

Agenda – Climate Change, Environment and Rural Affairs Committee

Meeting Venue:

Committee Room 3 – Senedd

Meeting date: 3 April 2019

Meeting time: 09.20

For further information contact:

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Committee Clerk

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Allotments: oral briefing (09.20 – 09.30)

1 Introductions, apologies, substitutions and declarations of interest

(09.30)

2 Allotments: evidence session

(09.30–10.20)

(Pages 1 – 19)

Dr Hannah Pitt, Sêr Cymru II Research Fellow – Sustainable Places Research Institute, Cardiff University

Dr Poppy Nicol, Global Gardens Project

Attached Documents:

Research brief

Paper – Cardiff University

Paper – Global Gardens Project

Break (10 minutes)



3 Allotments: evidence session with representatives of community growers

(10.30–11.20)

(Pages 20 – 27)

Gary Mitchell, Joint Wales Manager – Social Farms and Gardens

Nicola Perkins, Joint Wales Manager – Social Farms and Gardens

Lynne Lewis, Llandaff North Allotment Association Committee

Stephen Taylor, Site Representative – Llandaff North Allotment Association Committee

Attached Documents:

Paper – Social Farms and Gardens

Paper – Llandaff North Allotment Association

4 Papers to note

(11.20)

4.1 Correspondence from the Chair of the Constitutional and Legislative Affairs Committee to the Chair regarding the Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government

(Pages 28 – 33)

Attached Documents:

Paper to Note – Correspondence from Chair of CLAC Committee – 15 March 2019

4.2 Correspondence from the Chair to the Future Generations Commissioner for Wales following the annual scrutiny session on 10 January

(Pages 34 – 40)

Attached Documents:

Paper to Note – Correspondence from Chair – 21 March 2019

4.3 Correspondence from the First Minister for Wales to the Chair regarding the scrutiny of legislative consent memorandums

(Pages 41 – 43)

Attached Documents:

Paper to Note – Correspondence from the First Minister – 22 March 2019

4.4 Correspondence from the Chair of Economy, Infrastructure and Skills Committee to the Chair regarding its scrutiny of the Welsh Government's first carbon budget plan – Prosperity for All: A Low Carbon Wales

(Page 44)

Attached Documents:

Paper to Note – Correspondence from the Chair of EIS Committee – 25 March 2019

4.5 Correspondence from the Minister for Environment, Energy and Rural Affairs regarding the Supplementary Legislative Consent Memorandum to the UK Agriculture Bill

(Pages 45 – 46)

Attached Documents:

Paper to Note – Correspondence from the Minister for Environment, Energy and Rural Affairs – 26 March 2019

4.6 Correspondence from the Minister for Environment, Energy and Rural Affairs to the Chair regarding the Committee's report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill

(Pages 47 – 62)

Attached Documents:

Paper to Note – Correspondence from the Minister for Environment, Energy and Rural Affairs – 27 March 2019

5 Motion under Standing Order 17.42 (vi) to resolve to exclude the public from items 6, 7 and 8 of today's meeting

6 Consideration of the Legislative Consent Memorandum on the Rivers Authorities and Land Drainage Bill

(11.20–11.30)

(Pages 63 – 66)

[Legislative Consent Memorandum for the Rivers Authorities And Land Drainage Bill](#)

Attached Documents:

Private Paper – Legal Advice Note

7 Approach to consideration of the Supplementary Legislative Consent Memorandum to the UK Agriculture Bill

(11.30–11.45)

(Pages 67 – 82)

Attached Documents:

Private Paper

8 Consideration of the Welsh Government response to the Committee's report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill

(11.45–12.00)

(Pages 83 – 92)

Attached Documents:

Private Paper

Document is Restricted

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Sefydliad Ymchwil Mannau Cynaliadwy – Prifysgol Caerdydd
Evidence from : Sustainable Places Research Institute – Cardiff Universityl

Introduction

The [Sustainable Places Research Institute](#) is a meeting place for sustainability science, focussed on exploring innovative solutions for a more sustainable future. The Institute operates across disciplines in all three Colleges of Cardiff University. Bringing together over 100 researchers, we work to find solutions to real problems, in the real world. Working with stakeholders, including local community groups, public authorities and academic partners, we support methodological innovation for research into sustainable place making.

Our submission draws on research delivered and in progress, and researchers' ongoing interactions with practitioners. In line with the remit of the 2010 inquiry we consider allotments and community gardening, with the majority of our research focused on the latter.

Benefits of allotments and community gardens

As noted in the report of the 2010 committee inquiry, the benefits of allotments and community gardens are wide-ranging. They have potential to support multiple outcomes contributing to Wales' goals under the Wellbeing of Future Generations Act, with the advantage of simultaneously achieving multi-faceted benefits. An extensive body of research now provides evidence of these benefits and how they are achieved. Findings from Cardiff University-led research and involvement with local projects demonstrate that:

- Residents of both urban and rural areas in Wales access therapeutic experiences through involvement in communal gardening which are reported to particularly enhance mental wellbeing.¹
- Participation in community gardening provides opportunities for place-making which can foster positive relationships and sense of community.²
- Young people's participation in school gardening has personal and educational benefits, particularly when delivered as part of a 'whole school approach' to food, with growing linked to the curriculum.³

¹ Pitt, H. 2014. Therapeutic experiences of community gardens: putting flow in its place. *Health & Place* 27 , pp. 84-91. [10.1016/j.healthplace.2014.02.006](https://doi.org/10.1016/j.healthplace.2014.02.006)

² Pitt, H. 2019 Limits to growth: Why gardening has limited success growing inclusive communities, in *Urban gardening and the struggle for social and spatial justice*, C. Certoma (Ed.) Manchester Uni. Press

³ Pitt, H., Jones, M. and Weitkamp, E. 2018. Every city a food growing city? What food growing schools London reveals about city strategies for food system sustainability. *Sustainability* 10 (8) , 2924. [10.3390/su10082924](https://doi.org/10.3390/su10082924)

- Socially, allotments and community gardens provide a rich community resource, including acting as non-institutional referral agencies. They act as networks or hubs, linking together organisations and institutions including mental health organisations, community development schemes, food banks, government social work programmes.⁴
- They often offer non-judgemental, welcoming spaces of participation, inclusion and empowerment, an important vehicle for reaching out to the most vulnerable citizens offering intangible benefits such as a sense of ownership, freedom, and learning new skills.⁴
- Though the immediate impact of food consumed through community gardening and allotments are often minimal, they can be spaces where people begin learning about and respecting food. In this case, it often resulted in more awareness of unhealthy consumption and desire to eat healthier foods. In relation to food poverty, community gardening and allotments can go beyond the individualisation effects of food banks, to empower citizens to recognise the deep structures of the issue.⁴
- Communal gardens can provide a valuable resource for those seeking sanctuary within Wales, for example refugees and asylum seekers.⁵

Despite the body of research available, there remain gaps in understanding and evidence of the benefits of allotments and community gardening. Those which may be of interest to this committee include:

- Lack of longitudinal perspectives which demonstrate long-term benefits and involvement.
- Limited understanding of whether positive experiences extend beyond participation, to impact other dimensions of gardeners' lives.
- Lack of robust measurement of ecological and environmental benefits.

We would also highlight that the social and wellbeing benefits of community gardening are complex, and never guaranteed.⁶ The contribution allotments and community gardens can make to Wales' ability to feed itself sustainably is likely to remain marginal, particularly without transformative action on entrenched problems with the current food system.

Challenges facing allotments and community gardens

Projects and groups still encounter issues which limit their potential to achieve such wide-ranging benefits. Those apparent from our research and practical engagements include:

⁴ Sonnino, R. and Hanmer, O. 2016. Beyond food provision: Understanding community growing in the context of food poverty. *Geoforum* 74, pp. 213-221

⁵ <https://www.globalgardensproject.co.uk>

⁶ Maughan, C., Laycock Pedersen, R. and Pitt, H. 2018. The problems, promise and pragmatism of community food growing. *Renewable Agriculture and Food Systems* 33 (SI6), pp. 497-502. [10.1017/S1742170518000200](https://doi.org/10.1017/S1742170518000200)

- The broad range of skills required to run community gardens, and potential to underestimate the importance of abilities to manage them in a manner which ensures they are inclusive.
- Reliance on short-term project funding, with particular difficulties attracting funds beyond the set-up or capital outlay phase.
- Capacity of local authorities to support community groups and provide a straight forward process for taking over municipal sites or plots.
- Difficulty embedding food growing in secondary level education.
- Limits to long-term access and security of tenure of community growing sites and allotments.⁷

The Welsh Government's strategic approach

The approach Welsh Government took to supporting allotments and community gardens around the time of the previous inquiry could be regarded as innovative and sector leading. The *Community Grown Food Action Plan* and associated Task and Finish Group, and allied *Horticulture Action Plan* supported comprehensive action. This provided strategic leadership, situated within the broader context of an over-arching vision for food sustainability. The crucial need for such leadership has been reinforced by recent research highlighting the urgency of transforming diets and food production to achieve a healthy diet from a sustainable food system.⁸ Commissioning comprehensive research of allotments and community gardening in Wales generated data and insight lacking in other parts of the UK.⁹

It is not clear that this momentum has been sustained, or that Welsh Government has continued to dedicate support for community growing. We are unaware that the outcomes of the key action plans have been reported or evaluated, without which their impacts are uncertain. Valuable ongoing initiatives are being supported via Rural Development Programme investment, but such support is not guaranteed under post-CAP regimes. Policy decisions beyond the immediate field of allotments and community gardens have also had negative impacts for Wales capacity to support community growing initiatives. In particular, we note the demise of Communities First resulting in the closure of gardening initiatives formerly hosted and/or funded by the programme's delivery bodies. We further note the challenge facing ongoing community growing projects in this current economic climate, making it difficult to meet costs such as allotment fees.

⁷ Nicol, P. 2016. *Placing the apple: exploring the urban applescape*. PhD Thesis, Cardiff University

⁸ Willett, W. et al. 2019 *Food in the Anthropocene: the EAT–Lancet Commission on healthy diets from sustainable food systems* [https://www.thelancet.com/journals/lancet/article/PIIS0140-6736\(18\)31788-4/fulltext](https://www.thelancet.com/journals/lancet/article/PIIS0140-6736(18)31788-4/fulltext)

⁹ Wales Rural Observatory 2012 *Community Grown Food in Wales* <http://www.walesruralobservatory.org.uk/sites/default/files/Executive%20Summary%20FINAL.pdf>

Opportunities

We have identified further opportunities to capitalise on the benefits of community involvement in food growing which were not recommended by the previous inquiry, or have since emerged as necessary. These are positioned within the need for a comprehensive national vision and strategy for food, integrating goals for environmental and human health:

- Review the current state of community food growing in Wales by updating the 2012 data, using this process to identify ongoing challenges and opportunities. This would provide a longitudinal picture of the sector, and highlight the extent to which activity has survived over the last decade.
- Identify funding mechanisms to extend third-sector led capacity building and support such as Tyfu Fyny, currently supported by RDP investment.
- Recognise the value of community gardening as an entry point and companion to commercial food production. Anecdotal reports suggest that involvement in community projects and volunteering facilitates movement into farming and food production careers, countering long-standing problems of attracting entrants to the sector.
- Community growing has commercial dimensions, contributing to local food chains, and acting as a spring-board for establishing new horticultural businesses. This potential deserves support and exploration to support the Government's ambition to expanding the horticultural sector in Wales.

