

# Agenda – Climate Change, Environment, and Infrastructure Committee

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Meeting Venue:	For further information contact:
Hybrid: Committee room 4 Tŷ Hywel and video Conference via Zoom	Marc Wyn Jones Committee Clerk
Meeting date: 13 July 2022	0300 200 6565
Meeting time: 09.30	<a href="mailto:SeneddClimate@senedd.wales">SeneddClimate@senedd.wales</a>

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## Private pre-meeting (09.15–09.30)

## Public meeting

### 1 Introductions, apologies, substitutions, and declarations of interest

(09.30)

### 2 Bus and rail transport in Wales – evidence session 4

(09.30–11.00)

(Pages 1 – 29)

Dr Chris Llewelyn, Chief Executive – Welsh Local Government Association

Tim Peppin, Director of Regeneration and Sustainable Development – Welsh Local Government Association

Roger Waters, Chair – Cardiff Capital Region Transport Authority Officer

Group, and, Director Frontline Services – Rhondda Cynon Taf Council

Attached Documents:

Research brief

Paper – Welsh Local Government Association (officer response)

Paper – Cardiff Capital Region Transport Authority



### **3 Papers to note**

(11.00)

#### **3.1 Scrutiny of the Minister and Deputy Minister for Climate Change**

(Pages 30 – 33)

Attached Documents:

Letter from the Chair to the Minister and Deputy Minister for Climate Change following the Committee's Ministerial scrutiny session on 15 June 2022

#### **3.2 Provisional Common Frameworks for Air Quality, and for Chemicals and Pesticides**

(Pages 34 – 35)

Attached Documents:

Interim response from the Minister for Climate Change to the Committee's report on Provisional Common Frameworks for Air Quality, and for Chemicals and Pesticides

#### **3.3 Welsh Government Draft Budget 2023–24**

(Pages 36 – 38)

Attached Documents:

Letter from the Chair of the Finance Committee regarding the Welsh Government Draft Budget 2023–24

#### **3.4 Legislative Consent Memorandum for the UK Infrastructure Bank Bill**

(Pages 39 – 41)

Attached Documents:

Letter from the Chair to the Minister for Finance and Local Government regarding the Legislative Consent Memorandum for the UK Infrastructure Bank Bill

#### **3.5 The First Minister's legislative statement: environmental governance Bill**

(Pages 42 – 43)

Attached Documents:

Letter from the Chair to the First Minister regarding the First Minister's legislative statement: environmental governance Bill

**3.6 The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022**

(Pages 44 – 47)

Attached Documents:

Letter from the Minister for Climate Change to the Chair regarding the intention to consent to the UK Government making and laying The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

Follow-up letter from the Minister for Climate Change to the Chair regarding The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022

**4 Motion under Standing Order 17.42 (vi) and (ix) to resolve to exclude the public from the remainder of today's meeting**

(11.00)

**Private meeting (11.00–11.45)**

**5 Bus and rail transport in Wales – consideration of evidence received under item 2**

**6 Consideration of the Committee's Forward Work Programme**

(Pages 48 – 53)

Attached Documents:

Paper – Forward work programme

Document is Restricted

Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith /  
Climate Change, Environment and Infrastructure Committee  
Teithio ar fysiau a'r rheilffordd yng Nghymru / Bus and rail transport in Wales  
BRT06

Ymateb gan Tim Peppin, Cyfarwyddwr Materion Adfywio a Datblygu Cynaladwy -  
Cymdeithas Llywodraeth Leol Cymru (CLILC)- ymateb swyddogion yn unig/  
Evidence from Tim Peppin, Director of Regeneration and Sustainable Development,  
Welsh Local Government Association (WLGA) – officer response only

## WLGA Evidence: Bus and Rail Transport in Wales inquiry

9<sup>th</sup> May 2022

Tim Peppin

tim.peppin@wlga.gov.uk

### **Welsh Local Government Association - The Voice of Welsh Councils**

The Welsh Local Government Association (WLGA); is a politically led cross party organisation that seeks to give local government a strong voice at a national level. The Association represents the interests of local government and promotes local democracy in Wales. The 22 councils in Wales are all members of the WLGA and the 3 fire and rescue authorities and 3 national park authorities are associate members.

