

## Agenda Supplement – Climate Change, Environment, and Infrastructure Committee

---

Meeting Venue:	For further information contact:
Video Conference via Zoom	Marc Wyn Jones
Meeting date: 16 September 2021	Committee Clerk
Meeting time: 09.30	0300 200 6565
	<a href="mailto:SeneddClimate@senedd.wales">SeneddClimate@senedd.wales</a>

### Supplementary Pack A: Papers to Note

---

Please note the documents below are in addition to those published in the main Agenda and Reports pack for this Meeting

---

#### 9.1 Legislative Consent Memorandum (LCM) for the Environment Bill

(Pages 1 – 2)

Attached Documents:

Letter regarding the timetable for scrutiny of the Legislative Consent Memorandum (LCM) for the Environment Bill from the Minister for Rural Affairs and North Wales, and Trefnydd to the Llywydd and Chair of the Business Committee

#### 9.2 Legislative Consent Memorandum (LCM) for the Environment Bill

(Pages 3 – 19)

Attached Documents:

Letter to the Minister for Climate Change requesting further details in relation to the Legislative Consent Memorandum (LCM) for the Environment Bill following the evidence session with the Minister at the Committee's meeting of 15 July 2021

Response from the Minister for Climate Change to the letter from the Chair requesting further details in relation to the Legislative Consent Memorandum(LCM) for the Environment Bill following the evidence session with the Minister at the Committee's meeting of 15 July 2021



### **9.3 Landfill Disposals Tax Independent Review**

(Pages 20 – 21)

Attached Documents:

Letter regarding the Landfill Disposals Tax Independent Review from the Minister for Finance and Local Government

### **9.4 UK Emissions Trading Scheme**

(Pages 22 – 23)

Attached Documents:

Letter regarding the UK Emissions Trading Scheme (ETS) from the Minister for Climate Change

### **9.5 Hazardous Substances (Planning) Framework**

(Pages 24 – 57)

Attached Documents:

Letter regarding the Hazardous Substances (Planning) Common Framework from the Minister for Climate Change

Annex to the letter from the Minister for Climate Change regarding the Hazardous Substances (Planning) Common Framework

### **9.6 Committee timetable**

(Pages 58 – 60)

Attached Documents:

Letter regarding the committee timetable from the Llywydd and Chair of the Business Committee

### **9.7 Financial scrutiny**

(Pages 61 – 64)

Attached Documents:

Letter regarding financial scrutiny from the Chair, Finance Committee

### **9.8 Children and young people's priorities for the Sixth Senedd**

(Pages 65 – 66)

Attached Documents:

Letter regarding children and young people's priorities for the Sixth Senedd from the Chair of the Children, Young People and Education Committee

### **9.9 Joint working between Committees**

(Page 67)

Attached Documents:

Letter regarding joint working between Committees from the Chair, Equality and Social Justice Committee

### **9.10 Homes fit for the Future: The Retrofit Challenge.**

(Pages 68 – 69)

Attached Documents:

Correspondence regarding homes fit for the future from the Future Generations Commissioner

### **9.11 National Parks and the Climate Emergency**

(Pages 70 – 71)

Attached Documents:

Correspondence in relation to National Parks and the Climate Emergency from the Chief Executive, Campaign for National Parks

### **9.12 Biodiversity – Royal Society for the Protection of Birds (RSPB)**

(Pages 72 – 73)

Attached Documents:

Letter regarding biodiversity and priorities for the Climate Change, Environment and Infrastructure Committee from the Royal Society for the Protection of Birds (RSPB)

### **9.13 Working with the Climate Change, Environment and Infrastructure Committee – National House Building Council**

(Pages 74 – 75)

Attached Documents:

Letter regarding working with the committee from the Regional Director West & Wales, National House Building Council (NHBC)

#### **9.14 The risk of UK heatwaves – British Red Cross**

(Pages 76 – 77)

Attached Documents:

Correspondence regarding the new British Red Cross report on the risk of UK heatwaves from the Director for Wales, British Red Cross

#### **9.15 Water supply to households in north Pembrokeshire**

(Pages 78 – 79)

Attached Documents:

Correspondence regarding problems with water supply to households in north Pembrokeshire from the Chief Executive, PLANED

#### **9.16 Working with the Climate Change, Environment and Infrastructure Committee – National Farmers' Union (NFU) Cymru**

(Pages 80 – 84)

Attached Documents:

Letter from the President and Deputy President, National Farmers' Union (NFU) Cymru (Welsh only)

Letter – translation (internal only)

# Agenda Item 9.1

Lesley Griffiths AS/MS  
Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref: A35572821

Elin Jones MS  
Y Llywydd and Chair of the Business Committee  
Senedd Cymru

[Elin.jones@senedd.wales](mailto:Elin.jones@senedd.wales)

19 July 2021

Dear Elin,

The Chairs of both the Climate Change, Environment and Infrastructure (CCEI) Committee and the Legislation, Justice and Constitution (LJC) Committee wrote to you on 2 July raising concerns regarding the timetable for scrutiny for the Legislative Consent Memorandum (LCM) on the Environment Bill.

We recognise the importance of the Senedd's scrutiny process where the UK Government proposes to legislate in matters of devolved competence and share the view the Sixth Senedd Committee members require the opportunity to carry out full scrutiny of the LCM. However, the setting of the scrutiny period and debate date is subject to the UK Parliamentary timetable for consideration of the Bill, over which we have no control.

However, I am pleased to confirm the Minister for Climate Change has received a favourable response to her letter of 2 July to the Secretary of State for Agriculture and Food requesting Lords Third Reading be scheduled to allow more time for Senedd Committee scrutiny of the LCM. Consequently, we now propose the debate takes place on 28 September and the time is extended to allow the Senedd additional time to debate the LCM on this Bill.

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

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

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

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

Accordingly, we propose a revised reporting deadline of 23 September. Whilst we recognise this is still shy of the at least six sitting weeks' scrutiny period we would normally afford to the Committees, to assist the Committees in their scrutiny of the LCM, the Minister for Climate Change has attended at both Committees prior to the summer recess and has committed to formally responding prior to the debate to scrutiny Committee reports published by the revised deadline.

I am copying this letter to the Chairs of the LJC and CCEI Committees.

Regards,

A handwritten signature in cursive script that reads "Lesley Griffiths". The signature is written in black ink and is positioned centrally below the "Regards," text.

**Lesley Griffiths AS/MS**

Y Gweinidog Materion Gwledig a Gogledd Cymru, a'r Trefnydd  
Minister for Rural Affairs and North Wales, and Trefnydd

Julie James MS,  
Minister for Climate Change

20 July 2021

Dear Julie,

### Follow-up questions in relation to the Legislative Consent Memorandum for the Environment Bill

Thank you for attending the Committee's 15 July 2021 meeting to give evidence on the Legislative Consent Memorandum ('LCM') for the Environment Bill ('the Bill').

Following the meeting, the Committee agreed I should write to you to request further information and/or clarification on the issues below.

#### Concurrent plus powers

You told us it is not the Welsh Government's intention for the Secretary of State to use the concurrent plus powers in Part 3 of the Bill. However, you also told us these powers are still needed for the purpose of future proofing.

1. Can you provide a detailed explanation of the circumstances under which you believe it would be appropriate for the Secretary of State to seek to use the concurrent plus powers?
2. Can you set out the criteria the Welsh Ministers would use when determining whether to consent to the use of the concurrent plus powers?
3. You told us the Senedd would be given an opportunity to provide a view on whether the Welsh Ministers should consent to the use of the concurrent plus powers. There is currently no formal process in place to facilitate this. How do you envisage this process working in practice?

#### Part 1 – Environmental governance

You told us you are hoping to introduce a Welsh environmental governance Bill during the second year of the Sixth Senedd.

4. Can you clarify whether you intend to consult on detailed proposals for a new environmental governance system? If so, what timeline are you working towards?

5. What work has the Welsh Government undertaken to date to develop proposals for statutory environmental targets?

Your predecessor told the Fifth Senedd's Climate Change Environment and Rural Affairs Committee she was pursuing with Defra an amendment to the Bill to ensure suitable provision is made for cooperative working between the Office for Environmental Protection and a future environmental governance body for Wales.

6. Can you provide us with an update on this matter? If the Bill has been amended, can you confirm you are satisfied that it makes adequate provision for cooperative working?

### **Part 3 – Waste and resource efficiency**

You told the Committee the Welsh Government is “determined to introduce a plastics Bill” to ban single use plastics. However, the Welsh Ministers already have the power to do this under the Environmental Protection Act 1990 ('the 1990 Act').

7. Why is it necessary to introduce a Bill to ban single use plastics given you already have the power to do this?

8. Can you provide further information on your proposals for a plastics Bill and the timeline you are working towards for its introduction?

9. Can you provide an update us on your discussions with the UK Government in relation to the potential impact of the Internal Market Act on your proposals to ban single use plastics?

### **Part 5 – Water**

10. Can you explain the purpose of the provisions for Wales in Part 5 of the Bill, and how and when you intend to use the powers conferred on the Welsh Ministers in Part 5?

11. Can you clarify whether and how the provisions in Part 5 interact with the regulatory framework for bathing water quality?

### **Part 8 – REACH**

12. What assessment have you made of the potential risks of regulatory divergence from the EU in this area? Do you consider that the new UK REACH regime provides the same level of protection as the EU scheme it has replaced?

13. Can you provide an update on when a final Common Framework on chemicals and pesticides will be available?

### Financial implications

According to the LCM, "There are currently no additional financial implications for the Welsh Government or the Senedd as a result of taking these powers in this bill".

14. What work have you undertaken to assess the potential costs associated with the implementation of the provisions for Wales in the Bill?

During our meeting, you told us you were awaiting a response from the UK Government to your request for a delay in UK Parliamentary proceedings on the Bill to allow further time for Senedd scrutiny of the LCM. It would be helpful if you could inform us of any proposed changes to the scrutiny timetable as soon as possible.

I should be grateful if you would provide a response to the issues set out in this letter by **Friday 30 July 2021**.

Yours sincerely,



Llyr Gruffydd MS  
Chair, Climate Change, Environment, and Infrastructure Committee

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

**Julie James AS/MS**  
**Y Gweinidog Newid Hinsawdd**  
**Minister for Climate Change**



**Llywodraeth Cymru**  
**Welsh Government**

Llyr Gruffydd MS  
Chair Climate Change, Environment and Infrastructure Committee

6 August 2021

Dear Llyr,

Thank you for your letter of 20 July about the Legislative Consent Memorandum for the UK Government's Environment Bill. Please accept my apologies for not meeting your deadline.

I am pleased to provide additional information as requested in your letter.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James".

**Julie James AS/MS**  
**Y Gweinidog Newid Hinsawdd**  
**Minister for Climate Change**

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

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

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

## Concurrent plus powers

### 1. Can you provide a detailed explanation of the circumstances under which you believe it would be appropriate for the Secretary of State to use the concurrent plus powers?

In certain cases, the powers being taken can be exercised in relation to Wales by either the Welsh Ministers or the Secretary of State with the consent of the Welsh Ministers. This is considered reasonable where a UK wide approach may be appropriate or most beneficial.

Clauses 50-51 (previously 49-50): Extended Producer Responsibility

Clauses 52-54 (previously 51-53): Resource Efficiency Information and Deposit Return Schemes

The Bill provides powers to bring in Extended Producer Responsibility and Deposit Return Schemes on a wide range of items. The items will be considered on a case by case basis and in conjunction with the other nations. The legislative approach taken will depend on the requirements of each scheme. For this reason it is necessary to maintain the flexibility to either:

- make our own regulations in Wales for a bespoke Welsh scheme;
- create 'mirror' legislation where common schemes in each nation are required, but we may wish to retain the ability to amend for certain aspects for Wales in the future or;
- allow the Secretary of State to legislate on our behalf, should a UK wide scheme be appropriate.

The powers taken under these clauses, together with the carve-out of schedule 7b of the Government of Wales Act 2006 achieves the required level of flexibility.

Although we are progressing Extended Producer Responsibility for packaging on a UK wide basis and a Deposit Return Scheme for drink containers covering Wales, England and Northern Ireland, we are planning to lay Welsh specific regulations in the Senedd which bring these regimes into force. This is being co-ordinated with the other nations of the UK to maintain that wider coverage. Scottish Government for Scotland and the UK Government for England and Northern Ireland will be bringing in their own "mirror" secondary legislation at the same time to enable this UK wide implementation. Importantly this approach will maintain Welsh Ministerial accountability, ensure there are Welsh regulations in place and give the opportunity to the Senedd to scrutinise the details of these reforms.

The approach taken for EPR packaging and DRS drinks is a balance of maintaining a level of Welsh ministerial accountability, the laying of Welsh secondary legislation, whilst at the same time being pragmatic on the use of resources we have and how working across the UK can maximise the outcomes for Wales.

