 'yes'—that is included in terms of what we would define as food waste in the control of disposal. I am grateful to the Member; I met the Member privately, Chair, in terms of his concerns about his constituency interest in this, as well as Members from other parties too. I don't agree with the company's view that the RIA is incorrect; it would not be right for a Minister to knowingly introduce an RIA or any piece of legislation that they believe was incorrect. We stand by the evidence, but we would welcome any further detail from these companies. I think the primary concern here is the employment activity of that organisation, and I do share the Member's concern and that of the company.

[206] I have asked my team to have discussions with the organisations and they have done that. I will also pursue that with Edwina Hart, but it has to be set against how proportionate this is. We are a small part of the UK. We are a large country, but actually there are only 3 million people, that's the same size—in context, putting this in terms of size—of the city of Birmingham. I'm not sure—and that's something that I will ask my team to explore with these companies—about how that would impact on business terms in terms of what their provision is to the sector in Wales. I think we've got 21,000 tonnes of waste going into the sewage system in Wales. That has a huge energy potential, but also it has a huge detrimental effect on the sewer system and the infrastructure that we have regulation over too. So, I do recognise the concern the Member raises and that of the company, and we will work with them to see what impact directly it has on them as an organisation. But we have to put that into context in terms of the impact that the waste stream going into the sewage system also has.

[207] **Jeff Cuthbert:** Thank you. Fine. I'm content with your response there, and I'm pleased to hear that you'll be prepared to have further discussions and receive further information and opinion from them. Can I just ask you—. Of course, in terms of local people—and I've raised this issue with you before about a particular organisation called Bryn Compost in my constituency that actually deals with the recycling of food waste and turns it into compost et cetera—what local people, certainly in my constituency, are concerned with is that the companies that deal with the waste, which has not obviously been

discharged to sewers because it's going for recycling, are managed properly and there isn't a nuisance caused in terms of powerful odours to local people. I see NRW as having a key role to ensure that the management standards are up to scratch. Do you accept that?

[208] **Carl Sargeant:** I agree. I am aware of the issue that the Member, again, raised locally. I think this is about the regulation of licensing. It does cause me great concern that if we haven't got that right, we must. We can't have negative impacts on communities for badly managed facilities. It's something that I'm very keen that we make sure that we get right.

[209] **Jeff Cuthbert:** Okay.

[210] **Alun Ffred Jones:** Russell?

[211] **Russell George:** Thanks, Chair. Minister, who's going to be responsible for enforcing the ban? When we took evidence, NRW said they don't want the responsibility and Welsh Water suggested somebody else. Who do you see as being the enforcer?

[212] **Carl Sargeant:** My view is NRW will be the agency that will be delivering this.

[213] **Russell George:** Okay.

[214] **Alun Ffred Jones:** Are they resourced to do so?

[215] **Carl Sargeant:** I'm sorry? I believe so.

[216] **Alun Ffred Jones:** Are they resourced to do so?

[217] **Carl Sargeant:** I believe so.

[218] **Russell George:** They were suggesting, Minister, that it should be environmental health officers of local authorities, but that's not your view.

[219] **Carl Sargeant:** If it's helpful, Chair, my primary view is that NRW will be the body that will be enforcing this; however, if we believe that there is a better option in that process for another organisation to do that, whether that will be in partnership or otherwise, then I will consider that, but my view on activity at the current stage is that NRW will be the people that should

deliver this process.

[220] **Alun Ffred Jones:** Llyr?

[221] **Llyr Gruffydd:** I just wanted to pick up on the comments about the regulatory impact assessment. The evidence we've had says that the report conducted by Eunomia,

[222] 'only looked at traditional macerators and not at enzyme bio-digesters or food water recovery systems.'

[223] Now, I'd appreciate it if you could confirm, probably in a letter, that that is the case because a lot of the stakeholders told us in their evidence that the enzyme biodigesters have actually received Water Research Council approval for being 100 per cent safe to discharge into the public sewer which, you know, does change the terms of the discussion slightly.

[224] **Carl Sargeant:** Of course. I'd be happy to confirm that or otherwise by letter, Chair. Again, what I'm saying is that we are in discussion with these organisations. If we can clarify what that means, there are opportunities for exemptions. I'm not saying that—. It would be premature to suggest that now on any of these organisations, but I think what we have to be very careful about is what we are trying to seek here. But I will have further conversations and I will provide committee with further evidence too.