### **We believe that the ideas that change people's lives, happen locally**

Communities are at their best when they feel connected to their councils through local democracy. By championing, facilitating, and achieving these connections, we can build a vibrant local democracy that allows sustainable communities to thrive.

**The main aim of the Association** is to promote, protect, support and develop democratic local government and the interests of councils in Wales.

### **This means:**

- Promoting the role and prominence of councillors and council leaders
- Ensuring maximum local discretion in legislation or statutory guidance
- Championing and securing long-term and sustainable funding for councils
- Promoting sector-led improvement
- Encouraging a vibrant local democracy, promoting greater diversity
- Supporting councils to effectively manage their workforce.

### **Introduction**

1. The WLGA welcomes the opportunity to submit views in response to the Climate Change Environment and Infrastructure committee's call for evidence for its inquiry into bus and rail travel in Wales. Given the timing, it is an officer response drawing on discussions with Members prior to the recent local government elections. The WLGA's political spokespersons will not be confirmed until the WLGA Annual General Meeting on 24<sup>th</sup> June. Therefore, the views expressed in this submission are subject to change.
2. Comments are provided below on each of the three main lines of inquiry.

"Mae'r ddogfen yma ar gael yn Gymraeg. This document is available in Welsh."



### **Priorities for post covid recovery for Welsh bus and rail**

3. Covid-19 has had a devastating and long-lasting impact on rail and bus journeys in Wales. Restrictions on movement, the rapid expansion of working from home and ongoing fears about travelling in a confined, shared environment have all acted at times to deter people from using trains and buses. Welsh Government estimates that use of public transport overall declined by 95% in the early days of the pandemic compared to the same period the year before. Rail usage in the full year of 2020/21 was over three quarters lower than the previous year.
4. Whilst there has been some recovery over recent months, it has been slow and previous levels of usage have not been achieved. In April 2022 it was reported that bus journeys in Wales were only just over half their pre-pandemic level (12.1 million in the latest three-month period compared to 22.6m in the last three months of 2019). Without financial support from Welsh Government and local authorities many bus operators would not have survived. Similarly, Welsh Government took the decision to take rail services into public ownership with Transport for Wales acting as 'operator of last resort'.
5. The decline in patronage is doubly concerning for buses as, following a temporary boost from the introduction of concessionary passes back in 2002, passenger numbers reverted to steady decline again over the last decade. Rail passenger numbers, in contrast, had previously been growing in most parts of Wales.
6. Getting people back onto public transport and making best use of available capacity on bus and rail services is critical in terms of efforts to reduce and ultimately eliminate direct carbon emissions associated with transport. There are also important social benefits from sustaining a high quality and efficient public transport system. Around a quarter of households, including many people on low incomes, do not own a car and many older people rely heavily on public transport. Their quality of life would suffer if these services were allowed to continue in a downward spiral.
7. For these reasons, then, recovery of bus and rail service passenger numbers as a percentage of overall travel is vitally important in terms of 'building back better'. Priorities in this respect for bus and rail, including some that apply to both, are suggested in the table below. In terms of phasing, some of these can be progressed in the short term (e.g. publicity campaign) whereas others require long term funding commitments which would give a clear signal of intent to the travelling public (e.g. planned and continuous investment in the highway and rail networks).



