

Agenda – Climate Change, Environment and Rural Affairs Committee

Meeting Venue:

Video Conference via Zoom

Meeting date: 15 October 2020

Meeting time: 13.30

For further information contact:

Marc Wyn Jones

Committee Clerk

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Private pre-meeting (13.30 – 13.45)

At the meeting on 08 October 2020, the Committee agreed to exclude the public from the first session of today's meeting under Standing Order 17.42 (vi) and (ix)

Private meeting (13.45–14.30)

1 Draft National Development Framework for Wales: Future Wales – Briefing by expert adviser

(13.45–14.30)

(Pages 1 – 12)

Graeme Purves, Expert Adviser to the Committee

Attached Documents:

Paper

Break 14.30–14.45

Public meeting 14.45–16.00



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In accordance with Standing Order 34.19, the Chair has determined that the public are excluded from the Committee's meeting in order to protect public health. This meeting will be broadcast live on www.senedd.tv.

2 Introductions, apologies, substitutions and declarations of interest

(14.45)

3 Draft National Development Framework for Wales: Future Wales – evidence session with the Welsh Government

(14.45–16.00)

(Pages 13 – 50)

Julie James MS, Minister for Housing and Local Government

Jon Fudge, Head of Planning Policy

Neil Hemington, Head of Planning

Attached Documents:

Research brief

4 Paper(s) to note

4.1 Correspondence from the Chair to the Minister for Environment, Energy and Rural Affairs: follow up to Ministerial scrutiny session on 17 September

(Pages 51 – 55)

Attached Documents:

Letter

4.2 Correspondence from the Chair of the Legislation, Justice and Constitution Committee to the Minister for Environment, Energy and Rural Affairs in relation to the UK Fisheries Bill

(Pages 56 – 58)

Attached Documents:

Letter

- 4.3 Correspondence from the Chair of the Legislation, Justice and Constitution Committee: Breaches of the 21 day rule and The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020**

(Pages 59 – 60)

Attached Documents:

Letter

- 4.4 Briefing paper from Dŵr Cymru in relation to Llyn Anafon**

(Pages 61 – 64)

Attached Documents:

Paper

- 5 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of the meeting**

Private meeting (16.00–16.30)

- 6 Consideration of evidence received under item 3**

- 7 Consideration of the Committee's Forward Work Programme**

(Pages 65 – 68)

Attached Documents:

Paper

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Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

6 October 2020

Dear Minister

Thank you for attending the Committee's meeting on 17 September. The Committee has agreed that I should write to you to follow up on several matters. This letter also addresses several issues which have been raised with the Committee by stakeholders in response to a call for written evidence in relation to Covid-19. **I would be grateful if you would respond by 6 November**, so that your response can inform the next scrutiny session you have agreed to attend.

Animal Welfare

Third-party puppy sales

1. In your Written Statement of 5 October, you announced that "a ban on commercial third party sales will be introduced by the end of this Senedd." Can you provide the Committee with an update on when you will bring forward the secondary legislation? Will you commit to providing the Committee with the secondary legislation in draft in advance to enable the Committee to consider and provide feedback on them?

Dog and Cat homes

2. The Committee has received concerning information from the Association of Dogs and Cats Homes (ADCH) in relation to the Welsh animal rescue sector. In response to a survey it conducted about the impact of Covid-19, only two Welsh respondents were certain they would remain solvent beyond the end of this year. Welsh respondents to the same survey predicted income reduction of an average of 80% due to Covid-19. Given that the impact on the sector will likely continue for



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some time, what support will be made available to ensure that organisations based in Wales can continue to operate?

Veterinary practices

3. The Committee has been told that veterinary practices have been severely impacted by Covid-19 and have not been able to access some of the financial support provided to businesses because of the unique nature of their work. Can you provide the Committee with details of any discussions you have had with the British Veterinary Association about the impact of Covid-19 on the sector? Can you provide the Committee with an update on the grants and financial support that is available to the sector?