Clause 85 (previously 83) Water - this aims to reflect how the powers were exercised previously. These clauses seek to address a gap left following UK exit from the EU in relation to priority substances. Those powers were previously exercised under section 2(2) but were also implemented via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Welsh Ministers powers are exercised for river basin districts wholly in Wales but for the 2 cross border river basin districts (Dee and Severn) those powers are exercised jointly with the Secretary of State.

Clause 136 (previously 133) REACH - the approach restores the situation that existed for making or amending domestic enforcement arrangements for chemicals (a partly devolved, partly reserved policy area) when Welsh Ministers had European Communities Act (ECA) 1972 powers and were designated to make regulations under the ECA, or else they could consent to the SoS making them, and in this policy area they usually favoured the SoS option. Such regulations made by the SoS would not have previously received Senedd scrutiny.

**2. Can you set out the criteria the Welsh Minister would use when determining whether to consent to the use of concurrent plus powers?**

The criteria the Welsh Ministers would use when determining whether to consent to the use of concurrent powers is detailed in Annex A.

**3. You told us the Senedd would be given an opportunity to provide a view on whether the Welsh Ministers should consent to the use of concurrent plus powers. There is currently no formal process in place to facilitate this. How do you envisage this process working in practice?**

For UK Government Statutory Instruments under the Environment Act (once enacted) where the consent of the Welsh Ministers is required, I will write to the relevant policy committees to inform them of an intention to consent, and, where time allows, provide an opportunity for the Senedd to express a view before Ministers give consent. I will also lay written statements in the Senedd after the laying of the Statutory Instruments in Parliament.

**Part 1 – Environmental Governance**

**4. Can you clarify whether you intend to consult on detailed proposals for a new environmental governance system? If so, what timeline are you working towards?**

The Welsh Government's policy approach to Environmental Principles and Governance (EPG) has been developed collaboratively, starting with the 2019 *Environmental principles and governance in Wales post European Union exit* consultation.

The EPG Stakeholder Task Group was established to build on the outcomes of the consultation exercise. In November 2020, the Welsh Government accepted the Task Group's recommendations, including enshrining the four EU environmental principles in Welsh law and for a statutory Welsh oversight body. It is my intention to seek further input by publishing either a White Paper or a draft bill prior to introducing a Senedd Bill.

As I advised the Committee, we have an ambitious Programme for Government which will require new primary legislation in many areas. When I have a firm timetable in which to legislate I will be in a position to determine when the optimum time to further consult is.

**5. What work has the Welsh Government undertaken to date to develop proposals for statutory environmental targets?**

We are committed to setting environmental targets including further recycling targets and improving air quality. We are also setting National Milestones to measure progress towards the Well-being Goals. While targets have a role in achieving our environmental ambitions it is the underpinning action to deliver which is important.

As part of the National Milestones we are considering long term targets in key environmental areas like greenhouse gas emissions, Wales' ecological footprint, biological diversity and the energy efficiency of our homes.

As set out in our Circular Economy strategy, Beyond Recycling, we have committed to work with Local Authorities and other key partners to develop statutory recycling targets in line with our pathway to make Wales a zero waste nation and reaching 100% recycling by 2050.

We are also anticipating a new decadal global biodiversity framework with clear goals and targets at the Convention on Biological Diversity's COP15 later this year, which we are proactively influencing.

**6. Can you provide us with an update on this matter [cooperative working between the Office for Environmental Protection and a future environmental governance body for Wales]? If the Bill has been amended, can you confirm you are satisfied that it makes adequate provision for cooperative working?**

We successfully negotiated an amendment to the Bill to insert Clause 23(5)(b) which ensures the Office for Environmental Protection's (OEP) strategy must set out how the OEP intends to co-operate with devolved environmental governance bodies.

I am content this change will ensure adequate cooperative working where that is required.

**Part 3 – Waste and resource efficiency**

**7. Why is it necessary to introduce a Bill to ban single use plastics given you already have the power to do this?**

The Programme for Government (PfG) sets out the commitment to legislate to abolish the use of more commonly littered single use plastic (SUP) items in Wales. I am determined to do everything I can to deliver on this commitment. We have already consulted on plans to ban or restrict some of the top items (closed October last year) by bringing forward regulations to ban the sale of SUP items on the Welsh market using powers under section 140 of the Environmental Protection Act (EPA) 1990 and section 62 of the Regulatory Enforcement and Sanctions Act 2008 ('RESA'). Since then, the UK Parliament has passed the United Kingdom Internal Market Act (UKIMA) into law (December 2020) and this has impacted on our original proposals.

However, our view, as put forward in the ongoing legal challenge on this issue, is that UKIMA cannot have curtailed the Senedd's legislative competence; so as to prevent it from enacting provision banning or restricting the sale in Wales.

The introduction of a short, single issue Bill is therefore intended to give full effect to our proposals, delivering the PfG commitment.

**8. Can you provide further information on your proposals for a plastics Bill and the timeline you are working towards for its introduction?**

We are considering all the options available to enable the Senedd to bring in the proposed bans. A short, single issue Bill is one of them. We are also progressing work under the common frameworks provided for in UKIMA. When I have further certainty on these matters I will be able to inform the committee of the likely timescale. Please see answer 9 below for further details.

**9. Can you provide an update on your discussion with the UK Government in relation to the potential impact of the Internal Market Act on your proposals to ban single use plastics?**

Discussion between officials suggests there are some differences in the intentions of different administrations in the UK with regard to the introduction of bans on single use plastic items. The impact of UKIMA has already been to delay our plans while we considered the impact of that Act on our proposals. The continuing differences between governments will mean we may need to revise our ambitions for the bans or further delay their introduction in Wales.

There are ongoing discussions as to the operation of the 'common frameworks' provided for under section 10 of UKIMA. Provisions under section 10 allow a potential carving out of SUP restrictions from the ambit of the 'mutual recognition principle' altogether. The main advantage of this approach is the original regulations envisaged under section 140 EPA 1990 would have effect in relation to all SUP items sold in Wales. This would be regardless of which part of the UK they were produced or imported into and irrespective of whether those items could be sold in that part of the UK free from any prohibitions on their sale – meeting the full policy ambition with a degree of certainty for stakeholders.

However, although there is an ambition for the operation of the frameworks to be agreed by December, UKG officials have suggested getting agreement on the carve out is unlikely to be a quick process. The resulting carve out regulations would be subject to the agreement of the Defra Secretary of State, with provisions in UKIMA allowing this to be imposed whether or not Welsh Ministers agree to the final content.

There is also the possibility for a consensus approach, where we could work with UK Government and the Scottish Government administrations outside of any Common Framework Agreement. This approach would seek to build consensus on the items to be banned and the timescale for introducing them. As such, it would avoid breaching the mutual recognition principle. This would need to be worked through in more detail as different administrations are in differing stages of advancement with their plans. Formal agreement for this approach would be required from relevant Ministers across the UK. Under this approach, it may be necessary to revise our ambitions on SUPs, either in scope or timescale. It is also worth noting, such an approach would be contrary to that taken on other post-EU Exit policies where cooperation across the UK is needed, for which Common Frameworks have been the preferred means of resolving difficult pan-UK issues.

## **Part 5 – Water**

### **10. Can you explain the purpose of the provisions for Wales in Part 5 of the Bill, and how and when you intend to use the powers conferred on the Welsh Ministers in Part 5?**

The water industry was privatised in 1989 pursuant to the Water Act 1989. The regulatory regime for the privatised water industry is principally set out in the Water Industry Act 1991, and amendments made to that Act (notably in 2003 and 2014). A number of the clauses in this Bill seek to update requirements and reflect current practices e.g. providing information by electronic means.

#### Clause 78 (previously 77)

The process for preparing water resource management plans has also been in place since privatisation and needs to be updated and streamlined. Given the current and future pressures on our water resources there is a need to adapt to ensure the process is fit for purpose and can address the pressure on our water resources such as climate change, population growth, extreme weather and changes in land management practice. These clauses seek to improve water resources planning, which facilitates collaborative planning

and considers the needs of all water users, including the environment. There is no specific timetable for the introduction of subordinate legislation yet.

#### Clause 79 (previously 78)

Drainage and sewerage systems are a critical but often overlooked asset. The Water Strategy for Wales sets out a commitment for drainage and sewerage infrastructure for both waste water and surface water to be well managed and maintained in an integrated way, with sufficient capacity to manage the demand placed on it without causing pollution or sewer flooding to people's homes.

Drainage and sewerage management plans will place drainage and wastewater planning on a statutory footing to assess risks to the network and to understand network capacity. Water companies are currently working on these plans on a non-statutory basis to inform our thinking for the statutory process. These will be submitted in Autumn 2022. Regulations and Directions will then be considered for introduction Spring 2023 subject to the legislative timetable.

#### Clause 81, 82 & 83 (previously 79, 80 & 81)

These clauses update some of Ofwat's (the England and Wales independent economic regulator for the water industry) regulatory functions to reflect current practices and to formalise some existing practices. Clause 81 formalises the process for Ofwat to require information from water companies for the purpose of monitoring and strengthening the regulatory framework. Clause 82 applies to English water companies only. Clause 83 updates the requirement for service of documents to allow service to take place by electronic means.

#### Clause 84 – England only (previously 82)

#### Clause 85 & 86 (previously 83 & 84)

These clauses introduce measures to protect water quality in surface and groundwater, by enabling updates to the lists of priority substances that pose a threat to water bodies in line with the latest scientific knowledge, in the absence of powers under section 2(2) of the European Communities Act 1972. The clauses are drafted to reflect the current devolution settlement and how the powers were exercised previously. The powers were once exercised and implemented via the Water Environment (Water Framework Directive) (England and Wales) Regulations 2017. Welsh Ministers powers are exercised for river basin districts wholly in Wales but there are 2 cross border river basin districts (Dee and Severn) where powers are exercised jointly with the Secretary of State. There is no specific timetable for the introduction of these Regulations yet.

#### Clauses 91-93 (previously 89 - 91)

Land drainage powers are necessary to allow for the revision and update of the methodology of calculating the split of income between special levies and drainage rates.

These clauses also makes provision to provide an alternative methodology for calculation of the value of chargeable land (agricultural land and buildings) to avoid the potential distortion of the apportionment calculation.

Fees are set for all Drainage Boards and administered by NRW in Wales, as such, the interconnected nature of the relevant Welsh and English administrative systems mean it is most effective and appropriate for provision for both to be taken forward at the same time in the same legislative instrument.

**11. Can you clarify whether and how the provisions in Part 5 interact with the regulatory framework for bathing water quality?**

The provisions in Part 5 will not impact the regulatory framework for bathing water quality however some of the provisions e.g. drainage and sewerage management plans will over time benefit our bathing waters and indeed our wider water environment as they will introduce a mechanism to ensure long term planning for ensuring drainage and sewerage assets are maintained, improved or replaced as necessary. This will include assets such as combined sewer overflows (CSOs).

**Part 8 - REACH**

**12. What assessment have you made of the potential risks of regulatory divergence from the EU in this area? Do you consider that the new UK REACH regime provides the same level of protection as the EU scheme it has replaced?**

As of the end of the implementation period, UK and EU REACH regulations were aligned as far as possible. Since then, decisions have been made under the EU REACH regime and a number of decisions will need to be taken under the UK replacement system. When considering action under UK REACH we are able to take the best ideas from both inside and outside the EU, and can take decisions that are fit for purpose in the GB context. As a result, divergence is considered on a case-by-case basis as decisions are taken.

The fundamental principles of REACH are enshrined in retained EU law and will remain protected from amendment using the powers contained in the Environment Bill. There is nothing to stop the UK replacement regime affording the same level of protection as the EU regime.

**13. Can you provide an update on when a final Common Framework on chemicals and pesticides will be available?**

Provisional frameworks including the one covering chemicals and pesticides were agreed by the four governments of the UK at the end of the transition period. Work is ongoing to now develop these into final frameworks and the four governments are endeavouring to complete this by the end of 2021. As part of this phase of work, legislatures from across the UK are expected to have an opportunity to scrutinise frameworks. Discussions are ongoing between the four governments and their respective legislatures as to when this is likely to commence.

**Financial Implications**

**14. What work have you undertaken to assess the potential costs associated with the implementation of the provisions for Wales in the Bill?**

**Waste and Resource Efficiency:** The joint programmes developing DRS and EPR will include a regulatory impact assessment which sets out the costs of implementing and running these schemes. This will be refined as the preferred options emerge and the details of both schemes are worked up.

Broadly speaking, EPR and DRS should be cost neutral to public finances with the schemes looking to recover their costs through the fees and charges which will be payable by industry. This will include costs to cover regulatory oversight through compliance monitoring and enforcement. However, we do recognise there are start-up costs to both schemes, to

support this the HM Treasury budget on 11 March 2020 allocated £700,000 for initial ICT work on EPR for Packaging.

**Electronic waste tracking** – The policy development has been overseen by an internal Project Management Board with a core membership of officials from each of the four administrations.