Bus	Rail
Publicity campaign to encourage people back onto public transport generally, highlighting safety, environmental, economic and social benefits	
Short term incentives to encourage bus and rail use, such as reduced fare offers – prioritising trip substitution (e.g. targeting commuters) over additional trip generation (e.g. through tourism and leisure offers)	
Discussion with operators, unions and local authority transport officers to draw on their frontline experience and suggestions on steps that could be taken	
Ticket offers that recognise the impact of increased home working – e.g. reduced prices for multiple / season tickets that can be used over an extended period (as opposed to more restrictive offers based on regular weekly, monthly, annual travel patterns)	
Clarity over transport priorities: Support for electric vehicles and EV charging infrastructure versus promotion of active travel and public transport?	
Consideration of car scrappage schemes offering, in return, a period of free or heavily subsidised public transport travel (see e.g. <a href="https://www.transport-network.co.uk/0">West Midlands offers £3,000 'mobility credits' to scrap old cars - The Transport Network (transport-network.co.uk)0</a> )	
Better integration between bus and rail services, where possible, with easily understood through-ticketing arrangements and integrated timetabling as well as linkages to active travel routes	
Investment in fleet/rolling stock to enable improvements in quality, reliability, safety and whole-life environmental performance of services	
Continued development of demand responsive transport, offering flexible public transport customised to meet individual needs	Consideration of extending concessionary fares to more rail journeys than currently included
Increased use of bus priority measures (including consideration of congestion / road user charging) in urban areas to reduce congestion and improve efficiency of bus networks	Investment in rail network, including electrification
Taking forward proposed bus legislation, informed by consultation feedback	Continued lobbying over HS2 consequential to enable additional investment within Wales



**Action required to achieve Welsh Government targets for modal shift to these modes and behaviour change**

8. The Welsh Government Transport Strategy, Llwybr Newydd, includes a target to increase the share of journeys undertaken by public transport and active travel from 32% to 45% by 2040. Substantial investment is going into active travel (rising from £5m to £75m during the Welsh Government’s current term of office) and an increase in walking and cycling will clearly have to play a significant role in displacing the car, especially for shorter journeys.
9. For those who cannot afford a car (let alone an electric car) or are unable to walk or cycle any substantial distance the bus (or a taxi) will continue to be the main alternative for most local journeys. Bus remains far more significant than rail in terms of numbers of passengers carried each year. Rail does provide an alternative for some relatively short journeys in those places fortunate to be served by railway lines and stations. Generally, though, rail offers a longer distance public transport option, along with some strategic bus routes such as those provided by TrawsCymru.
10. Notwithstanding pre-covid increases in rail use, attempts to encourage more people to shift their mode of travel from the car to public transport have struggled over many years to achieve significant change. Somewhere around 75-80% of commuters in Wales still use a car as their usual method of travel – a higher percentage than England or Scotland. By July 2020, car traffic in Wales had reached 80% of pre-lockdown levels whilst public transport usage has recovered to just 30% of previous levels.
11. Clearly, achieving major modal shift will be extremely challenging and will require a significant change in entrenched behaviour and social attitudes. For years, advertisers (and financiers) have encouraged (and enabled) people to strive for ‘bigger, better’ cars. The car someone drives still acts as a symbol of status in the eyes of many people.
12. Many of the actions suggested in the table above will need to be seriously considered and, indeed, most of them do feature somewhere in Llwybr Newydd. Increased recognition of the climate change emergency may help in taking them forward. More people (especially younger people) are recognising the personal responsibility to take action to help bring down greenhouse gas emissions. Changing attitudes to make travelling by public transport ‘the thing to do’, though, will require similar, high levels of sustained investment in public messaging. Getting that message right – stressing the importance for future generations – will be central to this. It will be important to avoid being ‘preachy’ but there is a need to set out choices clearly and the implications of these choices.
13. In this respect, steps to improve electric vehicle (EV) charging infrastructure in Wales could simply result in people (who can afford it, initially, and then as petrol and diesel cars are phased out) switching from internal combustion engine (ICE) cars to EVs. Whilst that will help to reduce tailpipe emissions, the overall impact



will depend on the extent to which the electricity used to charge EVs is from green sources. Furthermore, a straight switch from ICE to EV will do nothing to reduce congestion – one of the main factors slowing down bus journeys, increasing operators’ costs and impeding efforts to make travel by bus more attractive.