*Submission prepared by Dr Hannah Pitt, Dr Poppy Nicol, & Owain Hamner
Contact: Dr Hannah Pitt*

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Global Gardens Project
Evidence from : Global Gardens Project

About us

Global Gardens is a community-growing project in Cardiff. We have a growing site at Flaxland Allotment, Gabalfa where we have weekly community garden sessions on a Saturday (2pm-5pm) and Wednesday (10am-3pm). We also have a monthly community supper at Cathays Community Centre on the last Monday of every month. Along with these sessions and suppers, we offer a programme of community-based workshops on gardening, cooking and creative learning.

Our aim is to support inter-cultural communication and understanding through the shared activities of gardening, cooking and learning. We want to celebrate social and ecological diversity through growing crops from around the world and using them to cook global cuisine.

We work closely with the Trinity Project and Oasis, as well as Cardiff University and New Link Wales. Volunteers at the site include refugees, asylum seekers, students and people from the local community. We are working with Allensbank Primary School to set up an after-school weekly gardening club. We also hold regular ecotherapy sessions in collaboration with New Link Wales for those in recovery.

In 2018, over 300 people participated in Global Gardens activities, including 71 garden sessions, 12 workshops, 11 suppers and three field trips. In June 2018, we were awarded the People's Project, which is enabling us to deepen the work we do and develop some important infrastructure at the growing site.

We believe community allotment sites are a valuable resource for a range of groups including: young people and students; newcomers to the city; those seeking sanctuary, including refugees and asylum seekers; families; unemployed people; those facing social isolation and loneliness; people interested in learning about gardening; and, growers currently lacking access to a growing space.

The community-based approach of our project particularly benefits those people who are unable to commit to a full allotment plot yet have a keen interest in learning more about and getting involved in gardening and growing food. We offer the Cardiff community opportunities for community-based learning around organic gardening techniques, healthy cooking and creativity.

Challenges

We face a number of challenges as a community-growing project based on an allotment:

1. We **do not have security of tenure** and, as with other allotment holders, have an annual renewal of our plots. This can feel precarious for community projects investing significantly in a site.

2. Currently we have to pay **full allotment fees** for the plot of land. Full allotment fees make it harder for community groups to survive and thrive in the long-run. We work with a lot of people who are unemployed, including refugees and asylum seekers. Many of the people we work with would not be expected to pay full fees in normal allotment rental agreements and/or may be unable to get an allotment plot themselves. Many refugees and asylum seekers for example do not have a permanent address so cannot register for an allotment plot themselves.

3. Although we are paying full fees, our allotment site **does not have full facilities**. For example, there are **no toilet or handwashing facilities** and some water troughs that are not linked to the mains. A toilet and hand-washing facilities would make the site more welcoming and accessible to a wider group of people, including women, older people and young families.

Opportunities

We believe community growing projects on allotment offer opportunities for generating **grant income** and **community-based action**, resulting in investment and renewal of the site.

1. When we took on the site in August 2016, the site was overgrown with brambles, littered and included a concrete apron filled with garbage. Since then, we have filled 4 skips to clear some of the unrecyclable waste (spending an estimated £735 on skip hire).

2. With permission from Cardiff Council and support from the Welsh School of Architecture and Awards for All, we have built a **community greenhouse** and a **polytunnel**. The space is used for propagating, shelter and community learning about gardening techniques such as seed-saving, composting and organic gardening.

3. We have also received funding from the People's Project to install a **compost toilet** accessible for the wider allotment site community and **community learning space**.

Conclusion

As a community growing project we are creating a valuable space in the city for people to learn more about growing, make friends and feel healthier and happier.

Further support from the Welsh Government and local authorities for community allotment projects across Wales in the form of more **secure tenure**; **reduced allotment fees**; **investment in site infrastructure and facilities** (such as toilets, hand washing facilities, running water) would enable community allotment projects in Wales to become **more accessible to a wider group of people**, including women, older people and young families, support **community-based learning about horticulture and sustainability** and, in turn, support the **health and well-being of present and future generations**.

Agenda Item 3

Y Pwyllgor Newid Hinsawdd, Amgylchedd a Materion Gwledig | Climate Change,
Environment and Rural Affairs Committee
Ymchwiliad Rhandiroedd | Allotments Inquiry
Ymateb gan : Ffermydd a Gerddi Cymdeithasol
Evidence from : Social Farms and Gardens

Social Farms & Gardens exists to support and develop community-based food and fibre production in all its forms including community gardens, allotments, community/city farms, community forests and woodlands, Care Farms and Community Supported Agriculture (CSA) projects. We represent around 1,000 member organisations across the UK, 390 of which are in Wales.

It is a new organisation created as a result of the merger between the Federation of City Farms and Community Gardens (FCFCG), and Care Farming UK. The two joined together in April 2018 to better support and represent the farmers, gardeners and growers who run life-changing projects in our urban and rural communities.

Both former organisations and have a long track record of supporting projects in their specific areas. FCFCG was established in 1980 to support community farms and gardens across the UK. It has offices in Cardiff, Bangor, Bristol, Scotland and Northern Ireland. It has helped the movement grow from a handful of projects at that time of its establishment to the robust, diverse and dynamic sector it is today. Care Farming UK promotes and supports care farms in the UK, along with thousands of grass roots projects that have helped millions of people.

In the UK there are some 5000 community gardens, 200 city and school farms, 100 CSA projects. Between them they employ 550 people, engage with thousands of volunteers and attract over three million visitors each.

In Wales, the only UK country to have a specific community growing strategy, there are about 450 community gardens & school gardens, 2 city farms, 6 care farms and 9 CSA projects with a further 14 in various stages of development. Social Farms & Gardens manages the Tyfu Fyny Project in Wales, funded through the Rural Development Plans for Wales (2014 – 2020), which supports community-based farming and gardening projects.

Social Farms & Gardens also manages the Community Land Advisory Service in Wales (CLAS Cymru) funded by the Landscape and Outdoor Recreation Branch in Welsh Government. This service provides guidance for groups to access green spaces (for growing or other community led green space uses). We provide support on all aspects of accessing land, land agreements and planning issues. CLAS can particularly help in establishing permitted development rights for allotment holders, having a chartered town planner coordinating the programme enables us to apply existing planning rights and to look realistically at how the planning system could be more supportive to allotment holders and community growers. Further planning guidance for LA's can be found in Chapter 4 of the Traditional Allotments and Community Led Gardening Projects Guidance – March 2016. A link to this guidance is provided below.

Our response

Our response is submitted on behalf of our members, and we believe is representative of the wider community food growing sector.

1. The Welsh Government's strategic approach

We believe that sufficient consultation and guidance documents have been produced in the last 9 years to support Welsh Government in identifying the actions and the steps necessary to support allotments and community growing in Wales.

In 2015, Social Farms & Gardens, (under its previous name of Federation of City Farms and Community Gardens), were commissioned to undertake work on behalf of Welsh Government to create a guidance document for "Traditional Allotments and Community Led Gardening Projects" which was published in March 2016. This document currently features under Business, Economy and Innovation section of the website and then under subject area 'Food and Drink' on www.beta.gov.wales and covers different models of allotment and community growing, the law, planning guidance for local authorities and groups, advice for public and private landowners, and finding and funding land. This guidance and specific sections are referred to in other parts of our response as relevant.

<https://beta.gov.wales/sites/default/files/publications/2018-05/allotments-and-community-led-gardening-guidance.pdf>.

We would advise this guidance is reviewed thoroughly as part of our response as it comprehensively covers all areas addressed in the Sustainability Committee's Allotment Provision in Wales report of July 2010. Landscape and Outdoor Recreation Branch of Welsh Government support this area of the website and fund the Community Land Advisory Service Cymru (as referred to above). Consultation with the relevant civil servants in this branch is strongly advised.

As an organisation we also contributed to the Welsh Government's Community Grown Food Action Plan (July 2010) and the Welsh Rural Observatory document on Community Grown Food in Wales (2012), which both outlined a number of actions including mapping, funding streams available to develop community sites, improving access to land to help address issues with land availability, and the need for better skills training and networking between community projects.

We believe that these documents outline a clear strategic direction, supported by a number of pieces of legislation including:

- The **Wellbeing of Future Generations Act 2015** which strives for a prosperous, resilient, healthier Wales, stipulating that Local Authorities should give due consideration for the sustainability benefits of community growing.
- The **Environment Act 2016** stipulating that Local Authorities should develop allotment strategies and that the development of Area Statements by Natural Resources Wales will help coordinate joined up working to build the resilience of our ecosystems and enhance the benefits of they provide us.
- **Planning Wales Act 2015** works to ensure the right development in the right place, which is more important than ever in this time of asset valuation and disposal by Local Authorities.

2. The approach taken by local authorities across Wales

As an organisation, we are aware of some local authorities (LA's) who have developed allotment strategies in recent years. In particular, Conwy's allotment strategy 2011 – 2016 clearly outlines research and consultation has been done to map allotment provision and demand. Allotment holders have also been consulted and surveyed. Our Development Worker for this area has seen that Conwy's strategy has been delivered and appears to be having a positive effect on community growing sites.

The extent to which other LA's are taking forward their allotment strategies seems to vary vastly. All seem to have strategies in place but it's not clear to what extent these have been implemented. In addition, responsibility for allotments appear to sit under different departments in different LA's.

We acknowledge that there is very good practice out there and we would like to see every LA have a similar approach, working together to share best practice to provide consistency and best practice.

We have previously acknowledged the work done by Cardiff Council, Wrexham County Borough Council and Conwy Borough Council to promote best practice. Refer to Chapter 5 of the Traditional Allotments and Community Led Gardening Projects Consultation.