In the March 2020 budget HM Treasury committed funding for the development of the UK wide waste tracking service up to FY23/24. In line with the polluter pays principle, once the mandatory electronic Waste Tracking Service goes live, the proposal is for the costs for ongoing operation and maintenance of the service and associated regulatory work to be met by the service users.

In 2020, as part of the GovTech Catalyst Challenge fund<sup>[1]</sup>, prototypes of an electronic waste tracking service were developed with two technology suppliers. This provided the groundwork for the development of the live service. The IT service development is supported by a user panel of around 1200 members representing waste producers, carriers, brokers, dealers, waste site operators, local authorities and regulators from across the UK. Members of this panel help to develop the service by participating in user research and testing the system as it is developed.

The Welsh Government will shortly be taking part in a UK-wide consultation on the introduction of mandatory electronic tracking of waste, including an impact assessment. One of the areas is around fees and charges in relation to the recovery of system related costs i.e. costs of establishing, operating or maintaining the IT element of the waste tracking service. NRW will review their current charging schemes and will be developing proposals for refreshed charging frameworks considering the introduction of electronic waste tracking and the new functions that will be conferred on them. NRW will consult on these proposals in due course.

**Charges for single use plastic items:** A study was undertaken by WRAP looking specifically at charges for single use plastic cups (SUPCs) and single use fibre based cups (SUFCS), which contain a plastic lining. The study looked at the quantity and weight of single use cups placed on the market in the UK during 2019. Estimates for volumes placed on the market in each devolved nation were also given, with Wales accounting for an estimated 4% of the estimated 1.0 billion units (+/- 9%) placed onto the UK market, with an estimated value of around £43m. (This number accounted for other types of fibre based single use packaging, such as that used for sandwiches).

The charges element was modelled, on the basis of a 25 pence charge per single-use item to be implemented via regulatory mechanisms similar to the Single Use Carrier bag charge. The charge is not redeemable. As such, the charges are retained by the 'sellers' and may help fund any additional costs of collection and management of these items. The charge is a gain to 'sellers' and a loss to consumers.

#### Estimated impact

- The charge reduces the number of SUFCs placed on the market by 2.2 billion and reduces SUPCs by 725 million between 2022 and 2034.

---

<sup>[1]</sup> Department for Environment, Food & Rural Affairs – Waste management: smart tracking of waste (GovTech Catalyst) (2019): <https://www.gov.uk/government/collections/waste-management-smart-tracking-of-waste-govtech-catalyst>

- The sales market value of SUFCs reduces by £42million, and of SUPCs by £7million.
- These items are replaced by RUCs, with an additional 5.9million RUCs placed on the market in the place of SUFCs and an additional 2million RUCs in the place of SUPCs.
- With fewer SUFCs and SUPCS on the market, litter, disposal and collection is all reduced with waste management costs also decreased.

A number of other potential charging scenarios were modelled, including charges with recycling rates targets, together with EPR options and various take back schemes. It should be noted, a key finding from the report was a gap in data regarding the environmental impact of each alternative approach to charges also modelled. Further work would be required to ascertain whether a charging model is the best approach to deliver the environmental benefit.

Similar work on charges for other single use plastic items would be required.

**Air Quality:** With regard to clause 72 and Schedule 11 (on the National Air Quality Strategy), there are no immediate financial implications for the Welsh Government. In relation to clause 73 and Schedule 12 (relating to the smoke control regime in Wales), a preliminary assessment estimates costs will be minimal with no ongoing costs other than translation costs.

**Land Drainage:** The amendments to land drainage rates & levies strengthen the positions of Welsh Government and NRW who administer Internal Drainage Boards in Wales, thus providing a mechanism for applying the correct levies and drainage rates.

**Water:** With the exception of statutory Drainage and Wastewater Management Plans, there should be no additional costs as water companies already prepare statutory water resource management and drought plans.

The Bill gives the Welsh Ministers powers to require the water companies to produce joint water resource management plans but there are no current plans to use this power. If a need to do so became apparent, we would consider any resource implications with the water companies and regulators.

The water companies in Wales have already undertaken to prepare drainage and wastewater management plans on a non statutory basis by 2022. The costs of this are met via the price review mechanism undertaken by Ofwat every 5 years. There may be some additional costs to NRW and local authorities but these would be subject to the extent of their role in regulating and evaluating the plans which has not yet been determined. This will be a matter for more detailed consultation and discussion supported by a regulatory impact assessment.

**REACH:** There are no financial implications arising from the powers given to Ministers by the chemicals provisions as Ministers do not have to exercise them. The provisions do not create new obligations but give powers to amend the existing REACH regulations. When Ministers decide to exercise these powers an assessment of the financial implications would be made at the time. This could result in financial costs or savings.

### **Update on response from UK Government**

I am pleased to advise the Committee that my request for Third reading to be scheduled to allow more time for Senedd Committee scrutiny of the Consent Memorandum has been agreed.

The Legislative Consent Debate will now take place on 28 September.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

## Guidance for Welsh Government officials on concurrent powers

### 1. Concurrent Powers

A concurrent power is a power which can be exercised:

- (a) by Welsh Ministers, in relation to Wales; or
- (b) by UK Ministers in relation to Wales (for example, where UK Ministers are exercising powers in relation to the whole of the UK; or in relation to England and Wales).

UK Ministers should not normally exercise their powers in relation to Wales without the agreement of the Welsh Ministers, but (unless it is a concurrent plus power – see below) they are not legally required to obtain consent in order to legislate.

### 2. “Concurrent plus” powers

A “concurrent plus” power is a special type of concurrent power which can be exercised:

- (a) by the Welsh Ministers, in relation to Wales; or
- (b) **provided** that the Welsh Ministers consent, by UK Ministers in relation to Wales.

When the Welsh Ministers are considering whether to give consent to UK Ministers exercising a concurrent plus power, they are exercising a statutory function. If they do not consent, UK Ministers cannot exercise these powers in relation to Wales. An example of a “concurrent plus” power is:

#### [The Transmissible Spongiform Encephalopathies and Animal By-Products \(Amendment etc.\) \(EU Exit\) Regulations 2019](#)

Regulation (EC) No. 999/2001, which lays down the rules for the prevention, control and eradication of certain transmissible spongiform encephalopathies, provides that each Member State shall draw up a list of establishments, plants and operators which have been approved or registered in accordance with this regulation within its territory. As this reference in retained EU law will be deficient post exit, regulation 2(22) of the Transmissible Spongiform Encephalopathies and Animal By-Products (Amendment etc.) (EU Exit) Regulations 2019 provides for this to be exercised by the appropriate authority within its constituent nation. The appropriate authority includes the Secretary of State in respect of England and devolved administrations in respect of Wales and Scotland, and the NI Department of Agriculture, Environment and Rural Affairs in respect of Northern Ireland. It further provides that the Secretary of State may also be the appropriate authority for Wales, Scotland or Northern Ireland with the consent of the relevant devolved administration or NI Department.

This is concurrent plus because the substantive power is transferred to the Welsh Ministers in relation to Wales, the only way it can become exercisable by the UK Ministers in relation to Wales is if the Welsh Ministers give their statutory consent to the UK Ministers to do so. It is this statutory consent power of the Welsh Ministers that is the “plus” element of a “concurrent plus” power.

We use the term “concurrent powers” in this guidance to cover both concurrent and concurrent plus powers, except where we say otherwise.

### **3. Concurrent functions created by UK Brexit SIs and UK Brexit Bills**

The Government of Wales Act 2006 (GoWA) as amended requires Minister of the Crown consent for Senedd legislation modifying or removing concurrent powers.

The Government of Wales Act 2006 (Amendment) Order 2021 made under s109 of GoWA, commonly known as a “section 109 Order”, removed this requirement in relation to the removing of concurrent powers created in specific Brexit enactments only.

### **4. Exercise of concurrent functions**

Ministers have agreed the following principles for exercise of concurrent functions.

***Principle 1: There must be robust governance arrangements – i.e. clearly defined processes covering detailed policy negotiations at official level right through to oversight by Ministerial forums – to enable intergovernmental agreement about the exercise of functions.***

Work is underway to map intergovernmental machinery and assess its robustness with a view to agreeing a consistent set of principles which can apply across intergovernmental relations, frameworks and negotiations.

***Principle 2: If we are recommending consent for expediency in the absence of fully developed governance arrangements, or if we are not certain about how the functions will be exercised at the point when consent is sought, we should ensure that our consent is as narrowly defined as possible in terms of:***

- exactly what exercise of what functions we are consenting to;
- the period for which we are giving consent – preferably a short period, with a defined review mechanism, and without prejudice to longer term arrangements;
- the minimum requirements for ongoing intergovernmental engagement.

***Principle 3: Officials must be able to provide assurance to Ministers that they have:***

- carefully considered the longer term policy rationale and wider constitutional principle that the Welsh Ministers exercise functions in

relation to Wales, in the expectation that capacity issues are only material in the short term;

- evaluated the Wales only option and found it undesirable in this case;
- considered whether or not the governance arrangements are robust enough to protect Wales' interests;
- designed the best possible terms and process for giving consent which safeguards our position in the longer term (with clearly defined scope and duration as well as full involvement at all stages of policy development and implementation); and
- taken a consistent approach to decision making, so that the Welsh Government overall is acting coherently – at both portfolio level and more widely.

***Principle 4:*** A decision on whether to give consent for the UK Government to exercise a concurrent function in relation to Wales for the first time should be presented to the Counsel General and the portfolio Minister at the earliest possible stage in the process.

***Principle 5:*** Ministers should write to the relevant policy committees to inform them of an intention to consent to the UK Government exercising a concurrent plus legislative function in relation to Wales, and where time allows provide an opportunity for the Senedd to express a view before Ministers give consent.

***Principle 6:*** The same principles around intergovernmental working, Ministerial agreement and notifying the Senedd apply to both providing and withdrawing consent to exercise a concurrent function.

## **5. Removal of concurrent functions**

***Principle 7:*** Concurrent functions should be removed at the first opportunity.

The removal of concurrent functions by way of provisions in an Act of the Senedd trigger the requirement in GoWA to obtain Minister of the Crown consent. It is important, given their constitutional implications (i.e. they limit legislative competence) that opportunities to remove functions are taken as soon as possible.

## **6. Proposals for new concurrent powers**

***Principle 8:*** New concurrent functions should only be created in very exceptional circumstances and teams should ensure that a carve out will apply such that no consent will be required when removing them (to protect legislative competence), and that they are concurrent plus (to protect executive competence).

Given that the creation of concurrent powers confines the Senedd in exercising its legislative competence, and GoWA is constructed on the basis that the number of concurrent powers will reduce, rather than increase, we should avoid

seeking or agreeing to new concurrent powers wherever possible. Alternative solutions such as taking the powers for the Welsh Ministers only, implementing intergovernmental agreements through separate regulations, or composite instruments, should be sought.

Where a new concurrent power is proposed, Ministers (including the Counsel General **through whom all MAs proposing a new power of this sort must be routed**) will need assurance that there is a very clear and strong rationale for requiring the power to be created in this way. Welsh Government officials should also satisfy themselves that a carve out will apply to the power being created, to ensure that removal of the power, in an Act of the Senedd, would not trigger any consent requirement.

# Agenda Item 9.3

Rebecca Evans AS/MS  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government



Llywodraeth Cymru  
Welsh Government

Eich cyf/Your ref  
Ein cyf/Our ref

Llyr Gruffydd, MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay CF99 1SN

12 July 2021

Dear Llyr

## Landfill Disposals Tax Independent Review

There is no statutory obligation for the Welsh Ministers to make arrangements for an independent review of Landfill Disposals Tax (LDT). However a commitment was made during the passage of the Landfill Disposals Tax (Wales) Act 2017 through the then National Assembly for Wales [Senedd] for an independent review to be carried out. I am setting out here the proposed scope of the independent review for the Committee to be aware and to have an early opportunity to comment.

The review will have the following key principles at its core:

1. The scope of the review is clear, meaningful and offers good value for money.
2. The review does not duplicate work being undertaken by interested/affected parties unnecessarily, and does not fetter future policy work which may be being developed in tandem or before the review is completed.
3. The review is focussed on the operation of the legislation as opposed to the administration of the tax by the Welsh Revenue Authority.

It is proposed that the review focus on three broad themes related to revenue, behaviour change and environmental impact. The intention being the review provides an evaluation of the effectiveness of the tax in supporting the delivery of our environmental policies to date. It will also consider lessons learned and how these could impact on future policy design.

It is proposed the review focuses on key areas of relevance for the tax. For example, to explore issues (not an exhaustive list) such as waste flow across the Wales/England border,

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Correspondence.Rebecca.Evans@gov.wales](mailto:Correspondence.Rebecca.Evans@gov.wales)  
[Gohebiaeth.Rebecca.Evans@llyw.cymru](mailto:Gohebiaeth.Rebecca.Evans@llyw.cymru)

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.

waste composition across the standard and lower rates, wider environmental policies in respect of highlighting any mismatches and opportunities to improve alignment between tax and environmental law, legislation on reliefs and discounts in recognition of their potential to impact on behaviour, as well as an assessment of what impact, if any, the introduction of an unauthorised disposals rate of LDT has had on deterring unauthorised disposals of waste in Wales.