14. A ‘car scrappage for public transport credits’ scheme may be the ‘nudge’ needed to encourage people to re-evaluate and make a switch. Ensuring that good ‘end of life’ measures are thought through and in place for the cars traded-in under such a scheme would be important though. Other ‘nudges’ that are being brought in include the introduction of a workplace parking levy, as in Nottingham ([Workplace Parking Levy - Nottingham City Council](#)). There, the employers are responsible for paying the charge but they can choose to reclaim all or part of the cost from their employees.
15. It is encouraging that Llwybr Newydd commits to: “develop a range of behaviour change projects to make *smarter* travel choices *to reduce congestion and increase use of sustainable modes of transport*”. Alongside looking to expand public transport services and improve customer experiences of such journeys, the strategy also commits to encourage more car sharing. That would reduce the number of single occupant vehicles, helping to tackle congestion.
16. Road-user charging is also mentioned. Whilst this always generates controversy it does offer a way of reducing the incentive to make unnecessary journeys and encouraging use of public transport as a cost saving measure.
17. Overall, then there are various actions that could be taken involving a mix of ‘stick and carrot’. Some would provide an incentive to change whilst others would ‘penalise’ those choosing to continue to drive their car. Ultimately, the measures that are used are political choices and it will be for government and elected politicians at all levels to take these difficult decisions. They will need to monitor carefully to see what works, what doesn’t and assess if change is taking place at the rate required to contribute to emissions reduction targets for transport. Sharing of good practice and learning from other areas can play an important role here. However, measures are not always transferable from place to place and solutions in urban areas, for example, are likely to be totally different to what is needed in rural areas.



## **Views on proposals for bus and rail reform – including UK Government rail plans and the Welsh Government Bus White Paper**

### **Bus White Paper**

18. Welsh Government is currently consulting on its White Paper: [One network, one timetable, one ticket: planning buses as a public service for Wales \[HTML\] | GOV.WALES](#). WLGA is working with local authorities to develop its response to the proposals in that White Paper and will need to seek the views of the newly elected administrations. However, some initial headlines from work to date can be offered here, as follows:

- Overall, there is agreement that improvements can be made to current arrangements and support for the general principles behind the proposed changes, including the important potential contribution to tackling climate change
- Some of the practical steps required to put those principles into practice will be challenging for councils. Local authorities contribute significant amounts of funding from a variety of sources to bus services, but those contributions vary significantly. Those inputting the highest amounts currently will have concerns about the impact locally of effectively pooling resources with areas that have provided lower amounts of funding. Similarly, without significant additional funding, councils in areas with strong commercial networks at present will be wary that franchising could see a redistribution of resources to improve services in areas poorly served.
- Moving to complete, all-Wales franchising comes with risks and having 'other tools in the box' would be beneficial (e.g. the ability to agree partnerships with operators outside of franchise arrangements)
- Consideration is needed as to whether concessionary travel will extend to more rail journeys than at present. If franchising results in greater integration between bus and rail routes and some bus routes terminate at railway stations, bus-rail connections will have to become part of some every-day journey plans. If the rail part of a journey is not on a concessionary basis, many travellers currently making journeys using concessionary passes could face new travel costs
- There are concerns over the proposal for centralised control of the letting and managing of bus contracts. Over time, Transport for Wales may be in a position to assist with many aspects relating to contracts, but current knowledge and experience sits within local authorities. Building capacity in TfW is likely to be achieved, at least in part, by recruiting knowledgeable and skilled staff from local government. Given that these staff undertake numerous roles supporting other services (e.g. home to school transport) that will impact on the ability of councils



to meet their statutory duties in a number of areas. The perceived economies of scale that can be achieved by centralising functions could, therefore, come at a cost elsewhere in the whole system.

- If Small and Medium-sized Enterprises (SMEs) fail to win franchises in competition with larger operators it is likely to put their future at serious risk, with a range of potential unintended consequences locally. Moreover, the loss of SME operators will reduce competition in the market-place which, in an effective monopoly position, could result in increased wage and price demands. If SMEs do seek to continue operating having lost out in a bid for a franchise, they are likely to increase their costs for home to school transport, adding to the upward cost pressure already being experienced by councils
- The period between now and when franchising comes into play contains some significant risks. Operators could decide they do not want to participate in franchising. Larger operators could move their fleet to other parts of the UK or decide not to invest in their fleet until they know the outcome of franchise awards, thereby delaying necessary investment in low and zero carbon vehicles. Others may decide to cut services in advance of franchising, focusing only on the most commercial routes to reinforce their position in those areas
- In relation to the proposals to facilitate the establishment of council-owned/operated bus services, this would take time, expertise and substantial investment. Leaving aside the question of whether LAs have the financial and staff resources to enter into such investments in the first place, no LA would want to run the huge risk of investing and then not winning the franchise. Competition law and state aid issues would also be important considerations
- There is a risk, though, that the creation of Operator of Last Resort powers could become a self-fulfilling prophesy, if there is not the commercial capacity required to achieve the potential benefits of franchising.