3. How we can maximise the health, community and environmental benefits of allotments and community growing

You can maximise the health, community and environmental benefits of allotments and community growing by:

Allotments

1. Consistently mapping allotment provision and demand across all LA's in Wales, ensuring each LA is carrying out the process in the same way. This needs to take into account that some plots are unusable for various reasons and waiting lists do not accurately reflect demand as some people may be put off from going on a long waiting list.
2. Mapping potential growing spaces or allocating sites in the local development plan for each local authority area - for either more allotment plots or for community growing. This could be privately owned land, Housing Association Land, National Trust, Council owned land etc. Refer to Chapter 6 of the 2016 Guidance document for advice for public and private landowners working with community growing groups.
3. Encouraging and facilitating the allocation of certain areas of allotment sites to wildlife
4. Producing an allotment guide for allotment holders, such as the guide produced by Cardiff Council in July 2012. This could be customised with local contacts and information and be designed to manage the expectations of a new plot holder to reduce early drop off rates. The guide can be found here - <https://www.cardiff.gov.uk/ENG/resident/Leisure-parks-and-culture/Allotments/Documents/Cardiff%20Allotment%20Guide.pdf>

Community Led Growing Projects

5. Ensuring consistency of charging for community led growing projects on council run allotment sites across Wales. We note that different charges apply to different allotment sites depending on location and facilities available. However, it is largely unrealistic to apply an allotment plot charging structure to community groups. We know of one example in Cardiff where a group is being charged full rent for the plots they have use of, totalling £700pa. This is despite some users being eligible for a reduction in rent were they to occupy a standard allotment plot. In most cases, charges at this level would be prohibitive to a community group using that land to grow.
6. Carrying out consultations or working with an external organisation (such as SF&G) to identify areas where there is a high demand for community led projects.
7. Devising a universal process across Wales for getting community groups access to land. The Community Land Advisory Service Cymru is well placed to support this. In our experience the process can prove relatively straightforward or incredibly difficult depending on which Local Authority is involved. We have examples of some groups that have come across such lengthy processes and numerous barriers that it has resulted in them giving up the idea altogether (RCT). In other areas, the LA has been very supportive and accommodating of community growing projects (VOG). There are even inconsistencies in advice given by different members of staff in different departments within the same council.
8. Training for LA staff (across all departments) to avoid inconsistencies as mentioned above and to establish a standard procedure to ensure the service provided to community groups is efficient and the group feels they are well advised and supported. This training could encompass the huge benefits of community led growing and how this links into:
 - Health & wellbeing
 - Education
 - Recreation
 - Community cohesion
 - Reduction of social isolation
 - Reduction of antisocial behaviour
 - Food security and sustainability
 - Improving green infrastructure and biodiversity

We would draw your attention in particular to, Chapter 5 of the aforementioned guidance, which discusses the responsibilities, duties and powers of local authorities. This chapter also outlines the benefits of community growing projects for local authorities in more detail

9. Demonstration by LA's that work in this area has been done by the creation of a 'roadmap' giving comprehensive guidance for community groups and individuals who are interested in either allotments or community led growing sites. Ideally this would be consistent across LA's giving details on how an allotment plot could be obtained or how to access land for growing.

10. SF&G currently has a programme funded by the Landscape and Outdoor Recreation Branch in Welsh Government called the Community Land Advisory Service (CLAS Cymru). This service provides guidance for groups to access green spaces (for growing or other community use). We can offer assistance in all aspects of accessing land, land agreements and planning issues. CLAS can particularly help in establishing permitted development rights in certain situations, such as community projects based on allotment sites. Further planning guidance for LA's can be found in Chapter 4 of the 2016 Guidance

As an organisation, Social Farms & Gardens have the experience, connections and knowledge to be able to effectively work with local authorities to maximise the use of allotments and other existing and potential growing spaces. We have Development Workers in place who cover the whole of Wales. In addition, we have also worked with Welsh Government on various policies and consultations in the past in a range of areas.

Should funding be available, we are ideally placed to carry out a mapping and provision exercise for allotments and community led growing projects to establish availability of land and demand. We are able to work with and co-ordinate local authorities to ensure efficient and consistent approaches are in place for all aspects covered in this consultation.

The Welsh Assembly Government Strategic Approach

In its previous Report the then Committee made a number of helpful recommendations to assist with allotment provision across Wales.

These recommendations need to be reviewed to

- ascertain the progress made with their implementation
- identify how these results have been disseminated to the allotment community in Wales
- monitor how these results have had a change in policy at a Local Authority level
- identify, in cases of no results, how this has occurred
- make the necessary resources available for the previous Recommendations to be implemented, if that is required by the current Committee

Since 2010 there has been a far greater emphasis on the Environment and ways in which national and local communities can work together to offset the effects of climate change and mass industrialisation e.g. the anti-plastics movement (Welsh Assembly Government, Rhiwbina residents).

This emphasis has also resulted in a far greater demand for allotments and local growing spaces with a concomitant desire in many cases for greater autonomy and control over their growing space.

Suggestion

That the Committee map, across Wales, the demand for Sites to be Self Governing cf. Community Asset Transfer. And also cf. in Scotland - the right to purchase any assets of community interest. There to be cast iron safeguards against any such transferred allotment land being sold on or privatised.

The Approach taken by Local Authorities

I am an allotment tenant an allotment Site in North Cardiff (Llandaff North) and, together with 27 other allotment sites city wide, we come under the jurisdiction of Cardiff Council as land owners. As a Locally Managed Site we have entered into a legal contract with the Council (Local Management Agreement) in which each signatory (Cardiff Council and Llandaff North Allotment Association) has agreed to fulfil certain obligations. In return for our side of the Contract we receive a percentage of the annual rental monies (decided by the Council).

It is with regret that, notwithstanding repeated requests from our Association officers, the contractual obligations of the Council are seldom fulfilled and, when they are, it is only after numerous applications via telephone and written requests. Whilst we understand and sympathise with lack of resources we are at pains to understand how contractual obligations can be ignored, especially when they relate to Health & Safety issues e.g the removal of asbestos from Sites.

Suggestions

That the Committee ascertain the number of Allotment Officers across Wales to:

- identify their job specifications, duties and responsibilities
- ask for specific difficulties they may encounter in pursuance of their role
- identify examples of best practice and ways in which they can be shared
- consider the establishment of a co-ordinated body of Allotment Officers across Wales

The previous Committee recommended (Recommendation 10) that Section 106 monies could be used to improve allotment provision. These monies would make a huge difference to current Sites and the formation of new ones and I urge the Committee to investigate this issue further. Bringing this to the attention of Assembly Members would help to raise the issue when Planning Permissions are being sought.

Suggestion

That the Committee actively investigate the use of Section 106 monies for allotment improvement and development.

The personal circumstances of individual plot holders can change, often unexpectedly, often through natural ageing. Therefore, we have a regular changeover of tenancies. The Site Secretary has a clear understanding of who holds each tenancy, however this does not always accord with the understanding of the Council. This inevitably causes extra work and often unnecessary stress for all concerned. It would be helpful if there could be a more accurate and up to date method of correlating waiting lists and current tenancies. (Recommendation 2, 2010 Report) This could also be useful to people who wish to transfer to another area.

Suggestion

That the Committee identify those software programmes that would give the most up to date and accurate information re plot tenancies and ascertain any difficulties in the implementation and usage of these programmes.

The socio-economic group of allotment users is broad and difficult to quantify. It is true that many allotmenters have access to their own transport. However, allotments are often let to people who have decided to rely solely on public transport, for environment & economic reasons. We are also aware of current traffic congestion and the concerns about air quality as a result of engine emissions. Reducing the use of cars would not only benefit the wider community but also reduce the incidence of vehicles on Sites.

Suggestions

That local councils ensure a bus route passes each allotment Site with a designated bus stop as near to the main Site entrance as possible.

That the Welsh Assembly Government monitor any reduction in bus provision across Wales and take into account the consequential effects of any such reductions with regard to access to allotments.

How we can maximise the health, community and environmental benefits of allotments and community growing.

On our Site we have initiated the following:

- an allotment shop which opens two days a week, staffed by volunteers. This provides a centre where the allotment community can meet and have refreshments, swap growing tips and advice and offer items for use on individual plots.
- a regular newsletter which informs our allotment community of current Committee decisions and items of interest as well as giving notice of the AGM
- regular volunteer sessions to clear derelict plots or parts of the Site that have become overgrown
- a bio-diversity officer who:
 - writes a regular newsletter about wildlife on Site
 - organises pond dipping events for children and their adults
 - arranges Diversity days in partnership with Urban buzz and the RSPB
 - makes applications to environmental organisations for their support and acknowledgement. We currently hold a Green Flag Award for our commitment to the environment and are Gold Award winners in the Wales in Bloom competition.
- a programme of seed sowing and cultivation of plants for people who do not have the expertise or resources to achieve this
- social events during the growing year so that plot holders can meet together e.g. tomato tasting session

We have a regular presence at the Llandaff North Summer Festival and our representatives are present at other events in the local Community e.g. Julie Morgan's Environment Seminar and subsequent Loneliness Conference.

We endeavour to share our knowledge and spare plants whenever and wherever possible so that the benefits of allotment growing and participation can be passed to the next generation. We regard allotments as vitally necessary to the general health and well-being of our community, providing an enviable range of skills, health and social benefits.

We aim, in every possible way, to put these aims into practice being realistic within the limits of our time and resources!

Lynne Lewis (February 2019)

Cc Julie Morgan AM, Anna McMorrin MP, Cllr. Dilwar Ali

Committee Chairs

15 March 2019

Dear Chairs

Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government

In February 2018 we issued our report ***UK governance post-Brexit***. Its purpose was to examine existing inter-governmental relationships to determine whether they are fit for purpose and to assess whether they need to change.

The final recommendation of our report was that the Welsh Government enters into an agreement with the Constitutional and Legislative Affairs Committee to support its scrutiny of Welsh Government activity in this area.

The Committee reached an agreement with the Welsh Government and in January this year, laid a **report** before the Assembly, which incorporated the agreement.

Following the debate held on the report and agreement last week, I thought it would be appropriate to write to all Chairs, drawing attention to the agreement, so that committees can assess how they may wish to use it in scrutinising the Welsh Government.

The agreement is available on our website and I will ensure it is made available to committee clerks.

Yours sincerely





Mick Antoniw

Chair

Croesewir gohebiaeth yn Gymraeg neu Saesneg.
We welcome correspondence in Welsh or English.



Inter-Institutional relations agreement between the National Assembly for Wales and the Welsh Government

Background to this Agreement

1. In February 2018 the Constitutional and Legislative Affairs (CLA) Committee published its report *UK governance post-Brexit*. Recommendation 9 of that report stated:

“We recommend that the Welsh Government enters into an inter-governmental relations agreement with this Committee to support the scrutiny of Welsh Government activity in this area.”

2. During the Plenary debate on the report on 28 February 2018, the Counsel General said the Welsh Government is happy to discuss with the CLA Committee the content of an agreement on inter-governmental relations. He added that, in doing so, the Welsh Government would want to consider the agreement between the Scottish Parliament and Scottish Government.

3. The Welsh Government’s Cabinet Secretary for Finance attended meetings of the CLA Committee on 23 and 30 April 2018, at which future inter-governmental relations and the Committee’s report on UK governance post-Brexit were discussed.

