

# Environment and Sustainability Committee

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Meeting Venue:

**Committee Room 3 – Senedd**

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Meeting date:

**Wednesday, 17 September 2014**

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Meeting time:

**09.00**

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Cynulliad  
Cenedlaethol  
Cymru

National  
Assembly for  
Wales



For further information please contact:

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**Informal pre-meeting (09:00 – 09:15)**

**1 Introductions, apologies and substitutions**

**2 Scrutiny of the Minister for Natural Resources (09:15 – 10:00)** (Pages 1 – 19)

E&S(4)-20-14 paper 1

Carl Sargeant AM, Minister for Natural Resources

Matthew Quinn, Director for Natural Resources

Prys Davies, Deputy Director: Energy, Water and Flood Division

**Break (10:00 – 10:10)**

**3 Motion under Standing Order 17.42 to resolve to exclude the public from the meeting for items 4 and 5**

**Private Session**

**4 Infrastructure Bill LCM: Consideration of draft report** (Pages 20 – 33)

E&S(4)-20-14 paper 2

## **5 The Well-being of Future Generations (Wales) Bill: Preparation for Committee's Consideration (10:10 – 11:45)**

**Public Session**

## **6 Scrutiny of the Deputy Minister for Farming and Food (11:45 – 12:30)**

(Pages 34 – 51)

E&S(4)-20-14 paper 3

Rebecca Evans AM, Deputy Minister for Farming and Food

## **7 Papers to note**

**Proposal from the European Commission on drift nets: Response from the Deputy Minister for Agriculture and Fisheries to the letter from the Chair on 24 June (Pages 52 – 53)**

E&S(4)-20-14 paper 4

**Inquiry into recycling in Wales: Further information from WRAP Cymru (Page 54)**

E&S(4)-20-14 paper 5

**Infrastructure Bill LCM: Response from the Minister for Natural Resources, Culture and Sport to the letter from the Chair on 21 July (Pages 55 – 58)**

E&S(4)-20-14 paper 6

**Water policy in Wales: Letter from the Minister for Natural Resources, Culture and Sport to the Chair (Pages 59 – 60)**

E&S(4)-20-14 paper 7

**Inquiry into the Welsh Government's proposals for the M4 around Newport: Response from the Minister for Economy, Science and Transport to the report published on 21 July (Pages 61 – 69)**

E&S(4)-20-14 paper 8

**Inquiry into energy efficiency and fuel poverty in Wales: Further information from Citizens Advice Cymru (Pages 70 – 71)**

E&S(4)-20-14 paper 9

**Inquiry into coastal protection: Response from the Minister for Housing and Regeneration to the letter from the Chair on 16 June (Pages 72 - 73)**

E&S(4)-20-14 paper 10

**General scrutiny of the Minister for Natural Resources**

This paper responds to the Natural Resource elements of the Committee's letter of 6 June addressed to the Minister for Natural Resources and Food.

***Biodiversity***

1. The Nature Recovery Plan will set out the strategic actions the Welsh Government, Natural Resources Wales (NRW) and others will take in order to halt the loss of our biodiversity and nature, increasing the resilience of our natural environment and enhancing the benefits to the economy and society of Wales.
2. A consultation on the Nature Recovery Plan will be launched at the Wales Biodiversity Partnership Conference on 10 and 11 September, with the final version due to be published in early 2015. The work has been developed through a cross-sectoral board including representatives from nature and environmental bodies, farming unions, forestry and landowner interests, and local government.
3. The Nature Recovery Plan aims to support the move from the traditional approach to biodiversity action to the integrated area based approach of Natural Resource Management (NRM), which will be a key feature of the forthcoming Environment Bill. The plan aims to give a clear focus for biodiversity action as an integral part of NRM.
4. The NRM approach focuses on increasing the underlying resilience of our natural systems to provide a platform for both biodiversity gains and strengthening wider public benefits. It recognises the reality of the interdependence between nature and social and economic factors, and emphasises the landscape scale approach needed if we are to truly halt the decline in biodiversity and sustain the services our natural environment provides.
5. The Welsh Government has been developing an Information Hub over the last year, working closely with NRW. The purpose of the Information Hub is to improve access to and sharing of data and information relating to the environment of Wales. The initial Information Hub website is now live, providing a tool for accessing up-to-date, robust data: <http://lle.wales.gov.uk/environment>.

***Action Plan for Pollinators***

6. The Welsh Government will continue to work closely with Defra and a host of public, private and voluntary bodies to deliver the Action Plan for Pollinators outcomes. The Wales Pollinator Taskforce is now established to take forward the Plan, and it brings together representatives from wildlife organisations, bee keepers, local authorities and government.

7. We are working alongside Defra and the other devolved administrations on building the evidence base on pollinators, and work has begun on developing and testing a national pollinator monitoring scheme.
8. Roadside verge management has been identified as an area for action, and the Pollination Taskforce has compiled and shared good practice with highway authorities. The Welsh Government has recently announced a five year Road Verges for Wildflowers initiative for the motorways and trunk roads of Wales, that will create and protect new and existing wildflower verges as well as improving conditions for wildflowers through appropriate maintenance.
9. Glastir contains the appropriate tools, such as traditional haymeadow management and creating traditional orchards, which will help to create and enhance diverse and connected flowering habitats across farmland. Within Glastir Advanced there are target objectives for important bee and butterfly species. Contracts will be evaluated later this year, and this will inform whether delivery could be improved in certain areas, for example, the target objectives that support the Action Plan for Pollinators. Management advice for land managers has also been provided through Gwlad and is being developed further with Farming Connect.
10. To raise awareness of the loss of habitat for pollinators in Wales and to show just how easy it is to create local habitats for our bees and butterflies over 200 schools and community groups, involving 7,500 volunteers, were awarded Welsh Government funding through Keep Wales Tidy's Wild Weekend for Wales. A 'one year on' report is currently being prepared.

## ***Forestry***

11. The Welsh Government has the lead policy role on forestry supported by NRW in its management of the Wales public forest estate. The Welsh Government supports the role of the Wales Forest Business Partnership which is responsible for supporting business and supply chains, as well as all round support for the sector. We are working with NRW and the private forestry sector to develop a timber strategy for Wales to ensure we get the best economic outcomes from the harvest of timber from both public and private woodlands. This is a fully inclusive process, working with the sector to ensure that a robust and realistic strategy is produced that is sustainable and achievable, to safeguard long term investment in the Welsh timber processing industry.
12. In response to the concerns expressed by the sector in the recent National Assembly for Wales Environment Committee scrutiny sessions, NRW has strengthened its forestry team with the appointment of an experienced forestry official (Ruth Jenkins) to a senior management role with the support of a number of other staff with forestry expertise. This move has been welcomed by the private sector and should enable better communication between NRW, the Welsh Government forestry policy team and the private sector in the future.

13. NRW has organised seminars for contractors, private growers and the sector to look at best practice for forestry operations, held a number of tree health seminars and met with the sector to discuss the streamlining of felling licence administration. NRW representatives from the timber sector and wider stakeholder groups sit on the Welsh Government Tree Health Steering Group which has developed strategies for tree health and for managing *Phytophthora ramorum*. The Group has developed a programme for the long term recovery of woodlands in Wales from the damage caused by *Phytophthora ramorum*.
14. NRW now meets with the sector regularly and has established a Wales Land Management Forum which includes two representatives from the forestry sector to guide how it delivers its forestry remit as part of wider NRM. They are looking to strengthen its role and breadth in order to include more forestry representation, the position regarding NRW approach to forestry in Wales and its relationship with private owners has improved.
15. The announcement at the Royal Welsh Show of the award of support under the Nature Fund to NRW and Coed Cymru to promote woodland creation and management has been welcomed as demonstrating the Welsh Government's commitment to supporting forestry in Wales.
16. The Welsh Government has set a target to create 100,000 hectares of new woodland over the next 20 years and measures in the RDP 2014-2020 proposals provide strong support for forestry and woodland creation in Wales. Subject to the confirmation of the RDP these measures should support a continued increase in woodland creation in the coming years.