Fisheries

4. You have told the Committee the Welsh Government will provide financial support to eligible aquaculture businesses via the Aquaculture Business Support scheme, which closed on 21 September. Can you provide the Committee with an update on the take-up of the scheme?
5. The WFA-CPC (Welsh Fishermen's Association - Cymdeithas Pysgotwyr Cymru) drew the Committee's attention to the "Barnett consequential" the Welsh Government will receive due to allocations to the UK Government's fisheries response fund. Can you confirm how much the Welsh Government has received and how much of this funding was used to support fisheries in Wales?
6. Do you have plans to extend the Welsh Fisheries Grant? What further financial support will be available to Welsh fishers to deal with the effects of the pandemic?
7. The WFA-CPC told the Committee about the severe impact on the sector of the closure of export markets, such as Asia. In the likelihood that this situation is not remedied soon, what actions do you plan to take or have already taken to increase domestic consumption of seafood?
8. The UK Government has made funding available for businesses focused on processing and direct sales. Is this something you have considered for Wales?
9. The sector has been severely impacted by Covid-19 and the closure of export markets and faces considerable uncertainty with a potential "no-deal" Brexit months away. Can you provide the Committee with details of your plans to support fisheries and aquaculture businesses in the event of a "no-deal" Brexit?

Food and drink

10. Can you provide the Committee with an update on discussions you have or intend to have with UK Government counterparts concerning the proposals to make changes to the Small Brewer Relief?
11. Cardiff University's Sustainable Places Research Institute told the Committee that during the Covid-19 pandemic "Businesses have experienced rapid increases in consumer demand for Welsh grown produce". The Open Food Network (OFN) told us that since the Covid outbreak there has been an 850% increase in the turnover through OFN shopfronts across Wales. What actions are you taking to ensure that such increases can be converted into long term changes in consumption behaviours?

Air quality

12. You told the Committee that "the first two months of lockdown really showed significant decreases in some pollutant levels, but other pollutant levels apparently increased at the same time." Can you



provide the Committee with further information on this matter, in particular those areas where pollutants increased? Do you believe any lessons can be learned from this variance?

13. Can you provide an update on:

- any discussions you have had with the UK Government about restricting the sale and use of fireworks, and
- the outcome of work undertaken by officials across departments to establish where best the Welsh Government can focus its efforts to reduce the negative impact of fireworks on people and animals?

Green/Blue recovery and Climate Change

14. Will you give a commitment that marine issues will be a central part of any “green” recovery? Can you provide examples of how this will be achieved?

15. You have told the Committee that you are awaiting a report arising from the work Sir David Henshaw has been leading concerning the green/blue recovery. Will you update the Committee on the outcomes of that work as soon as you can?

Agriculture and food security

16. You told the Committee that the “EU agri-food supply chain stakeholder group” had recently met for the first time. Can you provide further details of the purpose and membership of the group?

17. Cardiff University’s Sustainable Places Research Institute told the Committee that “Wales currently relies on imports for 95% of its fresh fruit and vegetables”. What preparatory work has been made to ensure that, in the event of a “no-deal” Brexit, domestic food producers can step in to fill any gaps in the food supply chain? Will you commit to bringing forward a plan to increase the use of domestically produced food if importing food becomes more difficult?

18. How has the Covid-19 pandemic affected your approach to food policy in Wales? Please provide examples.

19. Can you provide the Committee with an update on Welsh Government policies on allotments?

20. You told the Committee that “COVID-19 has shown me how many more discussions I should be having with supermarkets”. Can you provide an update on the meetings with supermarket representatives you have scheduled up to Christmas 2020?

Plastic pollution and littering

21. The Marine Conservation Society told us it anticipated levels of pollution on Welsh beaches would rise over the summer months “given that there are now limited opportunities for organisations such as ourselves to be able to undertake beach cleans using dedicated volunteers, coupled with a likely overall increase in domestic coastal holidays”. What assessment have you undertaken of any increases in marine pollution as a result of this?