4. On 30 April 2018, the Cabinet Secretary for Finance reiterated the Welsh Government's willingness to work with the CLA Committee in developing the arrangements that will be needed on the part of the legislature to oversee the actions that will flow from the Intergovernmental Agreement on the European Union (Withdrawal) Bill and the Establishment of Common Frameworks.

5. Following an exchange of correspondence between the Chair of the CLA Committee (25 May 2018) and the Cabinet Secretary for Finance (4 June 2018), it was agreed that this work should be taken forward formally.



Purpose of the Agreement

6. This Written Agreement represents the agreed position of the National Assembly for Wales and the Welsh Government on the information that the Welsh Government will, where appropriate (see paragraph 7 below), provide to the National Assembly with regard to its own participation in formal, ministerial level inter-governmental meetings, concordats, agreements and memorandums of understanding.

7. In reaching this Agreement, the Welsh Government recognises the National Assembly's primary purpose of scrutinising the activity of the Welsh Government within formal inter-governmental structures. The National Assembly also recognises and respects the need for confidential inter-governmental discussion between the administrations within the United Kingdom, for example, in situations where negotiations on particular issues are taking place.

8. This Agreement recognises the increased complexity of the devolution settlement and the implications this has for appropriate discussions between the Welsh and UK Governments. As a consequence, it further recognises that the interdependence between devolved and reserved competences will be managed mainly in inter-governmental relations. This Agreement seeks to ensure that the principles of the Welsh Government's accountability to the National Assembly for Wales and transparency with regard to these relationships are built into the revised inter-governmental mechanisms.

9. This Agreement establishes three principles which will govern the relationship between the National Assembly for Wales and the Welsh Government with regard to inter-governmental relations. These are:

- Transparency;
- Accountability;
- Respect for, and recognition of, the part confidential discussions play between governments, particularly when developing policy.

Scope of this Agreement

10. This Agreement applies to the participation of Welsh Ministers in formal, inter-governmental structures. This means, in practice, discussions and agreements of, or linked to, the Joint Ministerial Committee (in all its functioning formats); the Ministerial Forum on the future relationship between the UK and the

EU; the British Irish Council and other standing or ad hoc multilateral and bilateral inter-ministerial forums of similar standing that exist or as may be established. This Agreement does not cover other engagement between the governments, although the Annual Report (referred to in paragraph 18) will comment upon the range and scale of such activity.

11. This Agreement is intended to support the National Assembly's capacity to scrutinise Welsh Government activity and to hold Welsh Ministers to account in the intergovernmental arena only. The Agreement in no way places obligations on other administrations and legislatures involved with inter-governmental relations and the groups and agreements described here. In line with the principle of respect for the confidentiality of discussions between administrations, the Agreement recognises that the release of details of discussions directly involving intergovernmental partners is subject to their consent.

12. Subject to the above, the Welsh Government agrees to provide, to the National Assembly's CLA Committee and any other relevant committee of the National Assembly, as far as practicable, advance written notice at least one month prior to scheduled relevant meetings, or in the case of meetings with less than one month's notice, as soon as possible after meetings are scheduled. This will enable the Committee(s) to express a view on the topic and, if appropriate, to invite the Minister responsible to attend a committee meeting in advance of the intergovernmental meeting. Advance written notice will include agenda items and a broad outline of key issues to be discussed, with recognition that agenda items, from time to time, may be marked as "private" in recognition of the need for confidentiality.

13. Paragraph 12 of this Agreement does not apply in cases where the Welsh Government's attendance at relevant meetings is at short notice. In such circumstances, written notice including agenda items and outline key issues to be discussed must be provided as soon as possible and in advance of the meeting.

14. After each inter-governmental ministerial meeting within the scope of this Agreement, the Welsh Government will provide the CLA Committee and any other relevant committee of the National Assembly with a written summary of the issues discussed at the meeting as soon as practicable and, if possible, within two weeks. Such a summary will include any joint statement released after the meeting, information pertaining to who attended the meeting, when the meeting took place, and where appropriate, subject to the need to respect confidentiality, an indication of key issues and of the content of discussions and an outline of the positions advanced by the Welsh Government.

15. The Welsh Government also agrees to provide to the CLA Committee and any other relevant committee of the National Assembly the text of any multilateral or bilateral intergovernmental agreements, memorandums of understanding or other resolutions within the scope of this Agreement.

16. In line with the provisions of paragraph 11 above, in circumstances where the Welsh Government intends to establish new arrangements with the aim of reaching an intergovernmental agreement the Welsh Government will provide advance notice to the National Assembly for Wales of its intention to do so.

17. The Welsh Government also agrees to maintain a record of all relevant formal intergovernmental agreements, concordats, resolutions and memorandums that the Welsh Government has entered into and to make these accessible on the Welsh Government's website.

Annual Report

18. The Welsh Government will prepare an Annual Report on intergovernmental relations. This will be laid before the National Assembly and submitted to the CLA Committee. This report will summarise the key outputs from activity that is subject to the provisions of this agreement, including any reports issued by relevant inter-governmental forums. It will also comment upon the range of broader inter-governmental relations work undertaken during the year, including dispute resolution. That report will also, provide as much information as is practicable and appropriate of issues expected to emerge in the year that follows.

Appearances before committees

19. Welsh Ministers will attend, as appropriate, meetings of the relevant committee of the National Assembly when invited.

Monitoring

20. The lead committee for monitoring the implementation of this agreement is the CLA Committee.

Agenda Item 4.2

Sophie Howe
Future Generations Commissioner for Wales

21 March 2019

Dear Sophie

Thank you for attending our meeting on 10 January to give evidence in connection with your work. Following the session, the Committee agreed I should write to you to set out our observations and to seek clarification and/or further detail from you on a number of issues.

Role and responsibilities of the Commissioner

We note that a significant part of your role to date has centred around supporting the cultural change necessary to embed the Well-being of Future Generations (Wales) Act 2015 ('the Act') across public sector bodies. Your role has also led you to publicly challenge the way in which some of these bodies are applying the Act in practice. For example, in the case of Natural Resources Wales ('NRW') to decisions on environmental permitting, and the Welsh Government's decision making process for the M4 relief road.

1. Can you explain how you approach balancing these different aspects of your role?
2. We would like you to explain:
 - in what circumstances you would consider exercising your power to review public bodies under section 20 of the Act; and



- whether, in your view this power could be used to challenge misapplication of the Act or non-compliance with duties under that Act.

3. Welsh Ministers are not required to respond to recommendations you make in accordance with Section 21. Do you believe such a requirement should be included in the Act?

Welsh Government’s budget process

In December 2018 you published a report, ‘Advice to Welsh Government on taking account of the Well-being of Future Generations Act in the budget process’.

4. Has the Welsh Government provided a response to your report? Has the response been published?

Monitoring and assessment of public bodies

In your annual report for 2017–18, you said that one of the areas on which you would be focusing during 2019 would be “the process of monitoring and assessing public bodies as they produce their first set of annual reports.”

5. Can you describe how you will undertake this work and the timescales for its completion?

Decarbonisation

In your report ‘Advice to Welsh Government on taking account of the Well-being of Future Generations Act in the budget process’, you recommend that:

“Welsh Government clearly articulate how the actions set out in the Low Carbon Delivery Plan will be funded in order for us to meet our statutory emission reduction targets.”

6. What are your views on the Welsh Government’s first Decarbonisation Plan, that was published on 21 March 2019?



7. The first Decarbonisation Plan contains no detailed costs. Given that the Welsh Government has declined to take forward your recommendation, what action do you intend to take?

8. Are you satisfied with the approach taken by the Welsh Government?

Environmental Permitting

We note your on-going concern about the way in which Natural Resources Wales ('NRW') has been applying the Act to environmental permitting decisions. We also note the steps you have taken to seek to address this issue, including working with NRW to develop a matrix.

In your evidence to us, you raised concern that the Welsh Government's recently published statutory guidance on environmental permitting was "[not as] comprehensive as it should be in terms of applying the [Act]". You also told us that NRW had expressed concern that the guidance and the matrix may be contradictory.

In evidence to the Committee in February 2019, NRW informed us that it was "restarting discussions" on the matrix and that work "was now reconvening". This suggests that your concerns in relation to the development of the matrix have been resolved since your appearance before the Committee.

9. We would like you to clarify whether you were involved in the development of the guidance, as suggested by NRW in its evidence to us.

10. What further action do you intend to take to ensure that your concerns about the robustness of the guidance are addressed?

11. We would like you to provide an update on discussions you have had with NRW and the Welsh Government on the suggested contradictions between the guidance and the matrix. In particular, are you satisfied that this issue has now been resolved?



12. We would also like you to clarify whether work on the matrix has now resumed. If so, when is it likely to be completed?

M4 relief road

In your evidence to us, you made clear that you do not consider the decision making process for the proposed M4 relief road has “reflected the requirements of [the 2015 Act]”. We are concerned about this. We are equally concerned that legal representatives in your Office and within the Welsh Government are interpreting the Act in considerably different ways. This does not bode well for the successful implementation of the Act.

13. We would like you to set out any action you intend to take to seek to ensure that these differences in interpretation are addressed.

14. Given the significance of this decision and your concerns that any misapplication of the Act could set an unhelpful precedent, we would also like you to clarify what action you intend to take if, in your view, the Welsh Government’s decision on the M4 relief road is unfavourable.

Transport

In reference to WelTAG 2017, you said in your annual report 2017–18 that you were:

“in the process of agreeing an approach with Welsh Government to monitor and assess the effectiveness of new guidance and have committed to supporting them to look at how is being applied on a small number of projects, to assess its impact and record how it is leading to different decisions.”

15. Can you provide an update to the Committee on this matter?

16. How will you measure the impact of your intervention?



Housing

We note the work you have undertaken to date to ensure that the seven well-being goals are embedded into the Welsh Government's Affordable Housing Review, and Innovative Housing Programme ('IHP').

We are encouraged to hear that the Housing Review Panel is engaging positively with your Office in taking forward its work, and we hope that the outcomes of the review reflect this.

In evidence, you told us that advice provided by your Office to the Welsh Government in relation to the IHP has not been taken on board fully. Moreover, you raised concern about the application criteria the Welsh Government developed for the IHP, in particular its stipulation that "applications should demonstrate that they contribute to at least one, but no more than three of the well-being goals, which is completely at odds with what the legislation requires".

17. Can you provide an update on the outcome of discussions with the Welsh Government in relation to your concerns about the current application criteria for the IHP?

18. Can you set out how you intend to influence the development of future application criteria for the IHP?

19. In terms of the extent to which you have been able to influence the IHP, what do you believe would constitute a success?

Milestones under the Act

The Welsh Government is currently consulting on national milestones, required under the Act. The Government's intention is to identify a small set of the national indicators against which national milestones will be developed.

20. We would like your views on the extent to which this approach is in keeping with the Welsh Government's duties under the Act.