### ***Climate Change***

17. The Welsh Government's annual report on climate change in December 2013 showed that we are making progress in Wales to reduce our emissions against the targets in the 2010 Climate Change Strategy. The report also sets out the key action we have taken to tackle the causes and consequences of climate change in Wales.
18. While the report shows that we have exceeded our 3% annual emission reduction target for 2011 data, sustaining this reduction will become increasingly more challenging. In addition, the annual report shows that further action is needed if we are to meet our more challenging 40% reduction in emissions by 2020. Further work needs to be done to build on this progress.
19. A written statement on a policy refresh was published in July, confirming our intention to review progress on delivering practical action and to take account of the contributions we have recently received from the Climate Change Commission for Wales and expert bodies, to help to identify action to further increase momentum.
20. The policy refresh will focus on the practical action we can take to deliver not only on our emissions targets but also how it can serve to deliver our wider

government priorities in striving for a low carbon, resource efficient and socially inclusive Wales.

21. The Agriculture and Land Use sector accounts for 21% of emissions covered by the 3% target and has a baseline emission level of 5.96 Mt CO<sub>2</sub>e.
22. Agriculture and land-use emissions have risen since 2009, largely due to an historical legacy of aging forestry in Wales and an associated sharp decrease in the modelled forest sink in Wales inventory. This increase in overall sector emissions reflects the maturation of forestry crops which were largely planted in the 1950s-1970s. However the sharpness of the impact between 2009 and 2010 is considered to have been overestimated by the model.
23. Given the slight increase, we have commissioned a review of the Land Use Climate Change report, which will consider the refinement of both mitigation and adaptation policy in this area as part of our next steps. The Review will use the recommendations in the Land Use Climate Change Group report as a starting point.
24. The Sectoral Adaptation Plans are the principal mechanism through which the Welsh Government seeks to deliver climate resilience in our sectors' aims and objectives for the coming century.
25. The Welsh Government has been working with the Climate Change Commission's Adaptation Task and Finish group to produce guidance, tools and resources for the sectors.
26. Progress to date has varied between the different sectors but Sectoral Adaptation Plans will cover the following five sectors:
  - Natural Environment,
  - Infrastructure,
  - Health,
  - Communities and
  - Business and Tourism
27. The Health Sector has an established Sectoral Adaptation Plan in place. We are currently working with the tourism sector on a project which will look to identify the risks to the tourism industry, create a high level risk assessment for tourism businesses in Wales and provide a number of tools and resources to support businesses following this.
28. We are currently working on developing a Sectoral Adaptation Plan for the natural environment sector with the Climate Change Commission for Wales.

### ***Water Strategy***

29. We have recently consulted on our Water Strategy for Wales. This set out the future direction of water policy in Wales and how we will ensure that water continues to meet the needs of communities, business and the environment.

30. Key to the approach we set out in the consultation is the development of a more integrated method of managing our water resources, as part of the wider approach to NRM. This will involve coordinating the management of land, water and other related resources to drive not only benefits to the environment, but benefits to the wider society and economy.
31. The consultation on the Water Strategy for Wales closed on 4 July. In total 59 responses were received from a broad variety of organisations including the water industry, conservation and environmental groups, private individuals, businesses, local government, public health organisations, regulators, professional bodies and consumer representatives.
32. A summary of responses will be published this autumn and my consideration of these responses will inform the development of the final strategy.

### ***NRW's Wales Coastal Flooding Review***

33. NRW carried out a review into coastal flooding, following the winter storms of December 2013 and January 2014. This review has been published in two parts, the first focussing on the impacts and associated costs and the second part looking at the lessons learnt and recommendations to take forward.
34. The first part of the review, published in February, identified that as a result of our continued investment in flood and coastal risk management, during the winter storms less than 1% of the properties and agricultural land at potential risk experienced flooding. The second part of the review was published on 30 April and contained 47 recommendations. A written response to this review was published on 22 July 2014 accepting all 47 recommendations either outright or in principle. This work was done with input from the Minister for Economy, Science and Transport and the Minister for Finance.
35. The first recommendation is for a delivery plan to progress the recommendations and identify priorities, appropriate leads and necessary resources. NRW will lead on the production of a delivery plan, alongside Welsh Government officials and Risk Management Authorities. An initial workshop on 31 July began scoping out the delivery plan. In order to succeed this needs to be a collaborative piece of work involving input from across government departments and all flood and coastal risk management authorities.
36. In addition to the recommendations for a delivery plan, a further ten recommendations are already underway including work on rebranding NRW's Flood Warning Service, preparation for a coastal evacuation exercise and an assessment of environmental change brought about by the storms.
37. The recommendations present the future challenges we face to maintain and build resilience to such events, particularly in light of the increasing risks posed from climate change. The Welsh Government response can be found at: <http://wales.gov.uk/topics/environmentcountryside/epq/flooding/studies/coastal-review-part-2/>.

## ***Forthcoming Government Bills***

38. Officials have worked with counterparts in Communities & Tackling Poverty and Housing & Regeneration Departments to ensure alignment of the Environment Bill provisions with those of the Well-being of Future Generations and Planning Bills. Particular attention has been paid to achievement of the shared aim for these Bills: to simplify and clarify current regulatory processes and to put in place an effective and joined-up legislative architecture for sustainable development.

### Well-being of Future Generations Bill

39. The Environment Bill will establish a framework for the sustainable management of our natural resources, embedding sustainable development as a guiding principle to help deliver environmental well-being. This approach will inform the better decision making and long-term thinking which is at the heart of the Well-being of Future Generations Bills, and help to optimise the environmental, social and economic outcomes for Wales.
40. The Environment Bill will complement the proposals within the Well-being of Future Generations Bill, in particular in relation to Natural Resources Wales' contribution to the proposed Future Generations Commissioner's Advisory Council, and as a future statutory member of Wales' Public Service Boards. In practical terms this approach will help ensure that key evidence and priorities in relation to natural resource management at the local level will inform the delivery of public services across the piece. In addition, the complementary proposals within the two Bills will mean that the sustainable management of our natural resources is at the heart of the proposed Future Generations Commissioner's periodic report on behalf of future generations in Wales.
41. The Environment Bill proposes to introduce Area Statements which will set out the opportunities and challenges to sustainably manage the natural resources in a given area. Through Natural Resources Wales' membership of the Public Service Boards this information will inform the development of the Well-being Plans.
42. Under the Well-being of Future Generations Bill we will establish a new progress measurement framework for Wales to underpin the goals set on the face of the Bill. This will build on and replace our current suite of sustainable development indicators for Wales which already measure our efforts to address environmental issues, including climate change through measuring greenhouse gas emissions.

### Planning Bill

43. We have worked closely to ensure alignment between the Environment and Planning Bill. The Environment Bill's area-based approach aims to provide a higher quality evidence base on opportunities and risks in an area to provide a clear and consistent evidence base that can inform the preparation of Local

Development Plans. This will support the objectives of the Planning Bill to improve local planning service delivery.

44. The approach would also provide a clear and consistent basis for NRW to provide advice on planning applications.

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# Agenda Item 4

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# Agenda Item 6

Environment and Sustainability Committee

Scrutiny of the Deputy Minister for Farming and Food

1. This paper provides an update on a range of agricultural issues that fall within the portfolio of the Deputy Minister for Farming and Food.