Other issues

22. Several of the Committee’s stakeholders have benefitted from the Welsh Government Third Sector Covid-19 Response Fund. What discussions have you had with the sector about any further financial support that will be required once furlough arrangements come to an end?



23. Wales Environment Link (WEL) told the Committee that “Many elements of the Welsh Government’s Environmental Growth agenda will depend on the work of charities, and many conservation and community projects are partnerships between Government agencies and civil society.” It went on to say that “On-going financial losses will hamper the ability of charities to deliver essential conservation and infrastructure improvement work.” What consideration have you given to the impact of this on the delivery of Welsh Government environmental and climate change policies?

Common Frameworks

24. Can you provide the Committee with an update on the development of Common Frameworks that fall within the Committee’s remit, including your latest understanding of when provisional frameworks will be available for Senedd scrutiny?
25. Are you content with the process for developing and finalising the Common Frameworks? Do you have any specific concerns relating to any of the frameworks that fall within your remit?

Environmental principles and governance

26. Can you provide the Committee with an update on discussions with the UK Government to secure an amendment to the UK Environment Bill to make provision for cooperative working between the Office for Environmental Protection and any equivalent environmental governance body?
27. Can you confirm that interim environmental governance measures will be in place by the end of the Implementation Period?
28. What arrangements will be put in place to raise public awareness of the interim complaints procedure?
29. You have previously told the Committee that you intend to put in place arrangements for all complaints to be independently assessed. Who will be responsible for undertaking these assessments?
30. Can you clarify whether, and when, you intend to publish proposals for longer-term environmental governance arrangements?

Yours sincerely,



Mike Hedges MS

Chair of Climate Change, Environment and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg.

We welcome correspondence in Welsh or English.



Lesley Griffiths MS

Minister for Environment, Energy and Rural Affairs

5 October 2020

Dear Lesley

Response to Committee report on Supplementary Legislative Consent Memorandum (Memorandum No 2) on the Fisheries Bill, and matters relating to the Supplementary Legislative Consent Memorandum (Memorandum No 4) on the Fisheries Bill

Thank you for your letter of 1 October 2020 which provides your **response** to the recommendations in our **report on the Supplementary Legislative Consent Memorandum (Memorandum No 2) on the Fisheries Bill** (report on the Supplementary LCM No 2), along with some information about what is included in **Supplementary Legislative Consent Memorandum (Memorandum No 4)** (laid on 1 October 2020) and the further amendments being sought at Commons Report Stage.

Further, the correspondence you included between yourself and the Parliamentary Under Secretary of State, Victoria Prentis MP, on the agreement you have sought in relation to the Bill's provisions regarding determining fishing opportunities was helpful.

You will obviously understand that the timing of Memorandum No 4, being laid on 1 October, means that scrutiny is virtually impossible ahead of tomorrow's debate on the legislative consent motion for the Bill. We have also noted that the information you have provided to us in your letter of 1 October regarding the further amendments being sought at Commons Report Stage has not been reflected in Memorandum No 4.

There are a number of points, both regarding Memorandum No 4 and the further amendments you describe in your letter, which we believe require urgent clarification. In addition, there are a number of issues which we would like to pursue further with you relating to your response to our report on Supplementary LCM No 2.