Separately, the UK Government has announced a Landfill Tax review<sup>1</sup> in England and Northern Ireland, as part of a range of tax policy and consultation announcements. We are currently working with UK Government in recognition of our shared environmental and waste management objectives, and mitigate undesirable outcomes such as waste tourism.

I would be grateful for any views on the proposed scope of the independent review of LDT by the 30 September so that we can feed these into the development of the specification to procure an independent person/organisation to undertake the review.

I have similarly written to the Chair of the Finance Committee to seek that Committee's views on the proposed scope of the independent review.

Yours sincerely,



**Rebecca Evans AS/MS**  
Y Gweinidog Cyllid a Llywodraeth Leol  
Minister for Finance and Local Government

---

<sup>1</sup> [Tax policies and consultations: Spring 2021 - GOV.UK](https://www.gov.uk/government/consultations/tax-policies-and-consultations-spring-2021) **Pack Page 21**

# Agenda Item 9.4

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Ein cyf/Our ref MA/JJ/2056/21

Llywodraeth Cymru  
Welsh Government

28 July 2021

Dear Llyr Gruffydd MS,

You will be aware the UK Emissions Trading Scheme (UK ETS) was established in law in 2020.

The legislation underpinning the UK ETS is being delivered incrementally, through a series of statutory instruments. The timing and order of this series has been designed to ensure that specific legal provisions are introduced as they become operationally necessary. All legislation required to establish the scheme was made in 2020. There are, however, outstanding legal provisions required, which, whilst not essential for the establishment of the UK ETS on the 1<sup>st</sup> January 2021, are considered necessary for effective operation of the scheme.

On 28 July, the UK ETS Authority, comprising the four Governments of the UK, will publish a consultation and two separate draft statutory instruments to address a number of technical and operational issues identified during the development and amendment of legislation to establish the UK ETS.

The statutory instruments are expected to be laid in November as Orders in Council:

- The Greenhouse Gas Emissions Trading Scheme (Amendment) Order 2021 will be introduced under the negative procedure, following Privy Council.
- The Greenhouse Gas Emissions Trading Scheme (Amendment) (No.2) Order 2021 will be introduced under the draft affirmative procedure with introduction also expected in November 2020, prior to submission to Privy Council.

Both Orders will make amendments to the existing Greenhouse Gas Emissions Trading Scheme Order 2020.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

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

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

I will be publishing a written statement on 28 July alerting the Senedd to the consultation and draft statutory instruments. The consultation will run over the recess period and close on 7 September.

The provisions are technical and operational in nature, however, in the interests of transparency and affording the maximum opportunity for scrutiny of the provisions, I wanted to personally alert you. I am also sharing with the Chair of the Legislation, Justice and Constitution Committee.

Following the summer recess I expect to issue a further statement setting out initial options to develop the UK ETS further, aimed at delivering a more impactful scheme.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.

**Julie James AS/MS**  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

# Agenda Item 9.5

Julie James AS/MS  
Y Gweinidog Newid Hinsawdd  
Minister for Climate Change



Llywodraeth Cymru  
Welsh Government

Ein cyf/Our ref MA/JJ/2279/21

Llyr Gruffydd MS  
Chair  
Climate Change, Environment and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

SeneddClimate@senedd.wales

31 August 2021

Dear Llyr

The Climate Change, Environment and Rural Affairs Committee provided recommendations in respect of the Draft Hazardous Substances (Planning) Common Framework in its letter of 21 January. I have considered the Committee's recommendations, alongside those of Parliament and the other legislatures, with my colleagues in the UK Government (UKG) and other devolved administrations. We have amended the text of the agreement to accommodate most of the comments made. I am therefore pleased to enclose the final agreement.

## Stakeholder Engagement

It was agreed that more clarity was needed in the framework regarding stakeholder engagement during the initial review of the framework. This has been clarified in Section 12 of the framework text, noting that proportionate stakeholder engagement will be carried out to inform the review including with competent authorities, local authorities, industry and environmental groups.

## Review timing

It was agreed that the initial review of the framework should be carried out after one year, opposed to two years as initially suggested. This change has been reflected in Section 12 of the framework.

## Parliamentary Scrutiny

It was agreed that there is a need to involve the legislatures during framework review and this should be reflected in the framework. Text has been added to Section 12 of the framework to reflect this, being mindful that there is potential for variation in how each legislature is involved in the review process.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
0300 0604400

Bae Caerdydd • Cardiff Bay  
Caerdydd • Cardiff  
CF99 1SN

[Gohebiaeth.Julie.James@llyw.cymru](mailto:Gohebiaeth.Julie.James@llyw.cymru)  
[Correspondence.Julie.James@gov.Wales](mailto:Correspondence.Julie.James@gov.Wales)

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

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

**Dispute Resolution**

The UKG and devolved administrations have agreed that the detail provided on dispute resolution is sufficient at the stage.

**International Obligations**

International obligations are discussed in Section 2 of the framework. This section is comprehensive with regard to international obligations which are applicable to the UK.

Yours sincerely

A handwritten signature in blue ink that reads "Julie James". The signature is written in a cursive, flowing style.**Julie James AS/MS**

Y Gweinidog Newid Hinsawdd  
Minister for Climate Change

**Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith /  
Climate Change, Environment and Infrastructure Committee**

Atodiad i'r llythyr dyddiedig 31 Awst 2021 oddi wrth y Gweinidog Newid Hinsawdd ynghylch y Fframwaith Cyffredin ar gyfer Sylweddau Peryglus (Cynllunio) /

Annex to the letter of 31 August 2021 from the Minister for Climate Change regarding the Hazardous Substances (Planning) Common Framework



# Hazardous Substances (Planning) Common Framework

CP 508



# Hazardous Substances (Planning) Common Framework

Presented to Parliament by the Secretary of State for  
Housing, Communities and Local Government  
by Command of Her Majesty

August 2021

CP 508



© Crown copyright 2021

This publication is licensed under the terms of the Open Government Licence v3.0 except where otherwise stated. To view this licence, visit [nationalarchives.gov.uk/doc/open-government-licence/version/3](http://nationalarchives.gov.uk/doc/open-government-licence/version/3)

Where we have identified any third party copyright information you will need to obtain permission from the copyright holders concerned.

This publication is available at [www.gov.uk/official-documents](http://www.gov.uk/official-documents).

Any enquiries regarding this publication should be sent to us at

Ministry of Housing, Communities and Local Government  
Fry Building, 2 Marsham Street  
London SW1P 4DF  
Tel: 0303 444 0000

ISBN 978-1-5286-2494-7  
E02665429 08/21

Printed on paper containing 75% recycled fibre content minimum

Printed in the UK by HH Associates Ltd on behalf of the Controller of Her Majesty's Stationery Office.

# Contents

## **Hazardous Substances (Planning) Common Framework**

Part 1: What we are talking about ..... 4

Part 2: Proposed Breakdown of Policy Area and Framework..... 12

### **Operational Detail**

Part 3: Proposed Operational Elements of Framework . 12

Part 4: Practical Next Steps and Related Issues..... 15

# Hazardous Substances (Planning) Common Framework

## Part 1: What we are talking about

### 1. Policy area

Hazardous Substances Planning encompasses the elements of the Seveso III Directive (2012/18/EU) which relate to land-use planning (LUP), including: planning controls on the presence of hazardous substances and handling development proposals both for hazardous establishments and in the vicinity of such establishments.

The Seveso III Directive ('the Directive') has the objective of preventing on-shore major accidents involving hazardous substances, as well as limiting the consequences to people and/or the environment of any accidents that do take place. 'Hazardous substances' in the legislation include individual substances (such as ammonium nitrate), or whole categories of substances (such as flammable gases). The Ministry of Housing, Communities and Local Government (MHCLG) and devolved administrations (DAs) are responsible for the LUP requirements of the Directive. In accordance with the retained Seveso III Directive, the UK is obliged to ensure the objectives of preventing major accidents and limiting the consequences of such accidents are taken into account in land-use policies. This requires controls on the siting of new establishments and modifications to establishments which fall within scope of the Directive, and on new developments and public areas in the vicinity of

such establishments. It also requires these considerations to form the development of relevant policy and includes requirements on public involvement in decision making, including relevant plans and programmes.

When implementing the original EU Directive in this regard, a distinction was made between those elements relating to on-site controls for establishments to minimise the risk of a major accident (those now covered by the Control of Major Accident Hazards (COMAH) Regulations 2015 (GB) and their Northern Ireland equivalent) and the residual off-site risk. The latter is primarily the risk of a major accident arising due to the proximity of hazardous substances to other development or sensitive environments (i.e. if there were an accident due to on-site failures, what the risks would be where certain developments or habitats are or would be close by). This latter issue was considered to be a spatial planning matter to be addressed through planning controls.

Subsequently, LUP matters generally in the UK were devolved. To summarise; the significant majority of the Directive relates to COMAH which focuses on ensuring businesses take all necessary measures to prevent and mitigate accidents within their establishments. What is referred to here as the hazardous substances planning regime focuses solely on where these establishments are sited, and what is sited around them (a much smaller aspect of the Directive).

Very broadly the hazardous substances regime;

- a) sets limits on the amount of dangerous substances that can be stored/used in an establishment before that establishment must apply for consent to do so from their local planning authority (usually the local authority);
- b) requires the preparation of planning policies to take into account the aims and objectives of the Directive; and
- c) requires local planning authorities to comply with various consultation requirements and consider any major accident hazard issues before they can grant planning permission in relation to establishments, to certain types of development near such establishments, and hazardous substances consent.

To note, the hazardous substances planning regime does not ban any substance, or any development around establishments containing hazardous substances. All decisions rest with local planning authorities, or in some cases, called-in applications or appeals, the Minister(s) in England, Wales, Northern Ireland or Scotland.

It should also be noted that LUP controls on hazardous substances existed in Great Britain and Northern Ireland for around a decade before becoming an EU requirement. This is an issue on which the UK has led the way.

## **2. Scope**

The scope of this Common Framework is any legislation which applies the LUP elements of the retained Seveso III Directive in the UK. At the time of writing, the following

legislation constitutes the main body of legislation that applies these elements of the Directive, future regulations applying regulations in this area are also expected to be in scope once established:

### In England

- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (England) Order 2015

### In Scotland

- Planning (Hazardous Substances) (Scotland) Act 1997
- The Town and Country Planning (Hazardous Substances) (Scotland) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (Scotland) Regulations 2013

### In Wales

- The Planning (Hazardous Substances) Act 1990
- The Planning (Hazardous Substances) (Wales) Regulations 2015
- The Town and Country Planning (Development Management Procedure) (Wales) Order 2012

### In Northern Ireland

- The Planning Act (Northern Ireland) 2011
- The Planning (Hazardous Substances) (No.2) Regulations (Northern Ireland) 2015
- The Planning (General Development Procedure) Order (Northern Ireland) 2015

The Directive's minimum requirements are common across England, Scotland, Wales and Northern Ireland. Whilst the different administrations are currently free to use their devolved planning powers to increase controls beyond the minimum requirements of the Directive, this has not happened in any substantive way.

Now the UK has left the EU this set of common minimum requirements may cease to be in effect and the different administrations will have wider scope to use their planning powers to make changes.

There is an existing Memorandum of Understanding (MOU) between the DAs and the various bodies that make up the COMAH Competent Authority (see section 10), which applies to the COMAH aspects of the Directive. In place of a full framework the MOU is being updated to reflect the situation post-Exit. The COMAH MOU will operate alongside the Hazardous Substances (Planning) Common Framework. Despite the policy links between COMAH and LUP hazardous substances, it is not felt that there is any significant overlap between this framework agreement and the updated COMAH MOU, which explicitly states that LUP requirements are separately implemented. This is also the case with the hazardous substances

planning regime and the rest of the planning system. The hazardous substances consent process sits outside of the development consent process (i.e. the consideration of applications for planning permission), and the current requirement for planning authorities to consult HSE or HSE NI if their development is in a consultation zone does not overlap with other requirements (i.e. if this were altered in any way there would be no significant knock-on effects further along the planning system).

- The primary focus of this agreement is to maintain the principles and objectives of retained EU legislation across the hazardous substances planning regime, that is, primarily, to prevent on-shore major accidents involving hazardous substances and limit the consequences to people and/or the environment of any accidents that do take place. It also seeks to, wherever possible, facilitate the sharing of information on a multilateral basis.
- Having left the EU, the UK will still be party to the following relevant international agreements:
  - The Convention on the Transboundary Effects of Industrial Accidents is a UNECE convention designed to protect people and the environment from the consequences of industrial accidents. Parties are required to, amongst other things, *“take appropriate measures and cooperate...to protect human beings and the environment against industrial accidents...shall ensure that the operator is obliged to take all measures necessary for the*

*safe performance of the hazardous activity and for the prevention of industrial accidents...take measures, as appropriate, to identify hazardous activities within its jurisdiction and to ensure that affected Parties are notified of any such proposed or existing activity”<sup>1</sup>. The Convention also sets out detailed requirements when it comes to siting of/ around hazardous establishments as well as setting out the types and quantities of substances that should be considered hazardous.*

- The UNECE Convention on Access to Information, Public Participation in Decision-Making and Access to Justice in Environmental Matters ('the Aarhus Convention') establishes a number of rights of the public (individuals and their associations) with regard to the environment. The Parties to the Convention are required to make the provisions necessary so that public authorities (at national, regional or local level) will contribute to these rights to become effective.