### **UK Government Rail Reform Plans**

19. The rail network connects Wales to the major cities of Great Britain with, for example, vitally important cross-border links from North East Wales into North West England, from Mid Wales to the Marches and the Midlands and from South Wales to Bristol and London.
20. At present, Welsh Government has statutory functions only for the Wales and Borders rail services contract. Services from three UK Government franchises have operated in Wales beyond its control. Welsh Government has called for a greater say in specifying rail services and in managing and developing rail infrastructure with a fair funding settlement. It has also called for arrangements



that recognise the diversity of UK devolution whilst maintaining an overall network that benefits all parts of Britain.

21. The William-Shapps *Plan for Rail* set out the UK Government's plan to return control of the railways across the whole of the UK to one authority. It will bring about what it claims to be the biggest change to the railways in 25 years, with the creation of a new public body, Great British Railways (GBR). GBR will own the infrastructure, collect the fare revenue, run and plan the network and set most fares and timetables. Under the *Plan for Rail* passenger franchises will be replaced by concessions ('passenger service contracts') which are expected to include incentives for operators to increase passenger numbers.
22. Devolved governments will continue to exercise the powers they currently hold in relation to rail, whilst supporting a single GB network. However, the Plan does not give any new or additional powers to Welsh Government or address fair funding (and the concerns that rail investment in Wales has been low compared to the size of the network with, unlike Scotland, no consequential from HS2 spending).
23. The Plan ends rail franchising (i.e. whereby private operators bid and then pay to run packages of services, subject to contractual conditions set by government). It replaces it with concessions (where, following competition, the government pays private companies to operate part of the network under a management contract but retains the commercial risk itself). Interestingly, a number of the arguments used by UK Government to justify the change are similar those being used by the Welsh Government to support its proposals for introducing bus franchising in Wales. These include simpler ticketing arrangements; benefits of economies of scale; unified branding; and more efficient, centralised planning of the network. There is even use of some of the same terminology, such as the 'guiding mind'. Whilst a new, unified brand and identity are proposed, though, there will be 'national and regional sub-identities'.
24. New National Rail Contracts will operate for two years as a 'bridge' to the new arrangements. These follow on from the emergency contracts introduced to run rail services because of reduction in travel due to Covid-19.
25. For Wales, the UK Government claims there will be greater collaboration, improved services, consistency and co-ordination across the whole of the UK.
26. It is understood that the Plan will require primary legislation and therefore will take time to proceed through the UK Parliament.
27. The full implications of the changes still need to be worked through. It is worth noting though, that for local authorities in Wales the running and operation of the railway also has important links to their management of the highway network (e.g. level crossings and bridges) and council-owned land adjacent to the railway. Rail-related investments are now being funded as part of economic 'deals' by UK Government and, potentially, via the Shared Prosperity Fund and Levelling Up Fund. Further funding could be made available linked to the Union Connectivity review. Supporting infrastructure, to assist and enhance the rail network, could include freight terminals, railway stations, active travel connections.



28. The *Plan for Rail* must therefore be seen as part of the wider UK Government drive for Union Connectivity and cross-border investment, facilitated by the Internal Market Act. Given the measures being taken to improve bus-rail integration as part of Welsh Government's Bus White Paper it will be vitally important that the *Plan for Rail* works in complementary ways. Strong links will need to be forged between GBR and all of the bodies working on bus improvements in Wales, from Welsh Government to Transport for Wales, to local authorities and the bus operators themselves.