[225] **Alun Ffred Jones:** Jenny.

10:30

[226] **Jenny Rathbone:** That was my question. I wanted to get the response of the Minister to the assertion that the water research council has approved this process, but, at the moment, you haven't had an opportunity for your experts to assess that assertion.

[227] **Carl Sargeant:** That's correct.

[228] **Alun Ffred Jones:** There is an exemption in the Bill to any waste that is mixed with water or any other liquid as a result of the water or liquid having been used to clean any plates or equipment used in processing or preparing food and drink. So, in effect, the stuff we're talking about will still go down the drain, won't it?

[229] **Carl Sargeant:** Not necessarily, no. Just by adding water doesn't make it exempt. That refers to things like the mopping of floors, et cetera.

[230] **Alun Ffred Jones:** Well, and equipment. So, presumably—

[231] **Carl Sargeant:** You can't mop a floor without a bucket, Chair.

[232] **Alun Ffred Jones:** No, no. But, surely, that would mean when you're cleaning plates and leftovers and so on, so it would still have to be allowed to go down the drain.

[233] **Carl Sargeant:** The water will, but the collection point for food won't be.

[234] **Alun Ffred Jones:** I think Welsh Water were making the point that once water is mixed with fat oil, you can't do anything about it anyway.

[235] **Carl Sargeant:** Well, that's why the legislation will be very clear on what you should be able to put to drain and what won't be allowed.

[236] Based on the questioning of committee members and the concern about these particular companies, I have committed to looking at the detail around the activities of these organisations, but our view is that commercial food waste should not go to drain, and we believe that is the most appropriate mechanism to deal with this.

[237] **Alun Ffred Jones:** Right. Do you have any further questions on the other sections?

[238] **Jeff Cuthbert:** Well, I did have one on—

[239] **Alun Ffred Jones:** Sorry, Jeff.

[240] **Jeff Cuthbert:** On incineration, Minister. Just earlier this week, I actually had at home a very clear leaflet from Caerphilly Borough Council about what can be recycled and what can't. I assume they didn't just issue it to me; I assume they issued it to everybody [*Laughter.*] But, I noticed, which I hadn't realised, that certain types of plastics—what might be referred to as 'low-grade plastics', such as some forms of packaging—should not go for recycling, but should go into the general waste. Likewise, things like crisp

packets. Now, are those things then being transferred for incineration, perhaps for the generation of energy, together with other materials? And, if that is the case, or if it isn't, how could this Bill impact upon the current investment in energy from waste treatment plants in Wales?

[241] **Carl Sargeant:** I think what we're trying to do here—. That's why we list in the regulations what is in and what is out in terms of this. We know that there are some high-end quality recyclates that can be reused—quality wood, paper, card, glass and food. We recognise that there is a market for that, and technology has obviously changed too. I think, for me, the last port of dealing with waste is about incineration, but I also recognise that there will probably always be a place where we need some sort of incineration. That's where we have contaminated wood, card, glass or otherwise, and the only option for the cost-effective recovery may be for heat-from-waste plants and incineration.

[242] What we're trying to do is make sure that we have some flexibility in the regulations to make adaptation in the future, such as if we have a better way of doing things, but the current situation is that we know that there is a quality end market for quality recyclates that we think should not go to incineration. But it's not absolute, because of contamination.

[243] **Jeff Cuthbert:** Okay. Thank you, Chair.

[244] **Alun Ffred Jones:** With reference to that then, you'll be aware of the evidence supplied by Wheelabrator Technologies, which is setting up a park in north-east Wales. You have read presumably their submission, and they're concerned, although they've had words of comfort from one of your officials, about the incineration ban and materials in the contaminated mixed waste. They make the point that the regulatory powers already exist, there's currently no problem to fix and there will likely be no problem to fix. Are you sympathetic to their case? In terms of clarification within the Bill, because they are worried about the way the Bill is worded at the moment.

[245] **Carl Sargeant:** Well, if we can take the company or the activity of that organisation out of this, because that's—

[246] **Alun Ffred Jones:** Yes, well, I'm not talking about them—

[247] **Carl Sargeant:**—based in my constituency, so I do have an interest in that, principally.