### **3. Definitions**

All technical definitions used in this framework agreement will reflect those set out in legislation implementing the retained Seveso III Directive.

In this framework agreement the following definitions are also used:

1 Taken from Article 3 and Article 4 of The Convention on the Transboundary Effects of Industrial Accidents.

- JMC(EN). The JMC (EN) Joint Ministerial Committee (Europe Negotiations) is a subcommittee of the JMC that was established in 2016 to facilitate discussion between Westminster and the devolved governments over the UK's EU Exit strategy.
- HSE & HSE NI. The Health and Safety Executive and Health and Safety Executive Northern Ireland are government agencies responsible for the encouragement, regulation and enforcement of health and safety

## Part 2: Proposed Breakdown of Policy Area and Framework

### 4. Summary of proposed approach

It is important to first note the context in which the proposed approach has been developed. Divergence is already entirely possible across the UK. However, there are currently a number of restrictions on what the United Kingdom Government (UKG) and DAs can amend based on what has been set at EU level. The key restrictions are that the UKG and DAs:

- i) are unable to change the definition of what an establishment is (in short, a location where dangerous substances are present in significant quantities);
- ii) must not lower standards on what constitutes a dangerous substance (i.e. by removing categories of substances or individual substances from the list, or raising the threshold at which the quantity becomes significant and the establishment falls into scope of the regime);
- iii) must ensure that the objectives of preventing major accidents and limiting the consequences of such accidents for human health and the environment are taken into account in their land-use policies, through controls on the siting of new establishments and new developments close to establishments;
- iv) must set up appropriate consultation procedures to ensure that operators provide sufficient information on the risks arising from the

establishment and that technical advice on those risks is available when decisions are taken; and  
v) facilitate public involvement at various stages of decision-making on relevant applications for consent or plans and programmes.

In simplified terms, what may become possible following the UK's exit from the EU that was not possible before is that the UKG and DAs will have the powers within a domestic context to relax requirements on the level of substances that can be held before triggering the regime and relax the process around what is required once the regime is triggered.

It is considered that whilst a framework agreement is appropriate for the hazardous substances planning regime, it should be non-legislative. This framework agreement will set out the principles of engagement between the UKG, DAs, HSE and HSE NI where changes to legislation are concerned (see section 6 for more details). This view is guided by the overarching principle established by JMC(EN); that any framework agreement should secure the proper functioning of the regime whilst at the same time respecting the devolution settlements. It is also guided with reference to the priorities that JMC(EN) list as key, that any framework should be established where it is necessary to:

- enable the functioning of the UK internal market, while acknowledging policy divergence

The hazardous substances planning regime is not

significantly different from devolved planning controls generally – it is about consenting the locations of substances with major accident hazard potential and development around those locations. As stated in section 1, establishments which store certain amounts of certain substances or developers looking to build near such establishments will be required to seek consent from a local authority. The regime is not focused on banning activities or making a substance illegal in a general sense. As a result, (and in a scenario in which the non-regression principle did not apply) the biggest potential discrepancy would be where, for example, one administration removed controls for a certain substance completely, where across the border, operators would need to go through the hazardous substances consenting process with their local authority to hold the substances at a site in the same quantities. However, due to the nature of the regime this would bring very limited economic benefits – relaxed hazardous substances standards would not bring a significant enough benefit to operators to influence which administration they set up business in to the point where this would distort the internal market. Obtaining hazardous substances consent is a relatively quick and inexpensive process for operators/developers; the fee in England for making an application is £200-250, in Wales it is £200-400, in Scotland it is £500-1000, and in Northern Ireland it is £300-750. In addition, a hazardous substances authority must inform an applicant of a decision within 8 weeks in England, Wales and Northern Ireland. In Scotland it is 2 months. This period can be extended by an agreement in writing between the applicant and the planning authority. Industry stakeholders have been clear that the current

processes play an important role in enshrining vital safeguards against major accidents.

As such, reducing standards in this way is not something that industry has been pushing for or is likely to pursue and the proposed approach is considered appropriate. However, as with all workstreams, further arrangements will need to be considered at a higher level to manage any such impacts on the internal market within this – or related – policy areas.

- ensure compliance with international obligations

The UK is a signatory to two international agreements relevant to the hazardous substances planning regime (as mentioned in section 2), the Aarhus Convention and the Convention on the Transboundary Effects of Industrial Accidents. The latter in particular cements many of the requirements of the current regime in international law, therefore any significant stripping back of the hazardous substances planning regime could result in a breach of international obligations. This presents limits on what the UKG can do as the party to the treaties, but also constrains the DAs. In very extreme cases the Secretary of State has step-in powers already built into devolution settlements where there is a potential breach of international law, although we do not envisage these forming any part of the framework agreement. A non-legislative framework agreement would provide the appropriate forum for any policy changes to be addressed, where anything of concern can be flagged and any necessary dispute resolution measures (see section 13) can be put in place.

In the event that either of the two relevant international agreements are amended UKG will decide whether the amendments should be ratified. Before ratifying any international agreement, the DAs must be consulted. If the legislation of one or more administrations needs to be brought into line with the requirements of any new amendments, then this must be finalised before any amendment can be ratified. Where necessary, any disagreements should be resolved through the dispute resolution mechanism as set out in this framework.

This framework agreement does not impact on the Belfast Agreement.

- ensure the UK can negotiate, enter into and implement new trade agreements and international treaties

Not applicable. Through discussions we have not identified any differences between administrations on hazardous substances that would have an impact on the UK's ability to negotiate (etc.) trade agreements and treaties. Negotiation of any new trade agreements or treaties would in any event need to take account of where devolved competence means there are or could be divergence across the UK in matters pertinent to that particular treaty or agreement.

- enable the management of common resources

HSE/HSE NI operate across the different planning jurisdictions (HSE NI covering Northern Ireland), and so

any divergence could affect them, and so any framework agreement encouraging and providing a forum for discussion would be beneficial. However, potential changes to the regime with significant impacts on HSE/ HSE NI are already a potential feature of the existing regime within the EU framework and are not triggered by EU exit. There is not a new significant issue being created on this point that would need to be addressed by legislative means.

- administer and provide access to justice in cases with a cross-border element

Not applicable. Any differences between UKG and DAs on hazardous substances planning regime will not have an impact on the UK's ability to administer or provide access to justice.

- safeguard the security of the UK

Differing hazardous substances planning controls in parts of the UK are already a possibility, i.e. not affected by EU Exit, and these differences do not pose a threat to UK security.

Reducing protections below current levels could become possible, which could increase the risk to safety within an area (acknowledging the limited risk of cross-border impacts) e.g. by allowing hazardous substances near a sensitive development (to note, safety measures within establishments would still be regulated through non-planning requirements under the Control of Major

Accidents Hazards Regulations 2015 or their equivalent). As stated previously, hazardous substances powers are broadly analogous to other devolved planning powers in this regard and as such should be seen as a matter for individual administrations – divergence in and of itself does not pose a risk to the security of the UK as a whole.

According to the JMC(EN) principles, a legislative framework agreement should be considered only where absolutely necessary. As set out above, a potential legislative framework for hazardous substances would not meet these criteria. According to the principles set out by JMC(EN) and the objective of securing the proper functioning of the hazardous substances planning regime whilst at the same time respecting the devolution settlements, this Common Framework will not be a legislative vehicle but rather a reflection of the discussions that have taken place and agreements reached on ways of working going forward, post the UK's departure from the European Union.

## Other considerations

- the devolved regimes predate the current version of the Directive, and in certain cases go further than its minimum requirements; this demonstrates the lack of appetite to legislate below its minimum standards.
- the HSE/HSE NI have a cross-cutting role which provides a common evidence base which all parties look to; with policy development across all four administrations informed by HSE/HSE NI advice, differing approaches would be unlikely.

Current potential for divergence – Planning authorities and Ministers in the various home nations are free to make decisions on applications as they see fit, provided major accident hazard potential forms part of the consideration. Although decision-making is devolved, which provides the scope for divergence, very little has occurred. In light of past practice, this framework agreement is sufficient to manage divergence.

## **5. Detailed overview of proposed framework: legislation (primary or secondary)**

Whilst no legislation is considered to be necessary to put this framework agreement in place, the following ‘operability’ regulations have been made to ensure that the regime continues to function appropriately following Exit:

- The Planning (Hazardous Substances and Miscellaneous Amendments) (EU Exit) Regulations 2018. For England
- The Planning (Environmental Assessments and Miscellaneous Amendments) (EU Exit) (Northern Ireland) Regulations 2018
- The Town and Country Planning (Miscellaneous Amendments) (Wales) (EU Exit) Regulations 2019
- The Town and Country Planning and Electricity Works (EU Exit) (Scotland) (Miscellaneous Amendments) Regulations 2019
- The Planning (Environmental Assessments and Technical Miscellaneous Amendments) (EU Exit) Regulations (Northern Ireland) 2020

These regulations are fully independent of this framework.

## **6. Detailed overview of proposed framework: non-legislative arrangements**

The UKG and the DAs have agreed a set of nine principles for future ways of working that would make up the agreement:

- i. In the absence of EU requirements applying to the UK, the nations of the UK will consider appropriate evidence and expert advice (for example that of the Control of Major Accidents Hazards (COMAH) competent authority and industry bodies), as appropriate, as regards the substances and quantities to which hazardous substances consent should apply<sup>2</sup>.
- ii. Administrations will respect the ability of other administrations to make decisions (i.e. allowing for policy divergence).
- iii. Administrations will consider the impact of decisions on other administrations, including any impacts on cross-cutting issues such as the UK Internal Market.
- iv. Wherever it is considered reasonably possible, administrations agree to seek to inform other administrations of prospective changes in policy one month, or as close to one month as is practical, before making them public.
- v. Administrations will ensure an appropriate level of public transparency in decision making that leads to policy changes.

---

<sup>2</sup> Competent Authorities are detailed in Section 10

- vi. Parties will create the right conditions for collaboration, by for example ensuring policy leads attend future meetings.
- vii. Future collaborative meetings will be conducted at official level and on a without prejudice basis.
- viii. In order to broaden the debate at future collaborative meetings, parties will ensure that different perspectives are present.
- ix. Those attending future collaborative meetings recognise the importance of how collaboration is approached.

## **7. Detailed overview of areas where no further action is thought to be needed**

N/A

# Operational Detail

## Part 3: Proposed Operational Elements of Framework

### 8. Decision making

Following the UK's Exit from the EU, all decision making under the relevant devolved competences (within the scope of the framework agreement) will fall to the UKG and the DAs within their respective territories, following usual procedures but taking into account the principles set out in section 6. An exception will be where there is a desire for any proposed policy changes to be applied across more than one territory. In such a scenario, administrations will work together to determine the best way to coordinate these changes. The procedure will be similar to that taken forward in previous coordinated work on transposing regulations following updated Directives, or the preparing of operability regulations in advance of EU Exit. Any scenario will require a slightly different approach and timeframe, so this framework agreement does not seek to be prescriptive in how work should be carried out; current arrangements for coordinating work on the implementation of the Seveso III Directive are also ad hoc.

Usually, HSE acts as the coordinator for implementing new requirements from revision of, or amendments to the Directive and engages with planning representatives from the various administrations to coordinate implementation. They may play a similar role in future but will have no explicit responsibility to do so. As other issues arise, contact is made, again on an ad hoc basis, to seek

to resolve these. Ministers responsible for planning individually sign off implementing legislation or changes to procedures. The framework agreement will also take account of any future arrangements for the functioning of the UK Internal Market, but the Hazardous Substances (Planning) Common Framework is considered non-market as it focuses on Health and Safety. It does not have a strong interaction with any relevant market considerations.

To facilitate the sharing of information where appropriate, and as a forum to discuss wider policy issues, it is envisaged that a working group of the policy leads in each administration will hold a six-monthly telephone conference to discuss any issues and share learning. This would not rule out issues being raised for consideration by the working group between meetings if necessary. The initial meeting will be arranged and chaired by UKG, with arrangements for further meetings discussed as an agenda item. Meetings will discuss any post-Exit policies that have been implemented at either the UK or devolved level, how successful they have been for example, and whether there had been any unexpected impacts. In England, it is expected that the results of these reviews will be fed into the more formal post-implementation review that is required by the Planning (Hazardous Substances) Regulations 2015 at five-year intervals.

## **9. Roles and responsibilities of each party to the framework**

See key principles (box 6).