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1. Regarding UK Government amendments numbers 144, 145 and 146, which were made at Commons Committee Stage but not referenced in Supplementary Legislative Consent Memorandum (Memorandum No 3), we have noted that these amendments were sought by the Welsh Government “to ensure the scope of the Welsh Ministers’ powers under Schedule 8 aligned with the competence of the Senedd”. However, the need for these amendments is not clear to us, and we would be grateful for an explanation.
2. Regarding the further amendments that are being sought at Commons Report Stage:
 - a. What amendments are being sought to apply the *Legislation (Wales) Act 2019* to subordinate legislation made under the Bill (once enacted), and why are these amendments necessary?
 - b. What amendments are being sought to provide the powers you believe are necessary for the fisheries administrations to enter into agency type amendments that “would enable collaboration and the efficient exercise of functions to achieve robust and effective fisheries management outcomes” and again why are they necessary?
 - c. What improvements are you seeking to Schedules 3 and 8 as regards “the scope and operation of the Welsh Ministers powers and their relationship with the corresponding Secretary of State Bill powers”?
 - d. What amendment have you sought to the consultation requirements in Schedule 10 that apply to the Welsh Ministers order making power under section 134A and 134B?
 - e. Why are these amendments being sought so late in the process?
3. Regarding your response to our recommendations in our report on the Supplementary LCM No2:
 - a. We acknowledge that your letter to the Parliamentary Secretary of State regarding the determination of fishing opportunities sets out in clear terms what you expect of any future intergovernmental agreement. However, it is unclear to us how the response you received confirms and accepts your stated requirements and expectations. Are you satisfied with the response from the Parliamentary Secretary of State, and if so, why, given the lack of clarity?
 - b. Why do you consider that reporting biennially to the Senedd on the implementation of the provisions in the Bill which relate only to Wales, until such time as a Welsh Fisheries Bill is introduced, is equitable to the inclusion of a sunset provision in the legislation?
 - c. We do not consider that you have provided clarification regarding the circumstances under which the Welsh Ministers would consider it expedient to exercise the powers in Schedule 3 as a sea fish licensing authority. Further, your response has prompted further questions. You have said “We have no plans at the moment to use these powers, but **I would note these licensing powers may be part of the statute book for many years, possibly decades** [our emphasis], like previous sea fishing licensing primary legislation. As such, it is necessary to have this power, and to have it to the full extent that other UK sea fish licencing authorities will have it, to attach licence conditions as appear



necessary or expedient, to respond to any changing needs to keep fisheries licensing up to date and fit for purpose.” Why do you consider it necessary and appropriate to take powers that may be part of the statute book for decades in a UK Bill which is only meant to be an interim arrangement for managing fisheries in Wales?

With regards to recommendations 6 and 7 in our report on the Supplementary LCM No 2, we note your response but our concerns remain that the Senedd may be losing powers.

One final point to highlight is an unfortunate misunderstanding that closes your letter to the Committee. We have not indicated that we would recommend consent subject to clarity and reassurances being received.

To aid Members’ decision-making during tomorrow’s Plenary debate, I would urge you to provide the clarity we have requested during your contribution in the debate.

I would also like to ask that you respond, in full, to this letter as soon as possible.

I am copying this letter to Mike Hedges MS, Chair of the Climate Change, Environment and Rural Affairs Committee.

Yours sincerely



Mick Antoniw MS
Chair of the Legislation, Justice and Constitution Committee

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We welcome correspondence in Welsh or English



Jeremy Miles MS, Counsel General
Rebecca Evans MS, Minister for Finance and Trefnydd
Julie James MS, Minister for Housing and Local Government

5 October 2020

Dear all

Breaches of the 21 day rule and The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020

At our meeting on 28 September 2020, we considered The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 9) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 10) Regulations 2020, The Health Protection (Coronavirus, International Travel) (Wales) (Amendment) (No. 11) Regulations 2020 and The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020.

Our subsequent reports noted that the instruments were laid in **breach of the 21 day rule**, and the reasons for doing so as set out in the Minister for Finance and Trefnydd's respective letters to the Llywydd.

We have acknowledged that responding to the Covid-19 pandemic may be a valid reason for breaching the 21 day rule. However, we have doubts as to whether such a breach was necessary with The Planning Applications (Temporary Modifications and Disapplication) (No. 2) (Wales) (Coronavirus) Order 2020. We consider that, given the context for the provisions within the Regulations has changed little in recent months, their need could have been anticipated and accordingly, that it should have been possible to allow 21 days to elapse before they came into force. We would therefore welcome further clarification as to why you consider that a breach of the 21 day rule was necessary on this occasion.