[248] **Alun Ffred Jones:** But I'm talking in general about the—

[249] **Carl Sargeant:** The general question is fine, Chair. I think what I've been very clear about is that we do understand that there is a market for quality recyclates. It is not appropriate for that to go to incineration, and I think, for all companies—I said earlier on, I think there will be a quantum of material that will always have to be incinerated, just because of the nature of that. But it is my view that the business model set out by these organisations should be based upon their ability to sustain a feedstock, long term. If that's what their business model is, it shouldn't be prohibited on the basis that we think recyclate should go to recycling and not be burned for energy. So, I have sympathy with these companies in terms of the investments that they make, but I do believe that we should have flexibility within the regulations of this Bill, where we see there is a quality market and we can have beneficial results from recycling, other than burning.

[250] **Alun Ffred Jones:** But I think that what they're referring to is that the Bill leaves open—that they may have to separate out the stuff that's already co-mingled and which, in itself, is contaminated.

[251] **Carl Sargeant:** Well, as I said earlier, there are streams of quality feedstock and when we go back to the commercial waste discussions that we had earlier on about separation at source, which we know—

[252] **Alun Ffred Jones:** They're not talking about that.

[253] **Carl Sargeant:** I'm saying that, where there are elements of wood that's contaminated and the best recovery model for that is by incineration, then that will continue for a long time, I expect, but what I do expect is, where they can be sorted at source, they should be.

[254] **Alun Ffred Jones:** Thank you. One on marine licensing: could you confirm that NRW will be able to retain the fees raised from marine licensing charges for reinvestment in that service?

[255] **Carl Sargeant:** Can I just chat with my colleagues on that and just make sure that I am saying the right answer, 'yes' or 'no'? Yes, marine licensing—. Fees are currently retained for the benefit of the marine licensing authority. We expect the arrangements will continue for both existing fees and the extending charging powers, set out in Part 6 of the Bill. The only

caveat to that, Chair, is any proposal to retain marine licensing fees rather than paying these fees to the consolidated fund will continue to be subject to approval, pursuant to the financial provisions of Part 5, finance, of the Government of Wales Act. I will send you a note to clarify that.

[256] **Alun Ffred Jones:** Joyce Watson.

[257] **Joyce Watson:** One of the things, Minister, that Wales Environment Link have given lots of evidence about is the state of our seas, and the only way that we know what the state of the marine environment is is by longitudinal studies that are ever more difficult to find money for. There is a suggestion that, maybe, this is an opportunity for Government to find an innovative way of keeping that research very much alive that, in turn, will help all of us in Wales to understand the marine environment more comprehensively and holistically. Would you be prepared to give some consideration to those suggestions that, whilst we're entering a new era of licensing, we can think about how we use that money for the future generations—and I use that advisedly—of our seas, certainly in Wales, to help us?

[258] **Carl Sargeant:** I will give that some thought. I know the Member's really interested in this, and we've had discussions before. I'm sympathetic to it, and I will give it some more thought, whether it's in this Bill or whether it's in other areas of licensing. I think there are some challenges, because of what we are responsible for, or our impact. There are some quite clever schemes I've seen where there are some fishermen involved in collection of waste at sea. Whether there is a stream there that we could look at in terms of capturing that waste and reinvesting it back into the system through quality recycling, I don't know. It is complex, but the Member's right to raise it, and I will look at that.

[259] **Joyce Watson:** Thank you.

[260] **Alun Ffred Jones:** Any other questions? Bill.

[261] **William Powell:** Diolch, Gadeirydd. Minister, moving to the flood and erosion risk committee, there's been some disquiet expressed by stakeholders that, in looking to establish the new flood and coastal risk committee for Wales, there isn't any provision for a consultation process around that. Could you give us reassurance that you are open to a consultation process and also that the vital role of local knowledge and the capture of local knowledge will be built into that process?

[262] **Carl Sargeant:** Indeed. I can give you assurance that there will be a consultation process in line with Welsh Government policy. I can, again, give the Member assurance. We changed this on the principle, I believe, that the system we had in place before didn't work for Wales. It was a UK-based approach. I think we can have a Welsh solution here, so I'm absolutely committed to making sure we consult and use the best available data and knowledge that are out there. So, I'd be happy to take further views from committee on that proposal, but I hope that you can be reassured that I'm trying to create a better advisory committee for Wales as opposed to a committee that offered advice to Wales in a different context.