Governance and transparency

Section 26 of the Act provides for an “advisory panel” to provide advice to you on the exercise of your functions. In your annual report 2017–18, you say that:

“Other Commissioners sit, among others, on my advisory panel and my preferred approach to working with my advisory panel is to concentrate on areas of joint interest and concern.”

21. Can you provide the Committee with further information about the operation of the advisory panel, in particular, how often the panel meets and where other relevant information, such as notes of meetings, are published?

The Committee notes that much of your work is in its early stages. This provides an ideal opportunity to ensure that appropriate governance structures and approaches in place. The Committee is particularly interested in any mechanisms you may have developed to assess and monitor performance.

22. Can you explain the processes that are in place to assess your impact and that of your Office on the exercise of your functions?

Land use planning

In your evidence to us, you stated that the majority of the correspondence you have received over the past year relates to concerns regarding planning decisions. As such, you have worked closely with the Welsh Government to ensure that the revised Planning Policy Wales (‘PPW’) (Edition 10) aligns with the Act. We note your comments that the revised policy is an “excellent example” of embedding the Act into Welsh Government policy.

23. Can you explain how the Act is successfully embedded into the revised PPW?

24. Can you provide examples of revisions that have been made to PPW as a result of your work and that of your Office?



Once again, we are grateful to you for attending the meeting. We have agreed to invite you to give evidence on matters relating to our remit on an annual basis.

I should be grateful if you would respond as soon as possible and by 23 April at the latest.

I am copying this letter to the Chair of Equality, Local Government and Communities Committee, and the Chair of Economy, Infrastructure and Skills Committee.

Yours sincerely,

A handwritten signature in black ink that reads "Mike Hedges". The signature is written in a cursive style with a large initial 'M'.

Mike Hedges AM
Chair of Climate Change, Environment and Rural Affairs Committee

cc John Griffiths AM, Chair of Equality, Local Government and Communities Committee

Russell George AM, Chair of Economy, Infrastructure and Skills Committee



Eich cyf/Your ref:
Ein cyf/Our ref:

Mike Hedges AM
Chair of Climate Change, Environment and Rural Affairs Committee
SeneddCCERA@assembly.wales

22 March 2019

Dear Mike,

I am writing in response to your letter dated 28 February about scrutiny of legislative consent memorandums, in which you sought clarity on how the Welsh Government determines whether or not it is appropriate for the UK Parliament to legislate in areas of devolved competence, and about the Welsh Government's legislative programme for the rest of this Assembly and whether it is the intention to make time available for Welsh legislation arising from Brexit.

Specifically, you asked for clarification on the following points:

The principles underpinning the Welsh Government's approach to the use of the legislative consent process

The Welsh Government's position remains as set out by the previous First Minister in his letter to the Constitutional and Legislative Affairs Committee on 15 November 2011.

That is, we follow the principle that primary legislation in devolved areas should be enacted by the National Assembly. However, it is necessarily the case that there are, and will continue to be, circumstances in which it is sensible and advantageous if provision which would be within the Assembly's legislative competence is sought for Wales in UK Parliament Bills, with the consent of the Assembly. Such provision will not infrequently include conferring new delegated powers on the Welsh Ministers.

Taking provision in a UK Bill can enable pragmatic solutions to be reached in a timely fashion, while simultaneously respecting the legislative competence of the Assembly through the legislative consent process. It can be a matter of practical good government for such provisions to be included in a UK Bill.

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

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

Examples of situations where such an approach would be appropriate could include:

- *When the UK Government's legislative proposal would also be appropriate for Welsh circumstances but there is no time available for similar provisions to be brought forward in the Assembly.*

This applies to the Agriculture Bill, which you mentioned in your letter, in that the UK Government's legislative proposal was appropriate and the circumstances deemed it practical to include the provisions to be able to provide certainty to Welsh farmers. Although the provisions in the UK Agriculture Bill would not be required for the 2019 CAP scheme year, depending on the nature of our exit from the European Union, we may face a legislative gap for the 2020 scheme year if legislation is not in place to continue to make Direct Payments. This would mean the Welsh Government would not have the power to support farmers in 2020 and beyond. Given this risk, we deemed it prudent to ensure the required powers are in place in good time, providing much-needed reassurance to Welsh farmers that the necessary law will be in place to enable the Government to continue to support them post-Brexit.

- *Where the interconnected nature of the relevant Welsh and English administrative systems mean that it is most effective and appropriate for provision for both to be taken forward at the same time in the same legislative instrument.*
- *Where the devolved provisions in question are minor or technical and non-contentious.*

This applies to the Animal Welfare (Service Animals) Bill, which you also mentioned in your letter.

- *Where the UK Bill covers both devolved and reserved matters and the UK Parliament route must be taken in order to achieve the policy objective.*
- *Where the legislative competence of the Assembly and/or the powers of the Welsh Ministers would be extended in a way that could not be achieved through an Assembly Act, given the limits on the Assembly's legislative competence.*

This applies to the Fisheries Bill, which you also mentioned in your letter, because it would extend the Assembly's legislative competence on fisheries matters to the Welsh zone beyond Wales.

I concur with the previous First Minister's observation that it would be most unwise for the Welsh Government to adopt a self-denying ordinance in such circumstances. Indeed this applies even more in our current predicament, when Brexit has created an urgency to ensure immediate arrangements are in place while preserving our ability to create new systems in the future.

The actions the Welsh Government is planning to take if the UK Agriculture and Fisheries Bills are not passed by the end of March 2019

In such uncertain times it would have been desirable to be able to provide certainty to stakeholders before the UK leaves the European Union. The delays in the Parliamentary timetable mean it is very unlikely the UK Agriculture Bill will achieve Royal Assent before the end of March 2019. Nonetheless, I expect the necessary powers to be in place before 2020, meaning we are still able to provide Welsh farmers with the reassurance that law will be in place allowing the Government to support them when we leave the European Union.

On the UK Fisheries Bill, alongside the suite of correcting statutory instruments (SIs), contingency SIs are being introduced in the event that the UK exits the EU at the end of March and the Fisheries Bill has not been enacted. The contingency SIs will allow us to control the activities of foreign fishing vessels. This is not an ideal solution but provides a bridge to the new regime which the Bill will introduce.

Confirmation that time will be made available to bring forward Welsh Bills arising from Brexit before the end of this Assembly

As the Minister for Environment, Energy and Rural Affairs has previously stated, the powers being taken for Welsh Ministers in the UK Agriculture Bill are intended to be transitional until our own primary legislation can be brought forward. We remain committed to bringing forward a Wales Agriculture Bill as soon as practicable and appropriate. Officials are currently reviewing the responses to the Brexit and Our Land consultation and the Minister has confirmed her intention to undertake a further consultation on a White Paper in the summer. As I am sure the Committee would expect, we are working closely with stakeholders and giving proper consideration to their views to ensure legislation is fit for purpose.

In regards to a Welsh Fisheries Bill, it is clear we will at some stage need to put the provisions onto the Welsh statute book. The Minister for Environment, Energy and Rural Affairs made clear that the powers we are seeking are transitional. However, until the UK Fisheries Bill has passed through Parliament it is difficult to commit to a timetable. We are dependent on a number of provisions, and in particular the extension of the Assembly's legislative competence.

In the case of Environmental Principles and Governance we issued a consultation on 18 March that seeks views on how to maintain effective, coherent environmental governance after the UK leaves the European Union. The consultation will run for twelve weeks and we are planning for all potential outcomes including the potential need for Welsh primary legislation.

I am copying this letter to the Llywydd and to the Chair of the Constitutional and Legislative Affairs Committee.

Yours sincerely

A handwritten signature in black ink that reads "Mark". The letters are cursive and slightly slanted to the right.

MARK DRAKEFORD

Mike Hedges AM
Chair of the Climate Change, Environment and Rural Affairs
Committee

25 March 2019

Dear Mike,

You will be aware that the Welsh Government published its first carbon budget plan – Prosperity for Wales: A Low Carbon Wales – on Thursday 21 March 2019.

The Economy, Infrastructure and Skills Committee has been keenly awaiting this publication in order to conduct some scrutiny of the aspects relevant to our portfolio – particularly how it addresses decarbonisation of transport and carbon-intensive industries.

I am aware that CCERA is planning a more in-depth scrutiny of the plan as a whole, but I wanted to inform you that EIS will be scrutinising the Minister for Economy and Transport at two of our meetings during May. I hope this work, and any outputs we produce arising from it, will be able to feed in to your wider scrutiny of the action plan.

Best wishes,

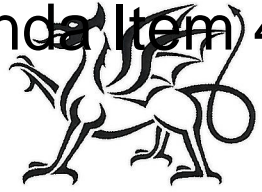


Russell George
Chair, Economy, Infrastructure and Skills Committee



Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Agenda Item 4.5



Llywodraeth Cymru
Welsh Government

Mike Hedges AM
Chair of Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Cardiff Bay
Cardiff, CF99 1NA

26 March 2019

Dear Mike

UK Agriculture Bill – Supplementary Legislative Consent Memorandum

Thank you for the Committee's valuable scrutiny of the Legislative Consent Memorandum in relation to the UK Agriculture Bill and their report of January 2019. Officials are carefully considering the recommendations made and I will update the Committee on how we are addressing the concerns raised in due course.

In the interim, I wish to make the Committee aware of a Supplementary Legislative Consent Memorandum for the UK Agriculture Bill which I have laid today. I attach a copy for your reference.

The latest version of the Bill, as amended in Public Bill Committee, can be found here:
<https://publications.parliament.uk/pa/bills/cbill/2017-2019/0292/18292.pdf>

In the Legislative Consent Memorandum laid on 4 October 2018, I outlined two outstanding concerns in relation to the Red Meat Levy and the World Trade Organisation (WTO) Agreement on Agriculture. I am pleased to confirm we have now resolved these two concerns.

As the Committee will be aware, we have successfully secured an amendment to the Bill to provide appropriate means for resolving the long standing issue of repatriation of red meat levy. This is now part of the Bill (as amended in Public Bill Committee) at Clause 29. The new Clause confers powers on Ministers, acting jointly, to establish a scheme that requires agricultural boards within Great Britain to redistribute levy between themselves. Officials will now continue to develop a scheme in parallel to the legislation progressing through Parliament to ensure a fair system is in place as soon as possible.

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

Pack Page 45

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

I am also pleased to inform the Committee we have secured a significant agreement with the UK Government to govern the use of Secretary of State powers in the UK Agriculture Bill in respect of the UK's compliance with the WTO Agreement on Agriculture. This ensures that the interests of Wales are fully taken into account. I attach a copy of the agreement for your reference. The agreement sets out a robust and transparent mechanism for involving Welsh Ministers in decision making as well as a mechanism for dispute resolution. I am pleased with this outcome, which provides a strong role and flexibility for Welsh Ministers following extensive and highly collaborative working between Governments. It also provides a valuable model which could be used in other areas where intergovernmental co-operation is needed and demonstrates both Governments' commitment to collaboration.