## **Progress on preparing for implementation of the new CAP**

2. The Welsh Government has formally submitted its Rural Development Plan (RDP) to the European Commission (EC). Discussions are due to start in late September and may extend into November or December. Preparations continue for the implementation of the schemes that will deliver the RDP to the end users. Details of these schemes are on the Welsh Government website:  
<http://wales.gov.uk/topics/environmentcountryside/farmingandcountryside/cap/ruraldevelopment/rural-development-plan-for-wales-2014-2020/documents-2014-2020/9067273/?lang=en>
3. Policy decisions for all aspects of Pillar 1 have been submitted to the EC. Claimants were sent guidance in July and Rural Payments Wales will be publishing a series of short guidance notes about aspects of the new arrangements. A review process has been established to consider applications to change the classification of land from one payment region to another.
4. Future plans for Glastir were outlined in an oral statement in plenary on 17 June: [http://www.assemblywales.org/docs/rop\\_xml/140617\\_plenary\\_bilingual.xml](http://www.assemblywales.org/docs/rop_xml/140617_plenary_bilingual.xml). The proposals, which are subject to approval from the EC under the RDP, will protect Wales's natural resources for future generations, support green growth and build resilience within Welsh agriculture and forestry industries, while delivering the best value for the Welsh taxpayer.

## **Agriculture Industry Issues**

### ***Milk and Beef Prices***

5. The early spring and good summer weather has raised milk production. Production in July reached 1,231m litres, the highest level for over 10 years, putting cumulative production (Apr-Jul) up 9% on the previous year. The average UK farm gate milk price stood at 31.79 ppl in July, 0.05ppl (0.2%) less than the June average price. The July 2014 price was 0.41ppl (1.3%) higher than July 2013.
6. In the last few months beef prices have fallen substantially. The prime cattle price at Welsh auction market for the week ending 14 June stood at 177p/kg; some 32p below the same time 12 months ago. For deadweight prices the average GB steer price for week ending 14 June was 330p/kg, 70p lower than the same time in 2013. With the current average steer carcass weight at 374kg this fall in price equates to a decrease of £262.00 in the total carcass value to the producer.
7. There are a number of reasons for this decrease in prices. For example, there has been a significant increase in quantities of cheaper beef being imported from the Republic of Ireland during the first few months of the year, which has caused a

destabilising effect on the UK beef market. HMRC statistics show that during the first four months of the year, imports of Irish beef increased by 15%. In addition, UK beef exports during the first four months of the year have been well below year earlier levels. This decline in exports combined with increased home production and significant increases in imports has led to the downward pressure on beef prices.

8. At the Hybu Cig Cumru (HCC) Board meeting on the 9 May it was agreed that HCC would undertake a comprehensive review of the beef sector over the coming months. The review will evaluate the current state of the Welsh beef sector, determining where there are current opportunities for expansion and improvement together with an appraisal of weaknesses and threats to the sector. The Review will also look at current production levels both on-farm and within the processing sector.

### ***EU Organic Farm Proposals***

9. The aims of the EC's organic farm proposals include clarifying the rules, addressing gaps in legislation, encouraging fair competition for farmers and operators, addressing consumers' concerns, removing exceptions to the rules, streamlining the control system and reforming the trade regime.
10. Responsibilities over organic regulations remain with the Member State and are administered by Defra on the behalf of the devolved countries. Welsh Government officials are in close contact with Defra, ensuring that the interests of Welsh organic producers are represented in their negotiations with the EC.

### ***Animal Health and Veterinary Laboratories Agency (AHVLA) and the future of laboratories in Wales***

11. In 2011 AHVLA announced the outcome of a review of their laboratory testing service. This resulted in laboratory testing being removed from the two laboratories in Wales at Carmarthen and Aberystwyth. The 2 Welsh sites remained open and provided a post mortem examination (PME) service to private veterinary practices and farmers.
12. The number of PME submissions at AHVLA's Aberystwyth Veterinary Investigation Centre reduced significantly and it was no longer viable to continue offering the PME service. AHVLA Aberystwyth site is closing in 2014 as part of the implementation of Surveillance 2014 project. The site ceased providing a PME service in March 2013 and was used as a collection centre for carcasses. This service as a collection centre ceased on 1st September 2014.
13. Officials are working with AHVLA and interested parties to explore the reintroduction of veterinary investigation services at Aberystwyth operated under private sector or not-for-profit stewardship.

### ***Intensive Agricultural Production***

14. The Welsh Government supports the need for profitable and resilient farming businesses producing sustainability for the benefit of the economic, environmental and social fabric of Wales. Through the standards laid out in the Cross

Compliance, farmers of all sizes and practices must comply with the Standard Management Requirements of Environmental, Public Health, Plant Health and Animal Health and Welfare Standards.

### ***Professor Wynne Jones' work on Further Education Colleges and support to farm businesses in Wales***

15. Professor Wynne Jones has met with 40 individuals, stakeholders and organisations in the last two months as part of his work on agricultural skills. He has reviewed a number of reports commissioned specifically in Wales, and others with a UK wide brief, which have relevance to the present review. It is envisaged that the review will identify potential of key Further Education Colleges with agricultural provision to engage in a more proactive role in developing a profitable, vibrant, enterprising and innovative agricultural industry that is able to compete in an increasingly volatile global environment.

### ***Update on Bovine TB***

16. The broad principles of the Eradication Programme for bovine TB are outlined in the 'Strategic Framework for Bovine TB Eradication in Wales':  
<http://wales.gov.uk/topics/environmentcountryside/ahw/disease/bovinetuberculosis/bovinetberadication/tbstrategicframework/strategicframeworkfortberadication/?lang=en>
17. The Welsh Government received European Commission endorsement of its TB Eradication Programme as part of the UK TB Eradication Plan, which is updated and agreed on an annual basis. Although TB eradication is a long term objective, the Welsh Government is making good progress towards achieving an Officially TB Free Wales.
18. The numbers of new herd incidents reported since February 2014 to date were the lowest ever recorded in any of these months consecutively since 2008. 5,936 cattle were slaughtered for bovine TB control between June 2013 to May 2014 compared with 8,595 during the previous 12 months representing a 31 per cent decrease. (The previous 12 months referred to June 2012 – May 2013).

### **Animal Welfare**

#### ***The Welfare of Animals at the Time of Killing (Wales) Regulations 2014***

19. The Welsh Government introduced the Welfare of Animals at Time of Killing (Wales) Regulations 2014 on 20 May. The Regulations provide extensive animal welfare protection through national rules and include the derogation to disapply the stunning provisions at time of slaughter to provide for the needs for communities of faith.
20. Minor technical amendments to domestic legislation were required due to a change of reference to "a Certificate of Competence" contained within our Regulations. These came into force on 5 September.

#### ***Anti-social Behaviour, Crime and Policing Act 2014***

21. The Anti-social, Crime and Policing Act 2014, introduced in May, includes many of the issues that the Welsh Government wished to see in relation to enforcement for the control of dogs.
22. The UK legislation does not have the same priority on responsible dog ownership as the policy intent behind the Welsh Government's Control of Dogs (Wales) Bill. The Welsh Government is considering how the review of existing education and training in relation to responsible ownership is to be taken forward in Wales.

### ***Wild Animals in Circuses***

23. The Welsh Government is committed to working with Defra to bring forward joint primary legislation to ban the use of wild animals in circuses in both England and Wales. We will continue to push on this important piece of UK legislation, which has yet to be formally included in the Parliamentary legislative programme.