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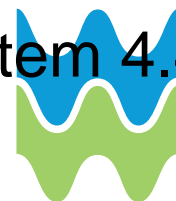
I am copying this letter to the Chair of the Climate Change, Environment and Rural Affairs Committee due to the significance of these Regulations in relation to planning matters.

Yours sincerely

Mick Antoniw MS
Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg
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Restoring Llyn Anafon – Briefing



Overview

Over the next five years, Welsh Water will be carrying out work at Llyn Anafon to restore it to its natural state.

Llyn Anafon is located in Snowdonia National Park, around three miles above Abergwyngregyn, Gwynedd on land owned by the National Trust and is part of the Eryri Site of Specific Scientific Interest (SSSI) and Snowdonia Special Area of Conservation (SAC). A dam was created in the lake in 1931 impounding the water to provide drinking water to residents in the surrounding area.

Over the years we have changed the way water is supplied to customers in the area which means that Llyn Anafon reservoir is no longer used to supply drinking water and therefore is no longer required as a reservoir. This means that Llyn Anafon can be return to its natural state and to how it was before the dam was built.



Location



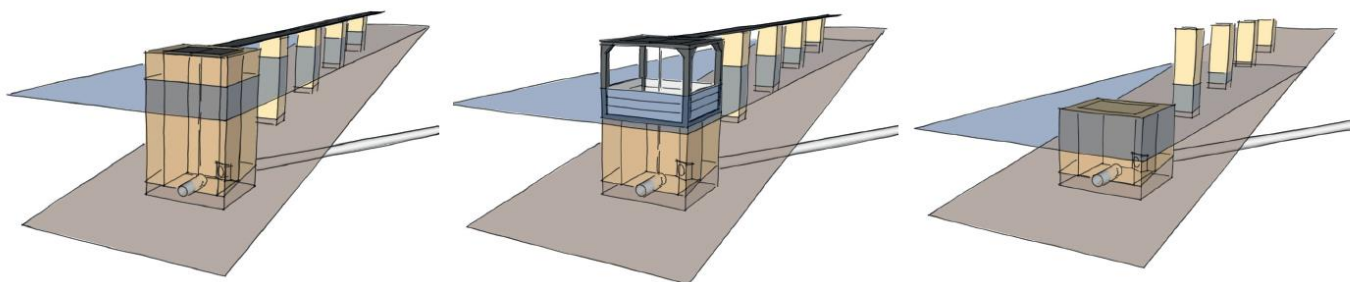
Restoring Llyn Anafon – Briefing

How will we do the work?

To restore the lake to its natural state, we need to return the level of the water to how it was before the dam was built, which is 1.4m lower than what it is now. But to make sure we preserve wildlife and the aquatic plants at Llyn Anafon we will be reducing the level of the water in the lake very slowly over at least 5 years and carrying out the work in three phases.

- Phase 1 will be done in the spring of 2020 and will begin with enabling work including improvements to the access lane, upgrading pipework between the reservoir and river to protect the lake's habitat and the dam during the work, and modifying the existing tower replacing masonry walls with stop logs which will be used as wooden boards which over time can be removed one by one to allow the water to flow over the top layer into the tower and out of the pipework.
- Phase 2 will be carried out over a minimum of 5 years (from summer 2020 – 2025) or longer if required. During this time the water will be lowered around 30cm per year by taking a layer of the stop logs from the tower, this means that the level of the walls of the tower will be lowered slowly by removing one of the wooden boards at a time.

When we've finished the work, the logs and walkway will be removed from the tower but we will leave the walkway pillars and spillway as part of the lake's heritage



- Phase 3 will be carried out after the water in the lake has reached the required level, where the dam will be lowered to the original stream bed height and a new weir will be created to allow water from the lake to flow to the stream.