## 10. Roles and responsibilities of existing or new bodies

In Great Britain the COMAH competent authority (CA) is made up of the relevant safety body (HSE – or the Office for Nuclear Regulation (ONR) at nuclear establishments), acting jointly with the appropriate environment agency for the locality, i.e. the Environment Agency in England, the Scottish Environment Protection Agency in Scotland and Natural Resources Wales in Wales. In Northern Ireland the CA is HSE NI and the Northern Ireland Environment Agency of the Department of Agriculture, Environment and Rural Affairs. The CA determines the nature and severity of the risks to the environment and people in the surrounding area from the hazardous substances in the application and advises the Hazardous Substances Authority on whether they should grant consent. They also have responsibility for advising on any changes to the lists of controlled substances and other policy updates that may impact the hazardous substances planning regime. In relation to planning applications, HSE NI is a statutory consultee and provides advice to planning authorities in Northern Ireland.

HSE have the lead on the Seveso III Directive in Great Britain, and post-Exit will be taking up several of the functions that currently sit with the European Commission in relation to COMAH, this will include the responsibility for advising on any changes to the lists of controlled substances or other policy updates that may impact the hazardous substances planning regime. Changes in their policy, e.g. on risk or the way they engage in the planning system ultimately rest with the UK Secretary of State for

Work and Pensions. Beyond this proximity to the regime, and as a potential source of advice, neither HSE/HSE NI or the CA have any official role within the structure of this framework agreement.

They will continue in their current role and with their current responsibilities following the UK's Exit from the EU and have been kept informed throughout the process of developing this framework agreement.

## **11. Monitoring and enforcement**

As no legislative arrangements are considered necessary then enforcement measures are not appropriate. In place of formal monitoring measures there will be regular meetings to review the framework agreement (see sections 8 and 12.) Policy officials acknowledge that there are likely to be ongoing reporting requirements associated with being part of the frameworks work programme and will cooperate with all relevant requests and commissions.

## **12. Review and amendment**

A review meeting between UKG and DAs, arranged by UKG, will be held one year after the day the framework agreement comes into effect. This will be to consider the ongoing application of transposing domestic legislation across the different administrations. The meeting would focus in particular on any issues encountered and allow parties to provide a forward look of any changes that they are considering. The review will also involve engagement with relevant legislature committees and

other stakeholders, as considered proportionate, including appropriate competent authorities, local authorities, industry and environmental groups.

If any party to this framework agreement feels an early review is necessary, then a request can be made at official level. It is expected that such requests also be resolved at official level, and that such requests be accommodated unless there is a valid reason for refusal. Timeframes can be discussed on a case-by-case basis, but unnecessary delay should be avoided. If an agreement cannot be reached, then the dispute resolution procedure set out in section 13 will apply.

After an initial review a more permanent arrangement for recurring meetings involving UKG and DAs on this framework agreement will be decided based around a timeframe that is considered appropriate.

### **13. Dispute resolution**

The intention under this framework agreement is that there will be a regular group at working level to discuss and work through any issues at an early stage.

The intention is for this process to remain flexible and adaptable to individual situations, and this precludes us from affixing timescales to each stage. However, resolving issues as quickly as possible will be a key priority and escalation will always be seen as a last resort.

This process would be as follows:

Policy leads. Where officials become aware of potential issues or areas of disagreement via any means the first step will be to seek to resolve this amongst policy leads without escalation. This will usually be resolved via discussion with equivalents in other administrations to determine the source of the disagreement, to establish whether it is a material concern and to work through possible solutions to the satisfaction of all parties. It is expected that most disagreements would be resolved at this point.

Director level/Chiefs of planning. Where disagreements cannot be resolved amongst policy leads the next stage will usually be to escalate the issue to director level. At this stage directors can decide whether it would be appropriate to arrange a meeting with counterparts across administrations. Alternatively, or after such a meeting, directors may determine that the issue cannot be resolved at this stage at which point the involvement of Ministers will be required.

Portfolio Ministers. This is expected to be a last resort for only the most serious issues and where all alternatives have been exhausted. In very extreme cases the Secretary of State has step-in powers, already built into Devolution settlements, although we do not envisage these forming any part of the framework agreement.

HSE/HSE NI. They may be included at multiple stages of the process, potentially flagging issues, or providing advice on possible solutions.

Agree to disagree. It does not always follow that where disagreements emerge these will need to be escalated or a 'solution' need to be established. This framework agreement will not prejudice the right of administrations to 'agree to disagree' in certain circumstances.

Agreed outcomes of the ongoing intergovernmental relations review will be reflected in this framework.

## Part 4: Practical Next Steps and Related Issues

### **14. Implementation**

This framework agreement will take effect once agreed by all parties and approved by Ministers. The provisional framework agreement is currently in effect.

On 3 July 2019 Cabinet Office published a draft of this framework agreement to serve as a pilot alongside a wider update on the progress of the frameworks workstream in general.

On 3 September 2020 the provisional framework agreement was approved by the JMC(EN).

E02665429  
978-1-5286-2494-7

# Agenda Item 9.6

Senedd Cymru  
Welsh Parliament

Welsh Parliament  
**Business Committee**

Llyr Gruffydd MS

Chair

Climate Change, Environment, and Infrastructure Committee

---

14 July 2021

Dear Chair

## Committee Timetable

I am writing to inform you of the Committee Timetable agreed by Business Committee at its meeting of 13 July.

The Business Committee has agreed a timetable that provides committees with fortnightly meetings, with the exception of the Legislation Justice and Constitution Committee which meets weekly due to the need to consider Statutory Instruments to strict deadlines.

A key message from the Chair's Forum of the Fifth Senedd was to ensure that there is flexibility within the arrangements for committees so that peaks in workload, or new tasks, can be managed. The Business Committee has sought to introduce this flexibility by varying the meeting time allocated to different committees. This reflects the type of work that different committees might need to undertake and reflects how working practices have evolved in recent years.

To this end, the timetable is fortnightly and has a number of additional meeting slots available within it, to accommodate peaks in the work of particular committees e.g. the Finance Committee when considering a draft budget, or a committee with Stage 1 legislative scrutiny responsibilities. By under-committing the timetabling capacity, there are greater opportunities for committees to work together as the possibility of membership clashes in each meeting slot is reduced.



**Senedd Cymru**  
Bae Caerdydd, Caerdydd, CF99 1SN

✉ [SeneddPwyllgorBusnes@Senedd.cymru](mailto:SeneddPwyllgorBusnes@Senedd.cymru)

☎ 0300 200 6565

**Welsh Parliament**  
Cardiff Bay, Cardiff, CF99 1SN

✉ [SeneddBusiness@senedd.wales](mailto:SeneddBusiness@senedd.wales)

☎ 0300 200 6565

In recognition of the known and expected legislative scrutiny responsibilities of some committees, the following committees are provided with a double meeting slot i.e. a morning and afternoon slot on a Thursday:

- Children, Young People, and Education;
- Climate Change, Environment, and Infrastructure;
- Economy, Trade, and Rural Affairs; and
- Health and Social Care.

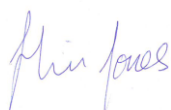
The remaining committees are provided with a single meeting slot i.e. one morning or afternoon meeting slot per fortnight. These committees are:

- Culture, Welsh Language, Communications, Sport, and International Relations;
- Equality and Social Justice;
- Finance;
- Local Government and Housing;
- Petitions;
- Public Accounts and Public Administration; and
- Standards of Conduct.

In order to provide some additional capacity for Bill scrutiny work, Fridays are also made available for committee Stage 2 scrutiny of Bills i.e. to provide an additional (and potentially longer) meeting for committees at this stage of the legislative process. The Business Committee will determine the allocation of any additional slots following a request from a committee.

The Business Committee has already indicated its intention to keep timetabling under review, so that it can respond to the needs of committees as the tasks they face change. Flexibility and responsiveness is at the heart of its decisions around timetabling for committees, and the Business Committee intends to review the committee structure and timetable around Easter 2022.

Yours sincerely



**Elin Jones MS**

Y Llywydd and Chair of the Business Committee



Chair, Children, Young People, and Education  
Committee  
Chair, Health and Social Care Committee  
Chair, Economy, Trade, and Rural Affairs Committee  
Chair, Climate Change, Environment, and  
Infrastructure Committee  
Chair, Equality and Social Justice Committee  
Chair, Culture, Communications, Welsh Language,  
Sport, and International Relations Committee  
Chair, Local Government and Housing Committee

16 July 2021

Dear Committee Chairs

## Financial Scrutiny

At our meeting on 8 July 2021, the Finance Committee (the Committee) considered the programme of engagement for the forthcoming Welsh Government's Draft Budget and our approach to scrutiny. I am writing to all Chairs of subject committees to share our thinking.

## Timetable

In accordance with Standing Orders, the Trefnydd has written to the Business Committee setting out that the Draft Budget will be published on 20 December 2021 and the annual Budget motion considered in Plenary on 8 February 2022.

The Business Committee consulted with us on the proposed timetable. As noted in the Trefnydd's letter, the Chancellor of the Exchequer has indicated his intention to conduct a multi-year comprehensive spending review (CSR), which means the Welsh Government will not know its budget settlement until the CSR concludes in the autumn.



I have written to the Business Committee to express our disappointment that the Draft Budget will be published in the Christmas recess. Whilst we appreciate the proposed timetable is due to the timing of the UK Government's CSR, this will be the third consecutive year that the proposed timetable has reduced the time available for scrutiny by the Senedd.

## Budget focus

The Committee has agreed to continue the approach followed in previous Senedds, whereby budget scrutiny is centred on the four principles of financial scrutiny: affordability, prioritisation, value for money and process. The principles are:

- **Affordability** - to look at the big picture of total revenue and expenditure, and whether these are appropriately balanced;
- **Prioritisation** - whether the division of allocations between different sectors/programmes is justifiable and coherent;
- **Value for money** - essentially, are public bodies spending their allocations well – economy, efficiency and effectiveness (i.e.) outcomes; and
- **Budget processes** - are they effective and accessible and whether there is integration between corporate and service planning and performance and financial management.

The Committee would be grateful if your budget scrutiny follows these principles.

## Engagement Approach

The Committee will be considering its approach to engagement on the Draft Budget early in the autumn term. We would like this engagement to complement and inform the work of policy Committees. I would welcome discussing this individually with Chairs, or at the Chairs' Forum.

Following the practice in previous Senedds, the Committee is happy to undertake a consultation on behalf of all Committees. Given the proposed timetable, we consider it would be most suitable to issue our consultation at the start of the autumn term.

The Clerk to the Finance Committee will notify your Committee Clerks once the consultation has been issued and I would appreciate your assistance in promoting the consultation via your own communication tools to encourage and engage with a wider audience. The provisions in relation to the reporting by policy committees changed in 2017, and you are now able to report in your own right (if you so wish), and your reports can be used as a supporting document to the Draft Budget debate.



## Finance Committee-led priorities debate

The Finance Committee of the Fifth Senedd recommended that a future Finance Committee should hold an annual debate on the Welsh Government's spending priorities to allow Members the opportunity to debate and potentially influence spending priorities prior to the Draft Budget being published.

This year the Welsh Government scheduled its own debate on *Priorities for 2022-23 Budget Preparations*, which took place on Tuesday 13 July. The Committee wrote to the Minister for Finance and the Business Committee to seek agreement that in future years this will be a Finance Committee-led debate that takes place annually before summer recess, which the Minister and Business Committee have agreed to. In future years we would hope to undertake a public engagement exercise to inform this debate, and I would welcome your thoughts on how the Committees that scrutinise the Draft Budget can work together to gather the views of the public on what they feel should be the Welsh Government's spending priorities.

## Financial scrutiny of legislation

The Committee's core function is to undertake financial scrutiny of the Welsh Government and associated public bodies, however, financial scrutiny should be embedded into the scrutiny work undertaken by all Committees. The Committee now has limited time available and many statutory obligations to fulfil. Therefore, we have agreed to initially consider each Bill that is introduced into the Senedd to determine whether we will carry out scrutiny of the financial implications of a Bill depending on the levels of costs and transparency contained within the Regulatory Impact Assessment (RIA). Should we decide not to undertake financial scrutiny of a particular Bill we will write to the relevant Stage one scrutiny committee to identify any points of interest that the Committee may wish to consider when reporting on the general principles of the Bill.

As this is the start of a new Senedd, I hope we can take the opportunity to explore ways of working collaboratively with other Committees to ensure the most effective financial scrutiny of the Welsh Government. I would like to suggest that we discuss this in further detail at a meeting of the Chairs' Forum.

If you have any questions about any aspect of the Draft Budget process, please feel free to contact me or the Clerk to the Finance Committee, Bethan Davies, 0300 200 6372, [seneddfinance@senedd.wales](mailto:seneddfinance@senedd.wales).