### **The Agricultural Advisory Panel for Wales**

24. Following the Supreme Court decision that the Agricultural Sector (Wales) Bill is within the legislative competence of the National Assembly, the Bill received Royal Assent on 30 July 2014. The Agricultural Sector (Wales) Act 2014 will retain the current level of protection for agricultural workers in Wales, promote up-skilling and professionalism and contribute to the sustainability of the agricultural sector. The Act was developed in line with Ministerial priorities and wider Welsh Government strategies including Programme for Government and the objectives of Working Smarter.
25. The Act places a duty on Welsh Ministers to establish an Agricultural Advisory Panel for Wales that will underpin the development of the agriculture industry. The Panel will advise Welsh Ministers on agricultural matters, such as retaining qualified workers and attracting new talent in the sector, as well as preparing draft Wages Orders and promoting skills development and career progression within the industry.
26. A 12 week consultation exercise seeking the public's view on the remit and constitution of the Agricultural Advisory Panel for Wales was launched on 7 August 2014 and can be found at:  
<http://wales.gov.uk/consultations/environmentandcountryside/consultation-on-agricultural-advisory-panel-for-wales/?lang=en>

### **Common Fisheries Policy (CFP) and the European Maritime and Fisheries Fund (EMFF)**

27. The key delivery mechanism for the new Common Fisheries Policy in Wales is the European Maritime and Fisheries Fund. The Welsh Government has secured a share of 8.4% of the core fund for Wales, equivalent to approximately €12,222,467 over the programme period. This is a good deal for Wales that will allow effective implementation of the CFP and help develop smart green fisheries and aquaculture in Wales in line with the vision of the Marine and Fisheries Strategic Action Plan. Work continues on implementing the programme and I expect the EMFF to open for project applications in early 2015.

28. The EC recently put forward proposals for a complete ban of all drift net fishing in EU waters. There are concerns about this and the Welsh Government will therefore be pushing for a review the current proposals, which will have a major impact on the small scale coastal fisheries in the UK.

### **Food Action Plan**

29. 'Towards Sustainable Growth: An Action Plan for the Food and Drink Industry 2014-20' was launched on 12 June and sets out proposals to support the Welsh food and drink industry.  
<http://wales.gov.uk/topics/environmentcountryside/foodandfisheries/action-plan-for-food-and-drink/?lang=en>
30. The Welsh Government has made a commitment to deliver a 30% increase in turnover by 2020. A central part of this plan is building on what is already an efficient system of business support for our food and drink industry, based on specific producer needs and supporting their development and business growth.
31. We are establishing a Food and Drink Wales Industry Board. The Board will be the representative voice of industry and will drive sustainable growth. Mr Robin Jones, Managing Director of the Village Bakery has been appointed interim Chair of the shadow Board and will soon start the process of identifying suitable Board members from across the industry.

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# Agenda Item 7.1

Rebecca Evans AC / AM  
Y Dirprwy Weinidog Amaeth a Physgodfeydd  
Deputy Minister for Agriculture and Fisheries



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MB/RE/3059/14

Alun Ffred Jones AM  
Chair of the Environment and  
Sustainability Committee  
National Assembly for Wales

18<sup>th</sup> July 2014

Dear Alun Ffred,

## Welsh Government Response to European Commission proposal for a ban on the use of driftnets

Thank you for your letter to my predecessor Alun Davies AM dated the 24 June to outline the concerns of the Environment and Sustainability Committee regarding the recently announced proposal by the European Commission for a prohibition on the use of driftnets in EU waters. I very much share your concerns on the potential impact on the activity of our Welsh fishermen.

It is quite clear to me that in setting out the background to the proposal the EU Commission have identified some serious issues encountered in the large scale driftnet fisheries concerning incidental by-catch of species such as turtles, seabirds and marine cetaceans. In particular the issue seems to be prevalent where nets over 2.5 Km in length are being used to target highly migratory species such as tuna and swordfish. I understand the EU Commission have identified concerns over the enforcement and implementation of the rules and clearly the fisheries where the problems occur are in the Mediterranean, in the Baltic or on the High Seas and there seems little relevance to the small scale fisheries around the Welsh coast where we simply do not have the serious by-catch or enforcement issues that the Commission is trying to address.

The recommendation for a blanket ban is a very blunt and inappropriate way of tackling the problem with unintended but profound consequences on the small scale coastal fisheries such as the ones found around the coast in Wales and other parts of the UK for that matter. The numerous inshore fishermen actively using small scale driftnets in Wales fish for herring, bass, mullet and various other species. These fisheries are very selective with minimal by-catch and in turn provide a valuable part of the livelihood of small coastal

communities. I have now received several queries from Welsh fishermen and stakeholders who are all opposed to the widespread nature of the proposal.

Consequently I have now written to the Defra Fisheries Minister George Eustice MP to clearly state my objection to the proposal as it stands and highlighting the inappropriateness of such a blanket proposal to our coastal fishery. I expect Defra to now write to the EU Fisheries Commissioner Madam Damanaki as the UK lead on Fisheries matters and express the concerns of the UK on this proposal. Additionally, my officials recently met with their counterparts in the European Commission to highlight our concerns and the potential economic impact of the proposal on the Welsh fleet and also explain the measures already in place to manage these fisheries.

My officials will continue to work with Defra, in drawing up a comprehensive policy approach should the Commission seek to proceed with the proposal. They have already contributed in detail to the Explanatory Memorandum now produced by Defra to highlight the effects of this proposal on fishermen, particularly on those based in small coastal communities. In progressing this issue we will be highlighting the unintended consequences of this proposal and be urging the Commission to take a more risk-based and regionalised approach. We will be working with other UK administrations to identify any fisheries which do pose a problem and develop specific solutions for them. I certainly do not consider that our small scale coastal fisheries pose any such by-catch threat. We will certainly question the Commissions evidence base in respect of small coastal fisheries such as exist in Wales. This approach is in line with the existing requirements of existing EU by-catch regulations on the use of certain types of nets in the North Sea and in Western waters where there is an issue of incidental catches of other vulnerable or protected species.

The next likely step will be for the UK Government to work together with like-minded EU Member States to develop an appropriate response to the Commission's proposals. We anticipate discussions in Brussels to commence soon. The Welsh Government will be fully involved in the debate to press for a more proportionate approach to resolve the issue and find a way forward which enables coastal driftnet fishing to continue round the Welsh coast.

I hope that my response provides some reassurance of the seriousness we have given to this matter.

Yours,  
Rebecca

**Rebecca Evans AC / AM**  
Y Dirprwy Weinidog Amaeth a Physgodfeydd  
Deputy Minister for Agriculture and Fisheries



**Rhaglen Gweithredu'r  
Cynllun Gwastraff ac  
Adnoddau**  
Tŷ Carlyle  
5-7 Heol y Gadeirlan  
Caerdydd CF11 9RH

**Waste & Resources  
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5-7 Cathedral Road  
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T 02920 100 100  
W [www.wrapcymru.org.uk](http://www.wrapcymru.org.uk)

22 July 2014

Alun Ffred Jones AM  
Chair, Environment and Sustainability Committee  
The National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

Re Inquiry into Recycling in Wales

Dear Chair

Thank you for inviting WRAP Cymru to give evidence as part of the aforementioned Inquiry. We appreciate the opportunity to contribute to the debate around this important topic and were particularly pleased by the Committee's recognition that reaching the Welsh Government's recycling targets is an issue for business as well as householders.

Indeed, while I appreciate that the Inquiry's focus is municipal waste it is important to recognise that high recycling of other wastes is also essential if Wales is to reach the target of recycling 70 per cent of all wastes by 2025. WRAP Cymru is working to grow the reprocessing sector in Wales and develop the market for high quality recycled content among Welsh manufacturers; in 2011 – 2012 we influenced £6.4 million of growth in Wales' resource recovery sector, our ERDF-funded ARID programme will create over 100 new Convergence Region jobs by 2015.

As Members noted, retailers and brands have an important role in facilitating the recycling of packaging and encouraging waste prevention. Through WRAP's Courtauld Commitment voluntary agreement the UK grocery sector reduced food and packaging waste by 1.7 million tonnes between 2010 and 2012; among the initiatives we are currently working on with signatories is a pilot project with Marks and Spencer and Sainsbury's examining how to increase recycling of black plastic food trays.

I note that in your evidence session of 25 June 2014, there was a question regarding whether the Inquiry should also consider waste prevention. I believe that this is a matter for Committee Members, however should the scope of the Inquiry be extended WRAP Cymru would be happy to provide evidence as to the value of waste prevention and how moving to a more circular economy could deliver significant benefits to Wales.