[263] **William Powell:** So, Minister, would you be open to potential amendment to bring greater clarity to that particular aspect of the Bill?

[264] **Carl Sargeant:** I'm happy to take views from committee, just to see what your views are on this. It is a new opportunity for Wales, and I'd like to get that right with you.

[265] **William Powell:** I'm grateful, thank you.

[266] **Alun Ffred Jones:** Llyr has indicated.

[267] **Llyr Gruffydd:** Yes, I'd like to go back quite a bit if I may to climate change, because there was one area that we didn't manage to cover at the time, which was around adaptation. Now, you will be aware, I'm sure, that the Climate Change Commission for Wales stated to us that a lack of reference to adaptation in the Bill is in marked contrast to the UK Government, Northern Ireland Executive and Scotland as well, where they are required to lay a report outlining how they are going to respond to or address the risks identified in the most recent UK climate change risk assessment, which is undertaken every five years. Now, in your letter to us earlier this month, you explained that the national natural resource policy might cover some of that. The future trends report, as well, might do that. But how do you respond to NRW's view that the references to adaptation in the NNRP and in the future generations Act might not be sufficient to cover all sectors in Wales—for example energy, which is a key, key sector in this respect?

[268] **Carl Sargeant:** I think there is always a danger, isn't there, with comparing legislation in one country with that in another? It's the apples and

pears effect here in terms of what we have in place and what Scotland or the UK as a whole do. I'm confident that we are competent in the Bill around adaptation. The approach provided in Part 1 of the Bill was identified by the UN and the World Bank as a key mechanism for dealing with climate change mitigation, adaptation and long-term sustainability. That is a consistent approach that we've applied in this. Specifically, the natural resource policy must include actions on climate change. The sustainable management of natural resources is about making sure we can continue to get ecosystem services, which we can't if we don't include climate change regulations, so we've got to make sure that is linked in. We've got that in the Bill and the mechanism is there.

[269] The Bill, as I go back to, complements the Well-being of Future Generations Act, which embeds adaptation into the goals for a prosperous and resilient Wales, to which public bodies must contribute. Public bodies must report on the WFG duty—both the future trends report and the assessment of local wellbeing—and take into account the UK climate change risk assessment, which does include all sectors. So, I don't accept that energy specifically is not included, because when we talk about the wellbeing of an area and area statements, we have to consider what the implications are holistically. So, I think we've just got a different way of doing this, and I'm very confident that the Bill encompasses adaptation in this proposal, albeit others make comparisons to other Bills and the activity around that. I'm very confident that we can complete this package within the Bill structure that we have.

10:45

[270] **Alun Ffred Jones:** Ocê, iawn. **Alun Ffred Jones:** Okay, fine.

[271] Everybody happy? Diolch yn fawr iawn. Thank you, Minister, and your team for coming before us today. We will be creating our report in the coming weeks according to the timetable. Okay, thank you very much. Diolch yn fawr.

[272] **Carl Sargeant:** Thank you; very grateful.

Papurau i'w nodi Papers to Note

[273] **Alun Ffred Jones:** I'll just move on quickly to item 3—papers to note.

Are you happy to note them? Yes? In that case, I suggest that we have a short break now and return at 11:00 a.m.

10:46

**Cynnig o dan Reol Sefydlog 17.42 i Benderfynu Gwahardd y Cyhoedd
o'r Cyfarfod**
**Motion under Standing Order 17.42 to Resolve to Exclude the Public
from the Meeting**

Cynnig:

Motion:

bod y pwyllgor yn penderfynu that the committee resolves to gwahardd y cyhoedd o weddill y exclude the public from the cyfarfod ac o'r cyfarfodydd ar 24 remainder of the meeting and the Medi a 30 Medi yn unol â Rheol meetings on 24 September and 30 Sefydlog 17.42(vi).

September in accordance with Standing Order 17.42(vi).

Cynigiwyd y cynnig.

Motion moved.

[274] **Alun Ffred Jones:** We need to go into private session for that, so is there a proposal there? And the same will apply, therefore, for the meetings on Thursday 24 September and 30 September as well. So, those all will be in private session. All agreed? Diolch yn fawr.

Derbyniwyd y cynnig.

Motion agreed.

Daeth rhan gyhoeddus y cyfarfod i ben am 11:54.

The public part of the meeting ended at 11:54.