Yours sincerely





Peredur Owen Griffiths MS  
Chair of the Finance Committee

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



To:

Climate Change, Environment, and Infrastructure Committee

Culture, Communications, Welsh Language, Sport, and International Relations Committee

Economy, Trade, and Rural Affairs Committee

Equality and Social Justice Committee

Finance Committee

Health and Social Care Committee

Legislation, Justice and Constitution Committee

Local Government and Housing Committee

Petitions Committee

Public Accounts and Public Administration Committee

20 July 2021

Dear Chairs,

## Children and young people's priorities for the Sixth Senedd

As the Senedd Committee responsible for scrutinising all matters relating to children and young people, it is our intention to ensure that the voices of children and young people are heard as a matter of course in our Committee's work. At our first meeting on 14 July, we agreed that this would be a key priority for us.

In order to inform our strategic planning and forward work programme, we intend to undertake a programme of tailored and meaningful engagement with children and young people. This work will begin in the autumn term. Our initial focus will be on asking children and young people what they think the priorities of the Sixth Senedd should be.

Given that the range of views held by children and young people will be of relevance to your respective committee remits, we will ensure that the results of this activity are shared with you, to ensure that your work can take account of their opinions. Our Committee team will ensure that your teams are kept up to date on the plans as they develop, and will confirm timescales in due course.

Kind regards,



Jayne Bryant MS

Chair

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

To the Chairs of:

the Climate Change, Environment, and Infrastructure Committee; the Culture, Communications, Welsh Language, Sport, and International Relations Committee; the Finance Committee; the Health and Social Care Committee; the Legislation, Justice and Constitution Committee; the Petitions Committee; and the Public Accounts and Public Administration Committee

10 August 2021

Dear Chair,

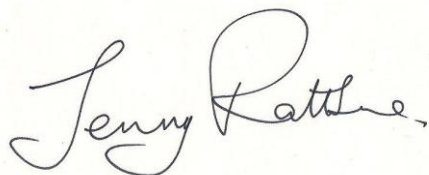
**Joint working between committees in the Sixth Senedd**

As the Senedd committee responsible for scrutinising all aspects of equality, social justice, and the Well-Being of Future Generations Act, our broad remit includes a number of important cross-cutting issues of mutual interest and potential joint working.

On behalf of the Equality and Social Justice Committee, I would like to invite you to consider opportunities for joint working as part of any strategic planning discussions you may be having in your Committee in the autumn term. If your Committee has any ideas for joint working you would like to discuss, please contact the clerking team.

I am writing in similar terms to other Chairs of Senedd Committees.

Yours sincerely,



Jenny Rathbone MS  
Chair of the Equality and Social Justice Committee

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

# Agenda Item 9.10

## **Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith / Climate Change, Environment and Infrastructure Committee**

### **Correspondence regarding Homes fit for the Future received via e-mail from the Future Generations Commissioner for Wales – 12 July 2021**

Dear Climate Change, Environment, and Infrastructure Committee

#### **Homes fit for the Future: The Retrofit Challenge.**

Today I'm launching a report focused **on how we can finance the decarbonisation of homes in Wales to support our net zero ambitions.**

Based on work my team has conducted in partnership with the New Economics Foundation and Dr Donal Brown, with input from a vast range of stakeholders over the last 6 months, the report outlines:

- how much investment is needed to support a national retrofit programme across Wales,
- what the economic and environmental benefits of this investment would be,
- what the current funding gaps are, and
- proposed delivery models to plug these gaps.

Our findings are summarised within an [Executive Summary](#), supported by a [Technical Summary](#). For those who are interested in the more detailed modelling and financial considerations these are outlined in the [detailed report](#).

We are calling on Welsh Government to work with UK Government and commit to a long-term investment plan to decarbonise homes in Wales. We estimate that such a programme will require £14.75 billion of investment to 2030 - £5.5bn for social housing, £4.8bn for homes in fuel poverty, and £4.4bn for homes in the owner occupied and private rented ('able to pay') sectors respectively.

Not only would this programme improve the efficiency of Wales' homes, address fuel poverty and help us meet our climate change targets, it would also deliver significant economic benefits through creating 26,500 new jobs (over the decade), £19.32bn in additional GDP, and £3.54bn of net tax benefit by 2030, helping to offset the economic impact and job losses of the recent pandemic.

The programme would also save £8.3bn in energy bills and create £4.4bn in health and environmental benefits by 2040 helping to put more money back into local

economies across Wales and reducing the strain on health and social care services, particularly during the winter.

The total government investment required is around £5.3bn over 10 years, of which £3.6bn should come from UK and £1.7bn from Welsh Government, with 64% of total investment coming from private finance, energy companies or self-funding by property owners. Based on existing investment plans and policy proposals there are currently large funding gaps for social housing (£2.7bn) and fuel poverty (£3.9bn) to meet the level of EPC "A" by 2030.

Although governments have a key leadership and coordination role this needs to be a shared endeavour, bringing a range of organisations and sectors together in a shared mission.

I invite you to join me in calling for, and supporting, the delivery of the ideas proposed in my report. I am keen to discuss the role you can play in ensuring we turn these proposals into delivery. Wales has the ambition, and the vision – our focus now has to be action.

Cofion cynnes / Best wishes,

# Agenda Item 9.11

## Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith / Climate Change, Environment and Infrastructure Committee

Gohebiaeth mewn perthynas â Pharciau Cenedlaethol a'r Argyfwng Hinsawdd gan y Prif Weithredwr, Ymgyrch y Parciau Cenedlaethol at y Cadeirydd, y Pwyllgor Newid Hinsawdd, Amgylchedd a Seilwaith, drwy e-bost 15 Gorffennaf 2021 /

Correspondence in relation to National Parks and the Climate Emergency from the Chief Executive, Campaign for National Parks to the Chair, Climate Change, Environment, and Infrastructure Committee, via e-mail 15 July 2021

To Llyr,

I'm writing to you from *Campaign for National Parks*, the only independent charity dedicated to campaigning to protect and improve National Parks in Wales and England. We work closely with National Park Societies and Authorities as well as partner charities such as *RSPB Cymru* to do this.

We were pleased to see the Welsh Government recognise the role and importance of National Parks in Wales and give them a 10% uplift in their core grant - something we've not seen across the border in England. This will not only help them cope with the influx of visitors during the pandemic, but also help them to innovate further.

### **National Parks and the Climate Emergency**

As Chair of the Climate Change, Environment, and Infrastructure Committee and your proximity to Snowdonia National Park, I was hoping you might be interested in our new [National Parks and the Climate Emergency report](#) outlines the work underway in National Parks to mitigate against and address climate change and what more is needed to enable them to innovate further and scale up their efforts to help the Welsh Government meet its climate goals.

Significant changes are needed at both national and local level if National Parks are to take a leading role in tackling the climate emergency. The scale of change required will have far-reaching implications.

We have some clear recommendations for the Government which includes amending the statutory purposes of National Parks to place a bigger emphasis on tackling climate change. I've attached a summary report, or you can read the full report [here](#).

### **Further reading...**

I also wanted to share a link to our [digital Viewpoint magazine](#), which features an article on our climate report, explores proposals for new National Parks - including the Clwydian Range and Dee Valley in Wales. Please don't share this link publicly as it's a members' and stakeholders' publication. We have a few hard copies of the magazine left if you'd prefer, just let me know and I'll get one sent out to you.

We hope that you find this report useful, please feel free to share it via your comms channels and let me know if you'd like to discuss any of this further.

Best wishes,

Anita

**Anita Konrad**

Chief Executive

Campaign for National Parks

7–14 Great Dover Street

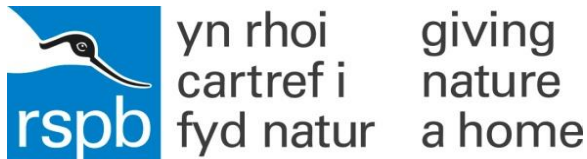
London

SE1 4YR

t: 020 3096 7714

e: [anita@cnp.org.uk](mailto:anita@cnp.org.uk)

# Agenda Item 9.12



RSPB Cymru

Llyr Gruffydd MS  
Chair of the Climate Change, Environment & Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

8<sup>th</sup> July 2021

Dear Llyr,

Congratulations on your recent appointment as Chair of the Climate Change, Environment & Infrastructure Committee. We would like to take this opportunity also to thank you for championing environmental issues, and particularly biodiversity, in the previous Senedd. We look forward to continuing to work positively with you in this new role for the benefit of Wales' wildlife.

As you know this Senedd term will be a critical one for nature both internationally and at home. In October, the Convention on Biological Diversity COP15 summit taking place in China will set a new global framework for biodiversity for the next decade. We are calling for ambitious targets to halt and reverse biodiversity loss in line with the global [nature positive](#) movement. Following the passing of the Motion declaring a Nature Emergency last week we trust that the Committee will want to hold Welsh Government to account on taking forward the points in the motion including to bring forward legally-binding nature recovery targets for Wales, as well as urgently needed legislation to secure robust environmental governance and supporting an ambitious global framework.

The next 12 months will also be a critical time for determining how Wales will respond to the challenge of climate change, with COP26 fast approaching and following recent new guidance from the UK Committee on Climate Change it is imperative that we act decisively and take the necessary steps to deliver our climate ambitions. Nature-based solutions have the potential to play a significant role in delivering not only our climate ambitions, but also, in helping address the nature emergency and contributing to other societal challenges we face. If we are to meet these challenges, we need to ensure we use the full range of nature-based solutions available to us, this means restoring peatlands and other carbon-rich habitats such as saltmarsh and heathlands, as well as pursuing opportunities to create new woodland habitats. We would urge you as chair of the Committee that includes both climate change and the environment to ensure the Welsh Government delivers the ambitious actions we need if we are to deliver our climate goals, and nature-based solutions that deliver against multiple objectives are at the heart of Wales' response.

You will be well aware there has been much bad news on the plight of nature in Wales in recent months and years – not least SoNaRR 2020 which found biodiversity in Wales to be in serious

#### Pencadlys Cymru

Pont y Castell 3  
5-19 Heol Ddwyreiniol Y Bont-faen  
Caerdydd  
CF11 9AB

Facebook: RSPBCymru  
Twitter: @RSPBCymru

#### Wales Headquarters

Castlebridge 3  
5-19 Cowbridge Road East  
Cardiff  
CF11 9AB

Ffôn/Tel 029 3035 3000

[rspb.org.uk](http://rspb.org.uk)



Mae'r RSPB yn aelod o BirdLife International, partneriaeth o gyrff cadwraeth sy'n gweithio i sicrhau cartref i fyf natur o amgylch y byd.

The RSPB is a member of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

Noddwr/Patron: Ei Mawrhydi y Frenhines/Her Majesty the Queen Cadeirydd y Cyngor /Chairman of Council: Kevin Cox Llywydd/President: Miranda Krestovnikoff Cadeirydd Pwyllgor Cymru/Chairman, Committee for Wales: Professor Sir Adrian Webb Cyfarwyddwr, RSPB Cymru/Director, RSPB Cymru: Katie-Jo Luxton

Mae'r Gymdeithas Frenhinol er Gwarchod Adar (yr RSPB) yn elusen gofrestrredig: Hoegr a Chymru rhif 207076, yr Alban rhif SC037654. The Royal Society for the Protection of Birds (RSPB) is a registered charity: England and Wales no. 207076, Scotland no. SC037654.



yn rhoi  
cartref i  
fyd natur

giving  
nature  
a home

decline, in line with global trends. NRW's recently published baseline evaluation of terrestrial protected sites also made grim reading with only 20% of protected site features in favorable condition, and around half of features

in 'unknown' condition. Similarly, the 2018 condition assessment of SPAs and SACs with marine features found 54% of features in unfavorable or unknown condition. An important feature of the terrestrial evaluation report was that it reported on the reasons for site features' condition being unknown; in 30% of cases insufficient staff resource is cited as a reason. The Committee's scrutiny of NRW, and in particular, whether it is adequately funded to lead on driving nature's recovery will be as important as ever.

We suggest the new Committee should also consider spending time considering the issue of funding nature's recovery; and noting your own comments at WEL's recent event on the CBD and nature targets for Wales, we hope other Senedd Committees will also consider it and would welcome working with you to achieve scrutiny from other Committees.

We would very much welcome a discussion on these matters.

Yours sincerely,

Dr Sharon Thompson  
Head of Policy & Advocacy

**Pencadlys Cymru**

Pont y Castell 3  
5-19 Heol Ddwyreiniol Y Bont-faen  
Caerdydd  
CF11 9AB

**Facebook:** RSPBCymru  
**Twitter:** @RSPBCymru

**Wales Headquarters**

Castlebridge 3  
5-19 Cowbridge Road East  
Cardiff  
CF11 9AB

**Ffôn/Tel** 029 3035 3000

[rspb.org.uk](http://rspb.org.uk)



Mae'r RSPB yn aelod o BirdLife International, partneriaeth o gyrff cadwraeth sy'n gweithio i sicrhau cartref i fyfyr natur o amgylch y byd.

The RSPB is a member of BirdLife International, a partnership of conservation organisations working to give nature a home around the world.