Yours sincerely

A handwritten signature in blue ink, appearing to read 'M. Gover'.

Marcus Gover  
Director WRAP Cymru





John Griffiths AC /AM  
Y Gweinidog Cyfoeth Naturiol, Diwylliant a Chwaraeon  
Minister for Natural Resources, Culture and Sport

Eich cyf/Your ref  
Ein cyf/Our ref  
Alun Ffred Jones AM  
Chair of the Environment and Sustainability Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

19 August 2014

*Dear Alun Ffred*

## **Response to NFU Cymru's Initial Comments on the Infrastructure Bill Legislative Consent Motion and Memorandum (LCM)**

I am extremely grateful that the Committee considered this important issue at your meeting on 17 July. I thank you for your letter of 21 July 2014 which contained comments from the NFU Cymru regarding the Infrastructure Bill ("the Bill") LCM. I will respond to each of their points in turn.

### *1. Clarification is needed on exceptional circumstances definition in the powers section.*

There is no reference to "exceptional circumstances" in the Bill. That phrase was used at paragraph 9 of the LCM to describe that species control agreement/order powers will be used where a voluntary approach is not possible. The Bill does state that before entering into a species control agreement with an owner, an environmental authority must be satisfied that the provisions of the agreement are proportionate to the objective to be achieved.

The Welsh Ministers will issue a Code of Practice in relation to species control agreements/orders. The Code of Practice will provide advice and guidance on how a species control agreement/order will operate and will give details of what is considered proportionate. There is a requirement for the Welsh Ministers to lay this Code of Practice before the National Assembly for Wales.

It is intended that these powers will be used primarily to support national eradication programmes for invasive non-native species. It is not intended that the routine use of these

powers would be for widespread species, such as Japanese knotweed as this would generally not be viewed as appropriate and proportionate. The intention is that the order approach should be used where a voluntary approach cannot be agreed and there is a clear and significant threat from inaction.

- 2. Better safeguarding is necessary for owners and occupiers who may have invasive species on their land through no fault of their own against costs of control falling on them.*

The Code of Practice will also cover advice and guidance about payment of costs for control action and in particular what it should contain by way of provision about payment and recovery of costs. It is intended that in situations where a landowner is responsible for the release of an invasive species it is expected that the landowner would be accountable for costs, in accordance with the polluter pays principle.

- 3. Clarity is needed over why the environmental authority in Wales needs to be both Welsh Ministers and NRW. Should it not be Welsh Ministers who are in a position, in theory at least, to make a more balanced judgement on economic grounds in particular?*

Invasive non-native species can have a considerable impact on biodiversity and ecosystem services. Natural Resources Wales (NRW) is the primary operational body delivering wildlife and environment policy in Wales. The provisions are based on a Law Commission report "Wildlife Law, Control of Invasive Species", published on 10 February 2014: <http://lawcommission.justice.gov.uk/publications/2612.htm>. The Law Commission explored whether the powers should be reserved by Welsh Ministers and they concluded that such an approach would be out of step with the rest of wildlife law. They recommend that NRW should be given the powers to enter into species control agreements and make species control orders. Equivalent environment bodies have been given similar powers in Scotland and it is in the proposed arrangement for England.

- 4. First Tier Tribunal is not operational in Wales. It is unfortunate that the Welsh Government insist on using the Planning Inspectorate for appeals.*

An owner of premises in relation to which a species control order is made can appeal against the making of and/or the provision with a species control through First Tier Tribunal, which is operational in Wales. It is not proposed that the Planning Inspectorate will be used for appeals.

- 5. Clarity is needed on why the Highway Agency will be replaced by strategic highway companies in England but not, as it seems, in Wales.*

The LCM does not include the highways provisions. The provision in the Infrastructure Bill in relation to highways relate to changing the status of the Highways Agency. The Highways Agency is an England-only body and so the provisions relate to England only.

6. *Clarity is needed on whether the species covered will be listed in legislation.*

The Bill defines “invasive” and “non-native”. Although there is no list of “invasive non-native species”, non-native species include (but in the case of animals are not limited to) those specified in Schedule 9 of the Wildlife and Countryside Act 1981. The proposed Code of Practice will provide advice and guidance on when it may be appropriate to make an agreement or order. We anticipate their primary use will be primarily in the control of recently arrived species that are not widely established in Wales.

*You,*



**John Griffiths AC / AM**

Y Gweinidog Cyfoeth Naturiol, Diwylliant a Chwaraeon  
Minister for Natural Resources, Culture and Sport



Llywodraeth Cymru  
Welsh Government

John Griffiths AC /AM  
Y Gweinidog Cyfoeth Naturiol, Diwylliant a Chwaraeon  
Minister for Natural Resources, Culture and Sport

Eich cyf/Your ref  
Ein cyf/Our ref SF-JG-2672-14  
Alun Ffred Jones AM  
Chair Environment and  
Sustainability Committee

ES.comm@wales.gov.uk

20 August 2014

Annwyl Alun Ffred

## **Environment and Sustainability Committee Report – Water policy in Wales**

Last September my predecessor agreed to send you a final copy of the research 'Delivering results for water customers in Wales'.

We commissioned this research to explore the opinions and views on the provision of water and sewerage services in Wales in relation to business customers. In particular, the Welsh Government wanted the future needs of business customers to be assessed in order to align the requirements of business customers in Wales with the desired outcomes of the Welsh Government.

The reports recommendations supports the view of the Welsh Government and the Environment and Sustainability Committee, that Wales should be given legislative competence over sewerage and that the regulatory and legislative competence for the water industry should be realigned with the national boundary.

It also highlights a lack of evidence that expanding retail competition for water would benefit customers in Wales, or improve environmental standards.

Overall, I believe the report shows there is a good degree of alignment between the Welsh Government's desired outcomes for water and the wishes of business customers. We will be discussing the findings of this report at the next Wales Water Forum and will feed the findings into the final Water Strategy for Wales.

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**John Griffiths AC/AM**  
**Y Gweinidog Cyfoeth Naturiol a Bwyd**  
**Minister For or Natural Resources, Culture and Sport**



Eich cyf/Your ref  
Ein cyf/Our ref SF/EH/2666/14

Alun Ffred Jones AM

Chair Environment and  
Sustainability Committee

01 September 2014

Dear Alun Ffred

Thank you for your report published 21 July 2014 entitled *'Inquiry on Welsh Government proposals for the M4 around Newport'*.

I announced adoption of the Plan and modification of a Preferred Route for the M4 Corridor around Newport on 16 July 2014. I am therefore now in a position to respond to the further queries raised by your Committee in your letter dated 5 June as again requested in your report.

I recognise the Committee's important role in scrutinising decisions in relation to the M4 corridor around Newport and regret that the timing of the inquiry meant that I could not give evidence to you in person. As I explained in my letters of 20 December 2013 and 19 March 2014, the statutory decision making process in relation to major highways schemes is very strict and I was not in a position to offer a view on the merits of different options until I could consider all the evidence arising from the public consultation and relevant assessments and determine a way forward.

I appreciate that it will have been frustrating for the Committee not to have been able to obtain more detailed answers at the time but I hope that the Committee will understand that this was to protect the integrity of decision-making process.

I have been clear that thorough statutory assessments must be carried out and the outcome of these assessments must clearly inform the final proposals. I am satisfied that the process we have adopted so far has delivered this and I can assure the Committee that this will continue to be a key focus as the proposals are developed in detail.

I have provided detailed responses to the matters raised in your letter of 5 June 2014 and the Committee's report in the annex to this letter. I have published the reports that informed the decision making process on the website - [www.m4newport.com](http://www.m4newport.com) – and these provide substantial further detailed information to assist the Committee in its work.