The Supplementary Memorandum updates the position in respect of the concerns outlined above as well as setting out additional amendments made to the UK Agriculture Bill during Public Bill Committee which make relevant provision within the legislative competence of the Assembly. I would be happy to provide further information the Committee would find helpful if required.

Further changes are likely to be made to the Bill at House of Commons Report stage and as it progresses through the Lords, not least in order to respond to points raised by the Committee's scrutiny. I, therefore, expect to lay further Memoranda before the Assembly at a later stage in the Bill process, as appropriate, prior to tabling a debate for the Assembly to consider consent to the LCM.

Regards
Lesley

Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Lesley Griffiths AC/AM
Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Agenda Item 4.6



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref: LG/0284/19

Mike Hedges AM
Climate Change, Environment and Rural Affairs Committee
National Assembly for Wales
Ty Hywel
Cardiff Bay
Cardiff
CF99 1NA

Mike.Hedges@assembly.wales

27th March 2019

Dear Mike,

Climate Change, Environment and Rural Affairs Committee report on the Legislative Consent Memorandum in relation to the UK Fisheries Bill.

Further to my letter of 18 February, I wish to thank you for the Committee's consideration and recent report on the Legislative Consent Memorandum ('LCM') in relation to the UK Fisheries Bill

I have carefully considered the recommendations of the Committee and I have included a response to the recommendations individually in the annex to this letter. However, I want to take this opportunity to provide more detail on the Welsh Government's position on fisheries management and on certain elements of the Bill.

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

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

The need for legislation and the approach taken

The Welsh Government fully supports the UK Fisheries Bill. It enables the establishment of a clear and robust framework at a UK level for managing our fisheries and provides the necessary powers and management mechanisms for the Assembly and the Welsh Government to deliver for our distinct fisheries in Wales, following our exit from the EU. Importantly, the Bill makes provision for the extension of the National Assembly for Wales' legislative competence in matters relating to fishing, fisheries or fish health in the Welsh zone. This is a significant change and a welcome achievement which, as you know, was a red line for me.

Until the achievement of the wider legislative competence, it would be unwise to introduce a Welsh Fisheries Bill, which could only make provisions applying to the Welsh inshore waters, whereas our fisheries management responsibilities extend out to our offshore waters.

I appreciate concerns around using a UK Bill to make provisions for Wales. I am strongly of the view the provisions within the Bill are transitional until we are able to make Welsh primary legislation. However, it is appropriate to seek these powers now to enable us to act quickly and decisively in Wales, in an uncertain future, which enables the fullest opportunities for our immediate future fisheries policy.

Alongside the Bill, we are currently drafting a range of Memoranda of Understanding (MoU) which will cement and enhance the good inter-governmental working practices we have in this subject area, including setting out an agreed dispute resolution mechanism and ways of working.

Fisheries Objectives and Fisheries Statements

The Bill, as currently drafted, sets out shared UK objectives for the management of fisheries. These objectives build on those contained with the Common Fisheries Policy, providing a level of consistency in our approach. These objectives therefore set the context for fisheries policy within Wales, the rest of the UK and beyond.

The Joint Fisheries Statement (JFS) will detail our policies for achieving the objectives. The JFS will reflect our approach to fisheries management in Wales which is framed, not just by the international legislation but also our unique legislative landscape in Wales including the Environment (Wales) Act 2016 and the Well-being of Future Generations (Wales) Act 2015.

I know there is a lot of interest in the contents of the JFS and also the Secretary of State's Fisheries Statement. At this stage, it is too early to comment on the contents. The Bill sets out consultation and scrutiny requirements. It also sets the deadline for the production of the first JFS.

I want to provide the Committee with reassurance the JFS will be developed in discussion with stakeholders, with pre-consultation engagement as well as the formal consultation process. This will provide all stakeholders with the opportunity to drive the contents of the JFS and as such our over arching policy direction for the following 6 years.

When we exit the EU a range of functions and powers, which were previously exercised at the EU level, will be exercised by the Secretary of State on behalf of the UK or exercised by Welsh Ministers in relation to Wales, the Welsh zone and Welsh vessels. Fish stocks are a shared natural resource, not just intra UK but also on an international scale. As a result a Fisheries Management Framework Agreement is needed to ensure effective management of this shared resource.

The JFS provides the cornerstone of the Fisheries Management Framework Agreement. This framework will cover a range of legislative and non-legislative solutions ranging from provisions contained within the UK Fisheries Bill and retained EU legislation and will be underpinned by a range of MoUs and concordats. It will be some time before all of this Framework is in place, I will write to the Committee with further details when available.

Access to British Fisheries

The Fisheries Bill consolidates and clarifies a range of legislation relating to the licensing of fishing vessels, making clear each administration is responsible for the licensing of its own vessels. The Bill revokes the automatic access of EU vessels to UK waters, reflecting new arrangements whereby access to British Fisheries will be controlled through annual Coastal States negotiations. The Bill provides powers to Welsh Ministers to license foreign fishing vessels within Wales and the Welsh zone.

However, in preparation for a possible exit before the UK Fisheries Bill receives Royal Assent, the Fisheries Administrations have introduced secondary legislation to allow us to control foreign vessels in UK Waters in the interim. Officials are considering what necessary amendments will need to be made to the UK Bill as a result of the introduction of these Statutory Instruments.

Whatever the mechanism, the practical administration of foreign fishing vessel licensing will be undertaken by a Single Issuing Authority (SIA). The SIA will provide a single point of contact for foreign vessels and, for European Member States and the Commission. The intention is the SIA will act on behalf of the Welsh Ministers in relation to the licensing of foreign fishing vessels in Wales and the Welsh zone.

Our ability to set appropriate license conditions within Welsh waters will not be affected by this proposed delegation of administrative functions in relation to the issuing of licenses to foreign vessels.

Discussions on the establishment of the SIA remain ongoing. I would be happy to update the Committee at the appropriate time, including any details of financial implications for Welsh Government.

Fishing opportunities and quota share

I have consistently said I want Welsh fishers to receive their fair share of fishing opportunities within Welsh waters. I have written to UK Ministers expressing my views and I will continue to press for a better settlement. Any rebalancing of the share of fishing opportunities between the UK and EU following our exit from the EU should be used to redress this imbalance.

Financial assistance powers and future funding

We are working with UK Government and the other Devolved Administrations to identify scope to maximise the economic growth of the UK's marine sectors. This work will guide policy in how best to support the sustainable growth of the different industry sectors in a strategic and streamlined way.

Access to markets

Welsh Government is working with industry to grow the Welsh fisheries industry, through the industry led Wales Seafood Strategy.

International markets – careful consideration needs to be given to the fact most of the seafood produced in Wales is exported alive therefore freight times are a consideration for target markets. There are also cultural and religious considerations. Welsh Government promotes its seafood to a global market the largest global seafood trade show in Brussels annually and also through targeted trade missions: 2017 – China, 2018 - Hong Kong.

Domestic markets - the seafood species routinely caught in Wales are not normally those eaten in Wales and the UK and as such it would take a multi-generational change in eating habits to replace the international markets with domestic markets. However, any new quota regime may see a change in species caught and Welsh Government will need to be agile in assisting the industry to establish markets for these products.

Brexit and our seas and future fisheries policy

Brexit and our seas is intended to start a conversation and to inform our future fisheries policy. In order to undertake a meaningful consultation exercise in that respect we first need a better picture of the fisheries management arrangements that will be in place post EU exit. Consequently, the consultation will be published when I am confident we can reflect the latest position.

Regards,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in a light grey or blue ink.

Lesley Griffiths AC/AM

Gweinidog yr Amgylchedd, Ynni a Materion Gwledig
Minister for Environment, Energy and Rural Affairs

Welsh Government Response to the Climate Change, Environment and Rural Affairs Committee Report (published 12 February 2019): The Welsh Governments Legislative Consent Memorandum in relation to the UK Fisheries Bill.

CCERA recommendation/ conclusion	Welsh Government response
Committee recommendation	
<p>We recommend to the Assembly that it gives consent to the provisions in the UK Fisheries Bill, subject to the following conditions –</p> <p>The Welsh Government should seek amendments to the UK Bill to give effect to conclusions 8, 10, 18, 20 and 22; and</p> <p>The Welsh Government should give commitments to the Assembly, or clarification where appropriate, in relation to the issues raised in conclusions 1, 4, 5, 6, 7, 9, 12, 14, 15, 16, 24 and 25.</p>	<p>I welcome your recommendation to the Assembly to give consent to the provisions in the UK Fisheries Bill, subject to conditions. I have set out a Welsh Government response to each conclusion below.</p>
Committee conclusions	
The need for legislation and the approach taken	
<p>Conclusion 1</p> <p>The Welsh Government should explain why it has not been able to fulfil commitments it has previously given to this Committee in relation to the development of UK common frameworks. In particular, it should explain why the UK Bill was not developed in collaboration and why stakeholders were not involved at a sufficiently early stage in its development.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Reject</p> <p>I accept I made comments noting we had not been involved in the development of the Bill at a level I would have liked. However, I reject the assertion the Welsh Government had not fulfilled its commitments in developing the UK Common Framework. I absolutely support the Committee view on the need for effective inter-governmental collaboration in the development of common frameworks and I can confirm this is happening for the development of the UK Common Framework for fisheries.</p> <p>The Bill has been developed in collaboration and in detail since introduction and a number of changes have been agreed since then.</p> <p>Fisheries management, by its very nature, has always required excellent and mature joint working across the UK. The work on establishing the Common Framework has only enhanced this and provides an</p>

	<p>opportunity to cement, and reflect on, the already strong relationships and working practices in this area.</p> <p>I wrote to the Committee on 13 February 2019, providing an update to confirm Welsh Government officials have been working closely with UK and devolved counterparts, developing the detailed mechanisms, legal and administrative, which will make up the UK Common Framework for fisheries. This will provide the framework – the detail on ways of working, and the policy approaches, will be set out in a number of different documents including a Fisheries MoU, Dispute Resolution Mechanism; and the Joint Fisheries Statement (JFS), which will be subject to full scrutiny in the Assembly and by stakeholders.</p>
<p>Conclusion 2</p> <p>In future, we expect the Welsh Government to make a statement to the Assembly to coincide with the introduction of any UK Brexit-related Bills which legislate in relation to Wales. In addition, we expect the Welsh Government to make public its position on the relevant provisions in any such Bills, identify the powers that are being sought, when these powers are required, and how they will be used. It should also differentiate between powers that are necessary in the immediate post-Brexit period, and those which will be used to implement future policy.</p>	<p>Reject</p> <p>The Welsh Government cannot commit to making a statement on the introduction of any UK Brexit-related Bill, because the level of engagement between Governments in advance of introduction varies considerably. For Bills which fall within the scope of Standing Order 29, we make every effort to comply with the requirement to lay a legislative consent memorandum for a UK Bill normally within two weeks of its introduction. The Standing Order is rightly drafted to reflect the preparation time which is required and the impossibility of guaranteeing a two-week turnaround – given the need for detailed legal advice and discussion/negotiation between Governments. For Bills which apply to Wales but do not engage Standing Orders 29 and 30, we would not anticipate making a statement to the Assembly as a matter of routine, but may draw them to Members' attention as appropriate. However, if Assembly committees have specific questions or concerns in relation to UK Bills at any stage, we will do our best to assist using the information we have and the analysis undertaken at the time.</p>
<p>Conclusion 3</p> <p>We acknowledge that legislation is needed to establish a UK common framework for fisheries management after Brexit. We are</p>	<p>See also the response to Conclusion 4.</p> <p>At present the Assembly only has legislative competence for fisheries matters in relation to Wales (i.e. the first 12 nautical</p>