**Noddwr/Patron:** Ei Mawrhydi y Frenhines/Her Majesty the Queen **Cadeirydd y Cyngor /Chairman of Council:** Kevin Cox **Llywydd/President:** Miranda Krestovnikoff **Cadeirydd Pwyllgor Cymru/Chairman, Committee for Wales:** Professor Sir Adrian Webb **Cyfarwyddwr, RSPB Cymru/Director, RSPB Cymru:** Katie-Jo Luxton

# Agenda Item 9.13



Raising Standards. Protecting Homeowners

NHBC House, Davy Avenue, Knowlhill, Milton Keynes, Bucks MK5 8FP  
Tel: 0344 633 1000 Fax: 01908 747255 [www.nhbc.co.uk](http://www.nhbc.co.uk)

Llyr Gruffydd MS  
Climate Change, Environment, and Infrastructure Committee  
Welsh Parliament  
Cardiff Bay  
Cardiff  
CF99 1SN

**By email:** [Llyr.Gruffydd@Senedd.Wales](mailto:Llyr.Gruffydd@Senedd.Wales)

21<sup>st</sup> July 2021

Dear Mr Gruffydd,

## **Congratulations from NHBC**

On behalf of NHBC, I would like to congratulate you on your election as Chair of the Climate Change, Environment, and Infrastructure Committee. As NHBC's new Regional Director for Wales, I am delighted to see that you will be responsible for scrutinising the development of environmental policy in Wales and would welcome a meeting in the near future to discuss the upcoming work of the committee and how we can support you.

As you may already know, NHBC is the UK's largest new home warranty provider and single building control body. We protect over 1.5 million policyholders in the UK with our leading 10-year new home warranty; Buildmark which covers approximately 70-80% of all new homes in the UK. We are a non-profit distributing organisation with no shareholders and reinvest any profit back into our core purpose to build confidence in the construction quality of new homes.

We have a long history of working closely with the Committee on a range of important policy issues, including building safety, climate change, modern methods of construction, and affordable housing. We support the ambition for net zero homes and have worked for over a decade with Government and industry to overcome the obstacles to building greener houses. Most recently, we have become a member of the Future Homes Task Force and are working to ensure build quality is not compromised as greener homes are built.

The NHBC Foundation produces high-quality research and practical guidance to help the house-building industry deliver 21<sup>st</sup>-century new homes. It has recently produced reports on the future for home heating and biodiversity in new housing developments, which I have attached and would be delighted to discuss in more detail with you. If you would like to arrange this or if NHBC can be of any assistance, please contact my colleague Thomas Stevenson ([TStevenson@nhbc.co.uk](mailto:TStevenson@nhbc.co.uk)).

I wish you the very best luck in this new role and look forward to working with you over the next Senedd term to ensure new homes in Wales are built to the highest standards.

Yours sincerely,

Luke Carter MCI0B  
**Regional Director West & Wales**

**Attachments:**

[Biodiversity in new housing developments: creating wildlife-friendly communities](#)

[The Future for Home Heating – life without fossil fuels](#)

# Agenda Item 9.14

## Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith / Climate Change, Environment and Infrastructure Committee

Gohebiaeth ynghylch adroddiad newydd y Groes Goch Brydeinig ar y risg o dywydd poeth yn y DU a dderbyniwyd drwy e-bost gan Gyfarwyddwr Cymru, y Groes Goch Brydeinig – 27 Gorffennaf 2021 /

Correspondence regarding the new British Red Cross report on the risk of UK heatwaves received via e-mail from the Director for Wales, the British Red Cross – 27 July 2021

**In times  
of crisis,  
we're here  
to help**



I am pleased to share a new British Red Cross report, [Feeling the Heat: Briefing on Heatwaves in the UK](#).

The UK is getting hotter. As a result of climate change heatwaves are becoming longer and more extreme, and many people's health and wellbeing are suffering as a result – older people, urban populations and those with underlying health conditions are particularly at risk. BM\_\_Hlk77947048Wales has some data publicly available on excess deaths, but this does not include detail on the amount of heat related deaths. \_Hlk77947048

Heatwaves can also place significant strain on the health and social care system and cause chaos to our infrastructure and businesses through cuts to water supplies, damaged rail networks and depleted workforces.

This report summarises the trends, consequences and solutions to extreme heat in the UK, drawing on existing literature, new polling and expert interviews.

### **Polling findings highlight perception gaps for the UK public on heatwave risks:**

The majority of the public have experienced adverse health effects from hot weather in the UK, and one in twelve have required medical attention as a result.

Yet over a third of UK adults believe heatwaves will be a problem in the UK in future, not now.

While the majority of adults see heatwaves in the UK as a potential risk to the health of others, some who are vulnerable underestimate the risk to themselves.

Over half of those aged 75+ say they do not consider themselves as vulnerable to the impact of heatwaves despite being a high-risk group.

Two in five UK adults say they have never seen information on how to protect themselves during a heatwave.

### **Summary of insights on UK heatwave and heat risk:**

The window of opportunity to take effective action on heat is small, meaning that advanced planning, preparation and early action are essential.

Given the small window for action during a heatwave, local communities, including voluntary and community sector organisations, have a critical role to play in responding.

Heatwave warnings and alerts are in place across the UK, but we could do more to target and reach the most at-risk groups early.

Cities and built-up urban areas are particularly susceptible to overheating, meaning that adapting buildings and outdoor spaces will be an important part of minimising the impacts of extreme heat.

#### **Recommendations for policy makers**

- -Welsh Government should develop a strategic plan to respond to heatwaves, to ensure effective coordination across government, agencies, communities and the Voluntary and Community Sector (VCS).

The UK and Welsh Governments should recognise the human impact of heatwaves and prioritise the issue in key strategic and policy agendas.

- **-People most vulnerable to extreme heat should be able to access the targeted information and support they need to act quickly and stay safe during a heatwave.** This includes ensuring the following needs are met: immediate practical needs, mental health and emotional support, information and communication, and advice, support and advocacy.
- **-The VCS and local communities should be better utilised and equipped with the skills, resources and tools to promote early action in response to heat warnings.** Local resilience forums should embed the role of VCS organisations and local communities in heatwave outreach plans, working together to quickly identify and reach the highest risk groups with advice and support before and during periods of extreme heat.

**Simple early action keeps us safe and well, and saves lives during periods of extreme heat**, from checking in on neighbours and providing first aid right through to implementing early warning and action systems.

We hope these insights and recommendations helpfully inform your Committee's and the Senedd's next steps. To further collaborate in taking forward the report's recommendations and findings, or for any assistance or more information from the British Red Cross, please do not hesitate to contact me ([KateGriffiths@redcross.org.uk](mailto:KateGriffiths@redcross.org.uk)).

Yours sincerely,



Kate Griffiths, Director for Wales at the British Red Cross

# Agenda Item 9.15

## **Y Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith / Climate Change, Environment and Infrastructure Committee**

Gohebiaeth ynghylch problemau gyda chyflenwad dŵr i aelwydydd yng ngogledd Sir Benfro gan y Prif Weithredwr, PLANED, a dderbyniwyd drwy e-bost – 19 Gorffennaf 2021 /

Correspondence regarding problems with water supply to households in north Pembrokeshire from the Chief Executive, PLANED received via e-mail – 19 July 2021

Bore da / Good morning

Following a meeting with Sam Kurtz MS here at PLANED in Pembrokeshire last Friday, we discussed a number of issues on which we are currently involved working with communities in our rural areas on, which may be interest to the committee.

One issue which we would like to see the Committee discuss, and into which, we would happily provide verbal evidence during discussions on, is the **topic of Dwr Cymru/Welsh Water, and their lack of support as a not-for-profit company in Wales, doubling in effect, the amount they are charging 30+ households in North Pembrokeshire at Trecwn, to connect to mains water.**

Currently in Wales, in 2021, these houses have a private water supply whose **pipework is at risk of collapse, they have weekly deliveries of bottled water** as the water from the taps is not safe to drink, and the **majority of the householders, are already facing economic hardships.**

Yet, despite after years of difficult discussions, PLANED alongside very supportive officers from Pembrokeshire County Council, have worked hard to get the residents to a positive point of action, and Welsh Water had agreed to address the issue, and **connect the households, at a cost of approx. £5k per property.** A local contractor was agreed, the local authority would provide the initial funding, and recoup via a loan or charge to the properties, which residents agreed to.

Then **Welsh Water** on undertaking a further survey to those already done, decided the water pressure was not sufficient, would necessitate re-routing, and the **costs to the residents would likely increase to £9,500 per household approximately, with no guarantee this would be the final cost, and likely still increase potentially.**

Therefore, we would welcome the Committee inviting Welsh Water in for **discussion on how in Wales in 2021, 30+ households in one community are being charged double for a basic necessity, to what they were originally prepared to pay themselves, and now have no guarantee that the doubled price will be capped.**

We as PLANED having facilitated and supported these discussions over recent years between all parties, but in the main interest of the residents, would welcome inputting into any debate and **questions by the Committee to understand how a not-for-profit organisation in Wales, with considerable income and reserves, does not see fit to provide 30+ families with a basic right to have access to clean, safe, running water at a fair and fixed price.**

I look forward to hearing from you and colleagues in due course.

With kind regards,  
Iwan

**Iwan Thomas**

**Prif Weithredwr / Chief Executive**

[www.planed.org.uk](http://www.planed.org.uk)



# Agenda Item 9.16



Llyr Gruffydd AS  
Senedd Cymru  
Bae Caerdydd  
Caerdydd  
CF99 1SN

Eich Cyf:  
Ein Cyf:  
E-bost: NFUCymru@nfu.org.uk  
Ffôn: 01982 554200  
Dyddiad: 6ed Gorffennaf 2021

Annwyl Llyr

## Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith y Senedd

Ar ran NFU Cymru a'i aelodaeth, mae Aled a fi yn ysgrifennu atoch i'ch llongyfarch yn ddiffuant ar gael eich ethol yn gadeirydd Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith y Senedd

O edrych yn ôl dros y ddau ddegawd blaenorol, mae NFU Cymru wedi bod yn ffodus i fwynhau perthynas agos gyda'r pwyllgorau perthnasol yn y Bae, ac mae hyn yn eu dro wedi fforddio cyfle gwerthfawr i'r Undeb i amlygu rhai o'r pynciau yna sydd yn bwysig i ein haelodau ac i graffu ar waith Llywodraeth Cymru. Rydym yn parhau yn awyddus i ymgysylltu â gwaith yr oll bwyllograu perthnasol yn y chweched Senedd.

Yn hwyrach eleni, bydd Glasgow yn croesawu Cynhadledd Newid yn yr Hinsawdd y Cenhedloedd Unedig COP26. Mae NFU Cymru yn ymwybodol iawn o ymrwymadau ein sector i'r hinsawdd, ac rydym wedi gosod targed o fod yn allyrrwr nwyon tŷ gwydr sero net erbyn 2040. Mae ein huchelgais ar gyfer 2040 yn gofyn am gynllunio busnes a phenderfyniadau tymor hir ar ein ffermydd, a bydd fframwaith o gefnogaeth gan Lywodraeth Cymru yn ofynnol os ydym am wireddu ar ein huchelgais.

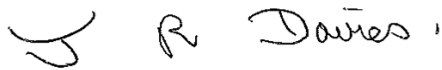
Rydym yn tybio taw'r Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith fydd yn ymgymryd â'r adolygiad o'r Rheoliadau Adnoddau Dŵr (Rheoli Llygredd Amaethyddol) (Cymru) 2021, fel y cytunwyd yn y Cyfarfod Llawn ar y 9fed o Fehefin. Edrychwn ymlaen at yr adolygiad yma ac os fydd yna gyfle i NFU Cymru fewnbynnu i'r broses yma, yna wrth gwrs fe fydd yr Undeb yn hapus i ddarparu tystiolaeth ysgrifenedig ac ar lafar fel y bo'n briodol.

Fe edrychwn ymlaen yn fawr at weithio yn agos gyda'r Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith, ac mae swydd-ddeiliaid a staff yr Undeb yn barod i helpu gyda pha bynnag ffrydiau gwaith ac ymholiadau mae'r Pwyllgor yn dewis ymwneud â.

Buasem yn ddiolchgar iawn o'r cyfle am sgwrs a chyfarfod rhithiol petai hynny yn bosib. Mae Huw Thomas wrth law i helpu gyda unrhyw drefniadau am gyfarfod o'r fath - 07813 670324 neu [huw.thomas@nfu.org.uk](mailto:huw.thomas@nfu.org.uk)

Unwaith eto, ein llongyfarchiadau ar eich etholiad yn gadeirydd ar y Pwyllgor holl bwysig yma

Yn ddiffuant

Handwritten signature of John Davies in cursive script.

John Davies  
Llywydd  
**NFU Cymru**

Handwritten signature of Aled Jones in cursive script.

Aled Jones  
Dirprwy Lywydd  
**NFU Cymru**

Document is Restricted