I would, of course, be happy to assist the Committee with any further queries arising from their consideration of this additional information.

There are a few key points that I particularly wanted to draw attention to because they have been a source of particular concern in the Committee's consideration of this issue.

I can confirm that I gave careful consideration to alternatives to the Plan. A report on *Strategic Appraisal of Alternatives Considered during Consultation* was published at the time of my announcement on [www.m4newport.com](http://www.m4newport.com). This report considered all alternatives suggested, including the 'blue route'.

This assessment concluded no suggested alternative could meet the objectives of the Plan. It showed that the 'blue route', whilst providing a degree of increased resilience, would not address the problems on the M4, could cost more than £600m and could not be delivered any sooner than the Plan.

I recognise that there are clear environmental considerations given the location of the scheme. A Strategic Environmental Assessment process has been completed following a Strategic Habitats Regulations Assessment (SHRA). I have been very grateful for the advice and support of statutory consultees during these assessments, in particular Natural Resources Wales. The level of work undertaken, and the ongoing and continuing nature of our engagement and action to further improve the assessment and the Plan, was reflected in Natural Resources Wales (NRW) being in a position to agree in principle with the conclusions of the SHRA. The detailed reports arising from these assessments are available on the [www.m4newport.com](http://www.m4newport.com) website.

This project has a strong business case which was published on the [www.m4newport.com](http://www.m4newport.com) website at the time of my announcement. The business case shows that for every pound invested there would be a return of two pounds twenty nine pence. This return on investment is calculated using median traffic growth, in accordance with Department for Transport forecasts. The value would further increase if wider economic benefits are included and

could increase again should the Severn Crossing tolls be reduced or removed as that concession comes to an end.

The Plan has been identified as the sustainable, long term solution to the social, environmental and economic problems on the M4 Corridor around Newport. The Plan is compatible with, and will complement, the Cardiff Capital Region Metro and the electrification of the rail network. It forms an essential part of our vision for an efficient integrated transport system in South Wales.

My announcement of the adoption of the Plan follows a strategic environmental assessment and strategic habitats regulations assessment of the draft plan. This is an ongoing, iterative, process which will be followed by a more detailed environmental impact assessment and an appropriate assessment of the impact on European Sites as we move into the project phase.

I welcome the opportunity to discuss these matters further as we move forward and emphasise that I would be happy to provide further information if required. Given the level of interest in the scheme and the range of views being expressed I anticipate that there would be a Public Local Inquiry (PLI) into the proposals following the publication of the required draft statutory orders and the various assessments. Publication is anticipated in Spring 2016 and at that time more detailed information will be available on the scheme design, cost and environmental assessments.

If objections are received to the published proposals an independent inspector would be appointed to conduct the PLI in Winter 2016/17. This is a public forum where the inspector would listen to the range of evidence presented both orally at the and in written format before reporting to the Welsh Government with his/her findings and recommendations. That report, and all material considerations, will be considered very carefully before the Welsh Government decides whether to proceed with construction of the project.

A handwritten signature in black ink, appearing to be 'L. Jones', written in a cursive style.

## Annex A

### Welsh Government Responses to Queries Raised by the Environment and Sustainability Committee Report of 21 July 2014

#### **Q1) Process for selecting and de-selecting options**

##### **Q1.1) The process that was followed for the selection and de-selection of options between the M4CEM Consultation and the M4 Corridor around Newport Consultation and how you believe the processes followed by Welsh Government meet the requirements of the SEA Directive.**

Identification, selection and assessment of options was undertaken through Stage 1 (Strategy Level) Appraisals using the Welsh Government's Welsh Transport Planning and Appraisal Guidance (WelTAG) process. This is an appropriate and recognised process for the appraisal of transport strategies or schemes. Copies of these appraisals are available on [www.m4newport.com](http://www.m4newport.com).

WelTAG guidance (available via the Welsh Government website) includes specific consideration of SEA requirements for the appraisal of transport strategies, plans or programmes. The processes followed for compliance are set out in the M4 Corridor around Newport Environmental Report and associated documentation.

Options have been thoroughly identified and assessed during the development and adoption of the Plan.

SEA requires assessment of the plan or programme and reasonable alternatives. What constitutes a reasonable alternative is a matter of judgment for the decision maker but the question is to be judged by reference to the objectives and geographical scope of the plan or programme. During this process, alternatives were rejected where they did not meet the objectives for the M4 Corridor around Newport.

Section 2.1 of the SEA Post-Adoption Statement, available on [www.m4newport.com](http://www.m4newport.com), outlines the 'Development of the M4 Corridor around Newport Plan'. This discusses how options were identified and assessed. Information on how alternatives have been dealt with throughout the SEA process is set out in Section 5 of the Statement, available through the above website.

Earlier workshop reports, option workbooks and WelTAG appraisal from the M4 'Corridor Enhancement Measures' programme contain further information on options. These reports are available on [www.m4cem.com](http://www.m4cem.com).

##### **Q1.2) The relationship between the November 2012 M4CEM Environmental Report and the M4 Corridor around Newport Environmental Report.**

This matter was covered in my letter to the Committee dated 20 December 2013, an extract of which is copied below for ease of reference.

*The strategic level environmental assessment carried out during M4 CEM reported on measures and options that were under consideration to solve transport related problems affecting the M4 around Newport. This assessment was consulted on and the responses received to this assessment assisted with the subsequent preparation and assessment of the M4 Corridor around Newport draft Plan and its Reasonable Alternatives. An Environmental Report has been prepared for the draft Plan in accordance with Regulation 12 of the Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (the SEA Regulations) and published in accordance with Regulation 13 of the SEA Regulations. This Report can be accessed at [www.m4Newport.com](http://www.m4Newport.com).*

##### **Q1.3) The reasons for the selection of the Black Route as the preferred option in the M4 Corridor Around Newport Consultation given that the M4CEM consultation did not include a new motorway option**

This matter was covered in my letter to the Committee dated 19<sup>th</sup> March 2014, an extract of which is copied below for ease of reference.

*Discussions between the Welsh Government and HM Treasury/Department for Transport in 2013, as well as the work of the Silk Commission, have created future funding opportunities for Welsh Government infrastructure projects and therefore a further appraisal was undertaken to inform the strategy for the M4 Corridor around Newport. This appraisal, cognisant of the recommendations of M4CEM appraisal, concluded that a new section of 3-lane motorway to the south of Newport following a protected route, in addition to complementary measures, would best achieve the goals and address the problems of the M4 Corridor around Newport, and should be progressed for further appraisal. This subsequently formed the basis for the development of the draft Plan which was taken to consultation.*

Further information on the reasons for the selection of the Black Route as the preferred option is provided in M4 Corridor around Newport WelTAG Appraisal Report Stage 1 (Strategy Level) (June 2013). This report can be accessed at [www.m4newport.com](http://www.m4newport.com).

**Q1.4) The status of the November 2012 Environment Report on the M4 CEM and confirmation as to whether or not it was withdrawn.**

and

**Q1.5) If the report was withdrawn the reasons for this decision.**

As covered in response to question 1.2, the November 2012 Environmental Report has assisted with the subsequent preparation and assessment of the M4 Corridor around Newport draft Plan and its Reasonable Alternatives. This Report is still available and can be accessed at [www.m4Newport.com](http://www.m4Newport.com).

**Q2) Options Assessed**

**Q2.1) Whether you intend to assess the Blue Route as a reasonable alternative in accordance with the requirements of the SEA Directive.**

and

**Q2.2) If you do intend to assess the Blue Route whether you intend to consult stakeholders on the results of the assessment.**

and

**Q2.3) Whether the Blue Route will be subject to a published WelTAG evaluation allowing it to be directly compared to the other route options being considered.**

In my letter to the Committee dated 19 March 2014, I noted that alternatives to the draft Plan submitted during the M4 Corridor around Newport consultation exercise such as the "Blue Route" were being appropriately assessed to consider whether they are a 'reasonable alternative' to the draft Plan.