Environment and Ecology

Llyn Anafon is considered as one of the most important lakes in the Eryri Special Area of Conservation and is internationally significant because of its plant community. It is home for two extremely rare water plant species (*Potamogeton x gessnacensis* and *P. x griffithii*) both of which are restricted to only one or two other lake sites in the UK. These plants need very high-water quality to grow and live at a certain depth.

The project approach has been developed to minimise impact on the sensitive ecological features of the site. To do this, a number of mitigation measures and ecological monitoring have been incorporated into the project and will continue even after work on site has been completed.





Restoring Llyn Anafon – Briefing

In fact, the reason that the project has been designed to expand over several years is because the intention to enable the ecological features at the lake to take time to adapt as the lake is being returned to its former natural level. A close monitoring regime will be undertaken to enable appropriate ecological mitigation measures to be taken promptly.

We have been working closely with Natural Resources Wales to ensure the least impact possible to the local environment and the wildlife in the area.

It is our aspiration that, once complete, the lake will continue to support habitats and species of ecological importance and remain a key ecological and cultural features of the Snowdonia National Park.



The team



This scheme will see a number of teams within Welsh Water working collaboratively including our Capital delivery team which look after our investment in our assets who will be overseeing the work, Dam Safety team have been providing guidance on lowering the dam, the Environment Team who are central to ensuring any negative effect on the environment and ecology of the area is minimised and Communications team who will ensure that all stakeholders and local residents are aware of the planned work.

We have appointed Arup to carry out the design work for removing the dam and river reinstatement, to enable the re-naturalisation of the lake; they have worked closely with Natural Resources Wales (NRW) throughout the design. Arup is one of the world's most respected design, engineering and project management consultancies with vast experience of projects of this nature. Arup has been liaising closely, on behalf of Welsh Water, with a number of different partners including Snowdonia National Park, National Trust, and Natural Resources Wales, to achieve the most suitable approach to undertake the work at the site.

Health and Safety is always our top priority during construction. We have appointed Anglesey based contractors, William Hughes Civil Engineering Ltd to carry out the work. They are a highly experienced contractor with all relevant Health and Safety qualifications.



Restoring Llyn Anafon – Briefing

As the work will be carried out over five years, our contractors won't be on site every month. Our contractors will be working on site during the first phase of the work carrying out enabling work and the first part of the work. Following this, there will be a slow draw down process which means there will be no activity on site other than one visit a year to remove one layer of wooden boards in the tower to allow the water to drain down slowly.

Work will then be carried out on site during the final phase when work will be done to lower part of the dam to its original stream bed height. However, throughout the duration of the planned five years of the work, our dam team will continue with their regular visits to carry out routine checks of the reservoir and our specialist contractor will visit to monitor progress on the lowering of the water in the reservoir.



Keeping you informed

So that we can let local residents, community groups and stakeholders know about the work we plan to do to return Llyn Anafon to its natural state, we will be holding an information event where local residents, groups and stakeholders can see our plans for the work, hear more information from the project team and ask any questions they may have.

The event will also give us the opportunity to see if there are any opportunities for Welsh Water to work with the community while we carry out the work in the area.

The information event will be held on Tuesday, November 5th at Yr Hen Felin, Abergwyngregyn, LL33 0LP from 2pm – 7pm. You are welcome to drop by to hear more information about the event.

During the work we will be keeping stakeholders updated about the work and customers can see updates on progress on our 'In my area' page on our website www.dwrcymru.com – customer can also sign up for updates on the work, and any other work Welsh Water are carrying out in their area through our 'In my area' page.

More information

We'll keep you updated on the work, but should you have any questions, or you would like us to meet with you to go through the scheme, please do not hesitate in getting in touch with me, Gwenan Davies on 01745 405875.

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