<p>content that many of the provisions in the UK Bill are necessary to achieve this. However, the Bill contains additional provisions which exceed those which are necessary to establish such a framework. The Welsh Government has not explained the purpose and effect of these additional provisions. As such, we are not yet convinced that the Welsh Government has provided adequate justification for the additional powers it is seeking via the UK Bill.</p>	<p>miles of territorial sea). The Welsh Ministers' Executive Competence in relation to fisheries, however, extends to both Wales and the Welsh zone. In order for the Assembly to make appropriate provision in primary legislation at this stage, therefore, it was necessary to proceed with the necessary provisions in a UK Fisheries Bill. The Welsh Government has been able to secure the additional legislative competence for the Assembly via the UK Fisheries Bill and, consequently, the Assembly will not suffer with this restriction on its legislative competence as we move forward.</p>
<p>Conclusion 4</p> <p>To address the concerns in Conclusion 3, the Welsh Government should explain the purpose and intended effect of the executive powers for Welsh Ministers in Schedules 4, 6 and 7. It should identify which of these powers are time-critical, and whether any of the powers could reasonably be deferred until the Assembly's competence has been extended to allow for a future Welsh fisheries Bill to be introduced.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>I acknowledge the concerns around using a UK Bill to make provisions for Wales and I am strongly of the view the provisions within the Bill are transitional until we are able to make Welsh legislation. However, it is appropriate to seek these powers now to enable us to act quickly and decisively in Wales, in an uncertain future, which enables the fullest opportunities for our immediate future fisheries policy.</p> <p>Brexit has created an urgency to ensure immediate arrangements are in place while preserving our ability to create new systems in the future.</p> <p>The executive powers in Schedules 4, 6 and 7 provide necessary powers to the Welsh Ministers to deliver flexible fisheries management going forward.</p> <p>Schedule 4 provides Welsh Ministers with the power to create financial assistance schemes in relation to Wales.</p> <p>Schedule 7 provides powers to Welsh Ministers via amendments to the Marine and Coastal Access Act 2009 in relation to the exploitation of the sea fisheries resources. Neither of these provisions could have been included in a Welsh Fisheries Bill at this time as both provisions have elements which apply in the Welsh zone beyond Wales for which the National Assembly for Wales currently has no competence.</p>

	<p>The powers provided by the UK Fisheries Bill may need to be exercised on day 1 after exit from the EU or very shortly afterward. With the possible outcome of a no deal exit from as early as the end of March, we are not in a position to wait for a Welsh Fisheries Bill (which, at the moment, could only extend to Wales in any event). The alternative would be to rely on the Secretary of State to legislate for Wales and the Welsh zone in the intervening period. As Fisheries is a devolved matter I do not feel this is acceptable.</p>
<p>Conclusion 5</p> <p>The Welsh Government has control over its legislative programme. It should give a commitment that time will be made available in the legislative programme for a Welsh fisheries Bill to be brought forward and passed before the end of the Fifth Assembly.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Reject</p> <p>In regards to a Welsh Fisheries Bill, it is clear we will need to put any additional necessary provisions onto the Welsh statute book. I have made clear the powers we are seeking in the UK Fisheries Bill are transitional. However, until the UK Fisheries Bill has passed through Parliament it is difficult to commit to a timetable. We are dependent on a number of provisions, and in particular the extension of the Assembly's legislative competence.</p>
<p>Conclusion 6</p> <p>The Welsh Government should explain how it will ensure that the Assembly's views are reflected in the UK Bill, given the lack of time available before the UK Bill completes its passage through Parliament.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>As of today, we await confirmation of the date for Commons Report stage and the next stages of the passage of the Bill. The passage of UK Bill has in effect been on hold since December and as such, we have been able to move forward the additional amendments being sought and influence the UK Government in these areas. In addition, since receipt of the scrutiny reports, Welsh Government has made further representations to UK Government reflecting the Committee's views in a number of areas. I have set out what has been done against the relevant conclusions, in this response.</p> <p>Please be assured, I am also mindful of the need to debate the Legislative Consent Motion (and to provide the necessary information in advance of this) and my officials are working closely with UK Government to ensure time is made available during the passage of the Bill.</p>

<p>Conclusion 7</p> <p>We are broadly content with the fisheries objectives, subject to a commitment that the JFS will include milestones and, where appropriate, specific and ambitious targets, against which progress can be measured. These should be developed by the UK administrations in collaboration and should include a requirement not to exceed Maximum Sustainable Yield limits. We expect the Welsh Government to take this forward as part of its ongoing discussions on the JFS.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>I welcome your support for the fisheries objectives and I am committed to setting milestones and specific and ambitious targets, where appropriate, and following consideration with stakeholders, in the JFS. This includes appropriate commitments in relation to fishing limits not exceeding Maximum Sustainable Yield.</p> <p>The JFS must be developed and agreed jointly with the other fisheries administrations, and will be scrutinised in each of legislatures around the UK. Welsh stakeholders will have the opportunity to shape the contents of the JFS for Wales and we will be establishing a programme of engagement events, which will inform and shape the content of the JFS.</p>
<p>Conclusion 8</p> <p>Within 6 years of the passing of the UK Bill, the UK administrations should undertake a joint review of the fisheries objectives to ensure they are fit for purpose. We expect the Welsh Government to take this forward with the other UK administrations with a view to ensuring that arrangements for reviewing the objectives are included in the UK Bill. If agreement for this cannot be reached, we expect a commitment to undertake a review to be included in the Fisheries Management Framework Agreement.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p>Accept</p> <p>I agree it is appropriate for the objectives to be kept under review to ensure they are fit for purpose.</p> <p>My officials have raised the possibility of an amendment to the Bill to make it a requirement to review objectives, with UK Government and the Devolved Administrations. Discussions are ongoing. If I am unable to agree an amendment to the Bill, I fully support a joint review of objectives being carried out and I have sought, at the very least, for this to be included in the Fisheries MoU as part of the JFS 6 yearly review.</p>
<p>Conclusion 9</p> <p>As part of its <i>Brexit and Our Seas</i> consultation, the Welsh Government should explore whether it is appropriate to include in a future Welsh fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>Welsh Ministers are committed to taking all reasonable steps to achieve the fisheries objectives, which provide a clear framework within which fisheries policy decisions will be taken in the UK.</p> <p>My intention is the <i>Brexit and Our Seas</i> consultation will be the start of an ongoing conversation with our Welsh stakeholders, which will inform the development of a future Welsh fisheries policy.</p> <p>I acknowledge the concerns raised by the</p>

	<p>Committee and stakeholders on this point and I am happy to explore whether it is appropriate to include in a future Welsh Fisheries Bill a duty on Welsh Ministers to take all reasonable steps to achieve the fisheries objectives.</p>
<p>Fisheries Statements</p>	
<p>Conclusion 10</p> <p>The UK Bill should be amended to include a requirement for the fisheries policy authorities to report to the relevant legislature on progress made in policy implementation and in delivering the fisheries objectives. We expect the Welsh Government to make representations to the UK Government and other devolved administrations in this regard. If agreement cannot be reached, the Welsh Government should give a commitment that it will report to the Assembly on a three-yearly basis beginning from the date on which the first JFS is published. This report should use the policies set out in the JFS as a reference point and should measure progress against the fisheries objectives and other relevant objectives, such as those included in Welsh legislation.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p>Accept</p> <p>I have made representations to UK Government and the other Devolved Administrations in this regard and I am hopeful we can achieve an amendment on this point. At the very least, I am happy to make a commitment to report to the Assembly on a three-yearly basis, beginning from the date on which the first JFS is published.</p>
<p>Conclusion 11</p> <p>The Welsh Government should explain the purpose and proposed content of the Fisheries Management Framework Agreement. It should explain what opportunities will be available for stakeholders to inform the development of the Agreement and how it can be scrutinised by the Assembly. The Welsh Government should publish the Agreement at the earliest opportunity.</p>	<p>Accept</p> <p>As we exit the European Union, powers which have been exercised at the EU level will return to the appropriate legislatures and administrations dependent on the devolution settlements. Fisheries management is almost exclusively a devolved matter. However, as fish stocks are a shared natural resource there is a need for a common UK framework to be put in place. This framework covers a range of legislative and non-legislative solutions ranging from provisions in the UK Fisheries Bill, including the JFS, and retained EU legislation, to a range of MoUs and concordats. Any legislative solutions are subject to appropriate scrutiny and consultation with stakeholders.</p> <p>The JFS will be developed in collaboration</p>

	<p>with stakeholders in line with the provisions of the Well-being of Future Generations (Wales) Act 2015, and will be subject to scrutiny and consultation as set out within the Fisheries Bill.</p> <p>With regards to the MoUs, these will be administrative agreements entered into by the fisheries administrations. I will consider the appropriateness of publishing the MoUs on a case by case basis in discussion with the other administrations. I am conscious of the need to provide a transparent and clear set of arrangements for industry and wider stakeholders as we exit the EU, and officials will raise this in discussions with their counterparts.</p>
<p>Access to British fisheries</p>	
<p>Conclusion 12</p> <p>The Welsh Government must ensure that the interests of Welsh fisheries are represented fully in discussions about access to markets and future trade deals with the EU.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>I absolutely agree and confirm Welsh Government is representing the interests of Welsh fisheries in discussion about access to markets and future trade deals with the EU.</p>
<p>Conclusion 13</p> <p>The Welsh Government should provide further details on the proposal for the Marine Management Organisation to issue a single licence to foreign fishing vessels. The Welsh Government should clarify how this would impact on its power to grant licences, in particular, the ability of Welsh Ministers to impose specific licence conditions on foreign fishing boats in relation to the Welsh zone. For example, to require onboard CCTV monitoring.</p>	<p>Accept</p> <p>The Single Issuing Authority (SIA), which is to be hosted by MMO will act on behalf of all fisheries administrations to issue licences to foreign fishing vessels. Welsh Government is working with the UK Governments, other fisheries administrations and the Marine Management Organisation to ensure the issuing of licenses to foreign vessels will be effectively implemented.</p> <p>While the practical issuing of licenses will be undertaken by the SIA, it will be undertaken on behalf of the Welsh Ministers and it will be for the Welsh Ministers to set appropriate and proportionate license conditions in relation to Wales and Welsh zone.</p>
<p>Conclusion 14</p> <p>The Welsh Government should provide</p>	<p>Accept</p> <p>Welsh Government has power to license</p>