I can now confirm that a number of additional alternatives were put forward during the draft Plan consultation. A 'Strategic Appraisal of Alternatives Considered during draft Plan Consultation' Report, available on [www.m4newport.com](http://www.m4newport.com), concluded that none of these alternatives were considered 'Reasonable Alternatives' in line with the SEA requirements. This report was taken into account as part of the Welsh Government's decision making on its Plan for the M4 Corridor around Newport.

The suggested 'blue route' relates to improvement of existing roads south of Newport, the A48 Southern Distributor Road (SDR) and A4810 Steelworks Access Road.

As set out in the 'Strategic Appraisal of Alternatives Considered during draft Plan Consultation' Report a WelTAG appraisal was undertaken. Analysis demonstrated that the blue route would not be sufficiently attractive to relieve M4 traffic. It would exacerbate existing problems on the network, at connections with other roads, and it would cost more than £600m - significantly higher than the proposer's estimation of £380m.

Support of the 'blue route' has also been based on statements that it could be delivered up to a decade before the Plan. This is not the case. It would require significant land acquisition involving residential, commercial and industrial property demolition. Additional new roads would also be needed to replace existing accesses to areas like the St Modwen housing development and Tata Steel's premises. Therefore the same land acquisition processes would be required as for the Plan and the 'blue route' could not be delivered any sooner.

Assessment concluded that the 'blue route' would not achieve the objectives of the M4 Corridor around Newport, either as a stand-alone measure or in combination with public transport measures. Therefore it is not a Reasonable Alternative to the Plan.

No further consultation is required regarding alternatives at the strategic level. Opportunity will again be available for stakeholders to put forward alternatives once scheme detail is developed and 'draft Orders' are published (programmed for Spring 2016). Alternatives proposed at that time would be considered by an independent inspector at a Public Inquiry, programmed for Winter 2016/17.

### **Q3) Content of the Environmental Report**

#### **Q3.1) Why recommendations made by NRW in the Scoping Report were not taken into account in the production of the Environmental Report.**

and

#### **Q3.3) How you have taken account of the other concerns and questions raised by NRW about the content of the Environmental Report.**

I can confirm that Natural Resources Wales' Scoping Report comments were considered in the preparation of the Environmental Report.

Natural Resources Wales (NRW) have been a key stakeholder in the scoping, development and assessment of the SEA Environmental Report, as well as the Strategic Habitats Regulations Assessment, for the M4 Corridor around Newport.

Full details, on a point-by-point basis, of how NRW's comments have been taken into account is set out in Appendix C of the SEA Post-Adoption statement, available at [www.m4newport.com](http://www.m4newport.com). Section 4 of the report also discusses how other statutory consultees have been taken into account.

The SEA process has identified the key environmental issues, identified mitigation measures and formulated a monitoring strategy to inform the implementation of the M4 Corridor around Newport Plan. Scheme level implementation will be supported by detailed assessments through Environmental Impact Assessment (EIA), project level Habitats Regulations Assessment, and relevant licence and consent requirements.

Project level work will include collation of a detailed baseline following extensive surveys, modelling and assessments, further statutory consultation and production of an Environmental Statement and Assessment of Impact on European Sites (AIES) report.

In summary, the EIA and AIES processes will focus and influence the overarching scheme development to avoid, minimise and if required offset any significant adverse effects on the environment in addition to identifying further opportunities to promote positive effects and develop environmental enhancements.

#### **Q3.2) The reason why the Environmental Report concluded that the proposals would only have a "minor negative" impact on "biodiversity" and your response to NRW's conclusion that the proposals would have a "major negative" impact.**

How NRW's comments were taken into account has been addressed in response to Q3.1.

In my letter to the Committee dated 20 December 2013 I responded on the assessment of the proposal's impact on biodiversity as reported in the Environmental Report, an extract of which is copied below for ease of reference.

*Following the 2012 assessments, potential additional mitigation measures were identified that would deliver benefits. The 2013 SEA consequently included these additional mitigation measures which would be integrated into a project's design should the decision be taken to progress the draft Plan with or without amendment. Assessment methodology has remained consistent.*

*The biodiversity and water receptors of the Gwent Levels SSSIs are dependent upon the water volume and quality of the reen network.*

*The 2012 strategic level environmental assessment of an additional high quality road to the south of Newport (M4 CEM Option A) identified potential negative effects due to its potential implementation. The 2013 SEA introduces measures to reduce direct and indirect effects on biodiversity features and water resources. Newly introduced measures include:*

- Water treatment areas: attenuation ponds to store and dilute runoff in-combination with treatment via a reedbed filtration system prior to release to local watercourses. Integration of water treatment areas throughout the highway would provide significant biodiversity enhancement as additional resource and habitat complexity whilst also maintaining compliance with the WFD.*
- Creation of new reen system to offset the loss of reens through construction of a highway. The created reen would exceed the length of reen lost and would be constructed to the required Internal Drainage Board specification; often representing an enhancement in quality compared to that lost.*
- Consideration of an overarching management strategy for the Gwent Levels. An ambition to raise the quality of the Gwent Levels beyond the requirements for protected features to the benefit of wider biodiversity.*

*The additional mitigation measures meant the 2013 SEA concluded lower overall negative effects. At a project level, should a draft Plan be adopted, an aim would be to demonstrate these measures would provide an overall benefit to biodiversity and compliance with the Water Framework Directive (WFD). It is not possible to reach this conclusion at the strategic stage of assessment.*

#### **Q4) Consideration of Public Transport Issues**

**Q4.1) How the public transport measures considered during the M4 CEM preparatory work compare to those included in the Metro Impact Study**

and

**Q4.2) What assessment has been made of the potential for the Metro to alleviate congestion on the M4 around Newport, and whether you intend to assess its potential contribution to addressing the problems, aims and goals presented in the consultation on the M4 Corridor around Newport**

and

**Q4.3) Your response to the suggestion that an integrated transport strategy should consider sustainable transport and highway interventions together**

An integrated approach has been undertaken in the development of the Plan.

Public transport issues were appraised within the M4 CEM Public Transport Overview study (and 2013 Update). These documents can be accessed at [www.m4cem.com](http://www.m4cem.com).

The M4 Corridor around Newport Plan is compatible with, and will complement, the Cardiff Capital Region Metro and the electrification of the rail network.

Studies during the Plan development identified that an increased use of public transport in the Newport area would not solve the problems on the M4 Corridor around

Newport. In respect of the potential *scale* of impact, if an approximate 100% increase in public transport usage occurred across the Newport area, this is likely to equate to no more than a 5% decrease in traffic flows on the M4 around Newport. Nevertheless, the Welsh Government recognises the importance of public transport improvements and separate work is focused on developing the Cardiff Capital Region Metro.

Further information on how public transport measures have been considered in the development of the Plan is available in the SEA Environmental Report available on [www.m4newport.com](http://www.m4newport.com).

## **Q5) Validity of Traffic Forecasts**

**Q5.1) Your response to the suggestion that the forecasting approach used in developing proposals for the M4 has tended to predict growth where actual trends are flat, and does not take account of uncertainty in future traffic trends**

and

**Q5.2) Details of how the forecasts on which the current proposals are based compare to actual traffic flows in the period since the forecasts were produced**

This matter was covered in my letter to the Committee dated 13 February 2014 (a revision of my letter of 20 December 2013), an extract of which is copied below for ease of reference.

*The M4 Corridor around Newport Consultation Document shows observed and forecast traffic levels on the existing M4. This shows substantial growth occurring in the late 1990s, followed by a generally flat profile prior to the economic downturn in 2007/2008, which was further affected by the major road works on the M4 in 2009 and 2010. Following the completion of these road works, traffic volumes have risen back to around the 2005 pre global recession level. 'TEMPRO' (Trip End Model Presentation Program) forecasts show growth from 2011 onwards.*

*Forecasts are made in accordance with the Welsh Government WelTAG and Department for Transport WebTAG guidance (see [www.dft.gov.uk/webtag](http://www.dft.gov.uk/webtag)).*

Since the above, a report on this matter has been published giving further details of the robust approach to forecasting that has been adopted. This *Traffic Forecasting Report* is available at [www.m4newport.com](http://www.m4newport.com).

**Q5.3) Your response to the suggestion that, as a result of uncertainty about future trends, a scenario approach to planning, which considers how schemes perform under various "alternative futures", should be adopted.**

Traffic modelling work does produce forecasts for a range of traffic growth scenarios.

Details of the sensitivity tests carried out to take into account a range of traffic forecasts for high and low growth (and even no growth), are provided in a Traffic Forecasting Report available at [www.m4newport.com](http://www.m4newport.com).

**Q5.4) Your response to the suggestion that if the Welsh Government traffic forecasts are correct the current proposals will not significantly improve traffic conditions**

This is incorrect. The Plan is the sustainable, long term solution to the problems and goals for the M4 Corridor around Newport. It forms an essential part of our vision for an efficient integrated transport system in South Wales.

## **Q6) Financial Viability and Opportunity Cost**

**Q6.1) What consideration has been given to the cost of environmental mitigation, compensatory habitat and local highway interventions associated with the proposals**

**for the M4, and when the total cost of any scheme including these elements will become clear**

The high level cost estimate for the new section of motorway is around £1bn. This estimate includes allowances for environmental mitigation, compensatory habitat and local highway interventions.

This cost estimate will be closely managed at key decision points in scheme development before Welsh Government commits to construction. At that time a detailed estimate of the total cost of the scheme will be available. Work will continue to seek opportunities to reduce costs through value engineering and competitive tendering during the scheme's ongoing development.

Your attention is drawn to the Business Case, for the proposals, available on [www.m4newport.com](http://www.m4newport.com) which demonstrates that for every pound invested in the new section of motorway there will be a return of two pounds twenty nine. These values further increase if wider economic benefits are included. Should the Severn Crossing tolls be reduced or removed when the current concession comes to an end, this could increase again.

**Q6.2) Your response to the suggestion that the M4 draft plan and reasonable alternatives currently proposed represent a significant opportunity cost**

and

**Q6.3) What assessment has been made of the actual impact of delivery of the M4 draft plan on other capital programmes / investments**

The Plan has been prepared taking into account national, regional and local plans policies and programmes.

I have now published a Business Case, available at [www.m4newport.com](http://www.m4newport.com), which sets out the strategic, economic, commercial, financial and management cases for delivery of the new section of motorway to the south of Newport. The scheme would represent high value for money with wider positive impacts on employment and the economy.

The M4 Corridor around Newport Plan is compatible with, and will complement, the Cardiff Capital Region Metro and the electrification of the rail network. All of these measures will in combination provide an efficient, integrated transport system for South Wales.

**Q6.4) How investment in the M4 at Newport will be funded, including the portion of the £500m borrowing limit envisaged in the Wales Bill which will be used and how any balance will be funded.**

As well as Welsh Government budgets, it is planned to use our new borrowing powers which has created future potential funding opportunities for Welsh Government infrastructure projects.

The Minister for Finance has been clear that borrowing powers will be used to benefit all parts of Wales and Welsh Government will not be committing all of our borrowing capacity to this single scheme.

It is too soon to say exactly how much of the scheme will be financed through borrowing - that will depend on the final cost of the project, which is still subject to detailed work.

# Agenda Item 7.6

**Cyngor Ar Bopeth Cymru**  
**Citizens Advice Cymru**



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Dear Alun Ffred Jones AM,

I am writing following the evidence session of the Environment and Sustainability Committee's inquiry into fuel poverty schemes in Wales. I was grateful for the opportunity to give evidence, along with my colleague William Baker, particularly given Citizens Advice statutory role to represent energy consumers.

At the inquiry, I mentioned my concerns regarding the Competition and Market Authority's (CMA) energy market investigation, and how it will work in Wales.

Citizens Advice responded to Ofgem's consultation on the referral, making the point that the need to consider devolved issues should be made explicit within the terms of reference of the investigation. Whilst no such reference was included, I believe it is important that the CMA investigation takes full account of the issues that energy consumers face in Wales.

Citizens Advice Cymru is keen to ensure that the CMA are mindful of how each of the following impacts on how the energy market functions in Wales;

- Current devolved policy
- Potential future devolved responsibilities
- The different shape of the supplier market in Wales
- The unique demography and geography of Wales

I enclose a short briefing note which expands on these issues. I am sure you would agree that it will be important to ensure any reform resulting from the investigation avoids unintended consequences for consumers in Wales.

I would be grateful if, as Chair of the Environment and Sustainability Committee, you would consider raising this issue with the Minister for Natural Resources, Culture and Sport asking him to make representations to the CMA on behalf of the Welsh Government.

I would also suggest you may wish to make representations to the CMA directly on this issue, and consider drawing this to the attention of your Westminster colleagues. I also feel there may be an advocacy role for the Wales Office to ensure the CMA takes these issues seriously, and would appreciate any representations you could make in this regard.

I would be happy to meet you or your colleagues to discuss any of this in more detail.

Yours sincerely,

Andrew Regan

Energy Policy Manager, Citizens Advice Cymru

# Agenda Item 7.7

Carl Sargeant AC / AM  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref SF/CS/2390/14

Alun Ffred Jones AM  
Chair of the Environment & Sustainability Committee  
National Assembly for Wales  
Ty Hywel  
Cardiff Bay  
Cardiff  
CF99 1NA

16 July 2014

Dear

*Alun Ffred*

Thank you for your letter of the 16<sup>th</sup> June 2014 regarding a review of Technical Advice Notes 14 and 15.

The Welsh Government accepted in principle Recommendation 10 of the Committee's report *Coastal Protection in Wales*. It is worth re-iterating the response we gave to the committee at that time.

*The Welsh Government has always accepted that a review of TAN14 and TAN15 is likely to be required as a result of emerging policy developments resulting from aspects of the Flood and Water Management Act 2010, Marine Spatial Planning, National Coastal Erosion Risk Mapping project, and the revisions to Shoreline Management Plans.*

*However, until the objectives of these other policy areas are clearly established and publically adopted it would be premature to embark on a formal review. A review without a robust evidence base to provide clarity and purpose could become a focus for delaying production of other plans and strategies that rely on national planning policy. This could result in undermining much needed investment and regeneration across Wales in areas not actually affected by coastal erosion or flooding issues. Therefore now is not the time to embark on a formal review of TAN14 and TAN15.*

The Shoreline Management Plans are still in draft and the Marine Spatial Plan is due for publication by Autumn 2015. The Marine Spatial Plan project will also involve a review of the Welsh Government's Inter-coastal Zone Management (ICZM) strategy, and will therefore clarify the interface between marine and terrestrial planning. My officials are engaged, as part of the marine policy board, in taking forward the Marine Spatial Plan.

However until such time as the Marine Spatial Plan has been formulated, consulted upon, and finalised providing certainty on objectives and policy considerations, it would be premature to embark on a review of the two TANs.

We are still committed in principle to undertaking a review of TAN14 and TAN15, and this was expressly identified in the Positive Planning Consultation (Paragraph 4.31), which was subject to public consultation earlier this year.

We continue to monitor implementation. For example, since January we have published a number of policy clarification letters relating to flood risk, and my officials have held 4 workshops around Wales for all Local Planning Authorities to reinforce the policy considerations set out in TAN14 and 15.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'C. S.', with a small dot at the end.

**Carl Sargeant AC / AM**  
Y Gweinidog Tai ac Adfywio  
Minister for Housing and Regeneration