<p>further details about how it intends to use licensing conditions for UK vessels to secure adherence to environmental standards in the Welsh zone. In particular the Welsh Government should set out how licence conditions will be used to address plastic pollution and other, related matters.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Welsh vessels, and will have the power to license foreign vessels in Wales and the Welsh zone. We do not have the means to license other UK vessels in our waters as they will be licensed by their respective administrations (although their actions can be controlled, as necessary, via subordinate legislation specific to the activity that needs to be controlled).</p> <p>Plastic pollution is a major issue and the Welsh Government is committed to tackling this problem.</p> <p>Whilst I am keen to explore options for tackling plastic waste, I do not think fishing licenses are the appropriate mechanism for addressing this issue.</p>
<p>Conclusion 15</p> <p>The Welsh Government should explain the circumstances in which it envisages the Secretary of State will use the powers in clauses 9 and 11, to change the exceptions to the prohibition of British or foreign vessels to fish in British waters without a licence. The Welsh Government should explain how any potential disputes over the exercise of these powers will be resolved. As a minimum, we expect a dispute resolution mechanism to be included in the Fisheries Management Framework Agreement.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>As clauses 9 – 11 reflect, the exercise of this regulation making power requires the consent of the Welsh Ministers. I can confirm the Fisheries MoU will set out ways of working around these powers and a robust Dispute Resolution Mechanism is also being established. The Welsh Government is working with UK Governments to agree this necessary detail.</p>
<p>Fishing opportunities and quota share</p>	
<p>Conclusion 16</p> <p>The UK Bill constitutes a missed opportunity to rebalance a fundamental unfairness in the allocation of UK quota. If this is not addressed, there will be marginal benefits for Welsh fisheries as a result of Brexit.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept in principle</p> <p>I accept the need to rebalance the fundamental unfairness in the allocation of quota and I will push for this. However, the UK Fisheries Bill is not the appropriate place to redress this matter.</p> <p>Quota management is undertaken through administrative mechanisms under the broad legislative framework set out in the Common Fisheries Policy. We do not require legislative provisions to be able to rebalance quota.</p>

<p>Conclusion 17</p> <p>We suggest the following as a fair and sustainable approach to the allocation of UK quota in future –</p> <p>Firstly, Article 17 of the CFP (which is amended by UK Bill) should be amended to address the deficiencies identified by stakeholders. In particular, that too much emphasis is given to historic catch when allocating quota at the expense of environmental, social and economic criteria.</p> <p>Secondly, the Fisheries Concordat should be reviewed to reflect an increased emphasis on environmental, social and economic criteria when allocating quota to the constituent nations of the UK. The Welsh Government should take full advantage of any future review of the Fisheries Concordat to secure an increase in Wales’ quota allocation.</p> <p>We expect the Welsh Government to engage with the UK administrations to this effect.</p>	<p>Accept in principle</p> <p>Article 17 does not require amendment for the UK to move away from the use of historic catches as the main determination for allocation. Article 17 provides a range of considerations.</p> <p>I consider any new approach must be fair and sustainable in line with the Well-being of Future Generations (Wales) Act 2015 to which I am committed.</p> <p>The Welsh Government is already in discussion with the UK Government and the other devolved administration on a number of matters where we will be looking for change.</p>
<p>Conclusion 18</p> <p>Any new quota arising from Brexit should be allocated in accordance with environmental, social and economic criteria, with a view to addressing the imbalance in Wales’ quota share.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p>Accept</p> <p>I agree that any new quota should be allocated in accordance with the Well-being of Future Generations (Wales) Act 2015. I am committed to readdressing the imbalance in Wales’ quota share and discussions have already begun with the UK Government and other Devolved Administrations.</p> <p>As set out above, quota management is undertaken through administrative mechanisms.</p>
<p>Conclusion 19</p> <p>We share the Welsh Government’s concerns about the extent of the Secretary of State’s powers in relation to the determination of fishing opportunities. We note that this is a “red line” for the Minister. We believe the most appropriate way to address this issue is by an amendment to the UK Bill.</p>	<p>Accept</p> <p>This is a red line for me and we have sought amendments to the Bill on this matter. We have been unable to reach agreement with the UK Government on an amendment which would expressly resolve this matter. However, I am happy we have made progress on the matter (described below) and I am content with the approach we have agreed with UK Government.</p>

	<p>To overcome the concerns raised, my officials have worked with Defra to obtain further reassurances. I have reached an agreement with the Secretary of State for Environment, Food and Rural Affairs to set out in the Fisheries MoU, more detail on the intended use of the power and strengthened consultations processes. This will align the work already underway on establishing an agreed Dispute Resolution Mechanism. Officials are working together as a matter of priority to agree the detail needed. I intend to share the outcome of these discussions in advance of the debate on the consent motion.</p>
<p>Conclusion 20</p> <p>We are not persuaded that the Welsh Government has done enough, up to now, to secure a fair share of quota allocation for Welsh fisheries. The Fisheries Concordat 2012 constrained the sector's growth and disadvantaged Welsh fisheries severely. As the UK leaves the EU, we believe the Welsh Government must do more. We expect the Minister to provide clear evidence of the steps she is taking to secure improvements in Wales' quota share</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p>Accept</p> <p>I agree there is more we can do to secure a fairer share of fishing opportunities</p> <p>Discussions regarding the distribution of future fishing opportunities have already begun. The basis under which we distribute fishing opportunities in Wales is currently set out in the UK fisheries quota management rules. Allocation of fishing opportunities in the future will be subject to consultation as we work with stakeholders to develop the future fisheries policy referred to in Prosperity for All.</p> <p>I do not think an amendment is necessary to the Bill in this regard.</p>
<p>Financial assistance powers and future funding</p>	
<p>Conclusion 21</p> <p>The UK Bill should be amended to require Welsh Ministers to consult on proposals for any future financial assistance scheme established under Schedule 4. We expect the Welsh Government to make representations to the UK Government in this regard.</p>	<p>Accept</p> <p>The development of subordinate legislation should be founded on appropriate engagement and consultation with stakeholders, based on the best available evidence. The Welsh Government has produced guidance on consultations, and the Welsh Ministers' Regulatory Impact Assessment Code sets out the Welsh Government's commitments to consult in respect of subordinate legislation and what the consultation should involve</p> <p>I also note the regulation making power to establish a scheme is subject to the affirmative resolution procedure.</p>

	<p>Welsh Government has made representations to UK Government to amend the Bill in this regard and discussions are ongoing.</p>
<p>Conclusion 22</p> <p>There is merit in ensuring that any future financial support scheme is underpinned by the fisheries objectives. We believe that this should be considered as part of the Welsh Government's <i>Brexit and Our Seas</i> consultation and should, if appropriate, form part of a future Welsh fisheries Bill.</p> <p><i>I note the Committee would like to see an amendment to the Bill in relation to this conclusion.</i></p>	<p>Accept</p> <p>I agree there is merit in any future financial support scheme being underpinned by the fisheries objectives. I am happy to explore ideas as part of our "Brexit and our seas" consultation. However, detailed proposals on any future financial support schemes will need to be considered in the future as our policy takes shape.</p> <p>I note the Committee would like to see an amendment on this point. However, I do not think it is necessary to resolve this matter. I will consider this and if appropriate, such an approach could be considered for inclusion in a future Welsh Fisheries Bill.</p>
<p>Conclusion 23</p> <p>The Welsh Government should seek a commitment from the UK Government that future funding arrangements for the fisheries sector will be developed in partnership with the devolved administrations and that there will be parity of esteem between partners. It should also seek a commitment that the level of funding should take account of any additional costs arising from the UK Bill.</p>	<p>Accept</p> <p>We are working with UK Government and the other Devolved Administrations to identify scope to maximise the economic growth of the UK's marine sectors. This work will guide policy in how best to support the sustainable growth of the different industry sectors in a strategic and streamlined way.</p>
<p>Conclusion 24</p> <p>There has been a severe lack of financial information provided in support of this, and other, Brexit-related LCMs that this Committee has been asked to consider. This has impaired scrutiny. Furthermore, the absence of such information risks misleading the Assembly about the potential financial implications arising from the legislation. The Welsh Government must address this matter. If it will not do so, we will request that the Finance Committee consider this and, if necessary, bring forward appropriate amendments to Standing Orders.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or</i></p>	<p>Reject</p> <p>It is, of course, open to the Committee to request further information on any aspect including financial information and we will provide as much information as possible. I am not aware of any requests for financial information during the period when the Committee was scrutinising the memoranda on the UK Fisheries Bill. We have complied with the requirements, as set out in Standing Order 29, of what must be included in a legislative consent memorandum. I would have hoped the Committee would have raised this matter with us at an earlier stage in the scrutiny process if it felt a lack of information was impairing scrutiny. We would aim to respond to any such future requests without</p>

<i>clarification on this conclusion.</i>	delay.
Access to markets	
<p>Conclusion 25</p> <p>We reiterate the recommendation in our report <i>The impact of Brexit on fisheries in Wales</i>, that the Welsh Government should publish a focused and ambitious strategy to grow Welsh fisheries. The Welsh Government’s consultation, <i>Brexit and our Seas</i>, will be published in March, and the outcome of this will inform the development of future fisheries policy. We expect the consultation to reflect the latest Brexit developments and to include proposals to mitigate the associated risks.</p> <p><i>I note the committee has sought either a commitment to the Assembly, or clarification on this conclusion.</i></p>	<p>Accept</p> <p>The “Brexit and our seas” consultation is intended to start a conversation and to inform our future fisheries policy. I agree the consultation should reflect the latest Brexit developments. However, this can only be achieved once the outcome of the Brexit negotiations becomes clearer. The consultation will be published when I am confident we can reflect the latest developments and, as far as possible, mitigate the associated risks.</p>
Discard prevention charging schemes	
<p>Conclusion 26</p> <p>The Welsh Government should consider, as part of its <i>Brexit and Our Seas</i> consultation, whether it would be appropriate to bring forward a discard prevention charging scheme in a future Welsh Fisheries Bill.</p>	<p>Accept</p> <p>I am happy to consider whether a discard prevention scheme should be included in a future Welsh Fisheries Bill.</p> <p>Brexit and our Seas will not consider the discard prevention issue specifically. However, we will be starting a discussion about how we best manage our fisheries in a sustainable way which includes preventing discards in a Welsh context.</p>

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