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**For further information please contact:**

Tim Peppin  
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Pwyllgor Newid Hinsawdd, yr Amgylchedd a Seilwaith / Climate Change, Environment and Infrastructure Committee

Teithio ar fysiau a'r rheilffordd yng Nghymru / Bus and rail transport in Wales  
BRT11

Ymateb gan Awdurdod Trafnidiaeth Rhanbarth Prifddinas Caerdydd / Evidence from Cardiff Capital Region Transport Authority (CCRTA)

**CLIMATE CHANGE, ENVIRONMENT & INFRASTRUCTURE COMMITTEE.**

**BUS & RAIL TRANSPORT IN WALES INQUIRY – 13<sup>th</sup> JULY 2022.**

**EVIDENCE OF ROGER WATERS ON BEHALF OF CARDIFF CAPITAL REGION  
TRANSPORT AUTHORITY (CCRTA).**

**5<sup>th</sup> JULY 2022**



1. The following evidence should be read as an officer response to the request for evidence which at the time of submission has not been endorsed by the CCRTA member board. Officers have contributed to the work of the WLGA and therefore support and endorse the evidence that the WLGA has submitted. Rather than repeat these points, emphasis is provided related to issues that are of more concern or specific to the CCRTA.
2. This evidence focuses on 2 areas of inquiry for the Committee;
  - White Paper/ Franchising
  - Highways Maintenance Funding.

**White Paper / Franchising**

3. The CCRTA region contains approximately half the population of Wales, its residents undertake approximately half the concessionary travel in Wales and around half the bus kilometres in Wales occur in the CCR.
4. Car ownership is low; up to a third of households in some LAs do not have access to a private car. Yet over 80% of commuters use a private car for their journey to and from work.
5. Pre-pandemic, a very high proportion of bus services operated on a commercial basis – circa 90% in urban areas throughout the working day.

6. The CCRTA is therefore concerned regarding the impact on service standards and would assert that pre-covid service coverage should be the minimum requirement for future services across CCR under a franchised regime.
7. Additional investment will be required to tackle climate change which enhances public transport and increases sustainable mode share.

Namely;

- a. establish a planned and integrated network with rail and other modes
  - b. integrate ticketing and introduce attractive fare structures to encourage patronage
  - c. consideration of extending concessions to rail for integrated services
  - d. ensuring fare structures do not penalise communities that are off the rail network and rely on bus and rail for key journeys (risk of communities withering in the vine)
  - e. improve the quality of infrastructure and information
  - f. improve bus priority so that bus journey times are faster and more reliable.
8. South Wales Metro – circa £750M investment in conjunction with Cardiff Capital Region City Deal, UK Government, Welsh Government and EU funding. The First Phase of the south Wales Metro is progressing (electrification of the Core Valley Lines and the introduction of Tram/Trains), but Metro was launched as a £4Bn concept. It will not be a “Metro” without further significant investment. More investment is required to develop and deliver future phases.
  9. A focus on mode shift across the CCRTA will provide Welsh Government with the best opportunity to meet its Climate Change targets for transport.

### **Highway Maintenance Funding**

10. Local Councils are the Highway Authorities responsible for maintaining the highway network with the exception of Trunk Roads and Motorways which are the responsibility of Welsh Government.
11. Alarm survey; [ALARM-survey-2022-FINAL.pdf \(asphaltuk.org\)](#) – shows backlog cost up by 23%, catch-up would take 9 years and cost £12.64Bn (UK). Under-investment = structural decline.
12. In Wales the County Surveyors Society (Wales) has also undertaken work to review highway maintenance (CSSW State of Highway Maintenance Funding, June 2022 - Appendix A attached).

13. Wales has benefitted from the Welsh Government Local Government Borrowing Initiative (LGBI) approximately 10 years ago which injected additional funding into highway maintenance. This initiative encouraged LAs to transition from a reactive approach to maintenance – filling pot holes, towards an asset management approach with a more pro-active strategy of maintenance intervention before pot holes develop.
14. This initiative endured for around 3 years before terminating. More recently, for each of the last 3 years, local authorities have benefitted from a Road Refurbishment Grant of circa £20m/yr across Wales – distributed to individual LAs with the quantum per LA being determined by a formulaic approach.
15. Other pertinent funding has come following Storm Dennis in February 2020; the Welsh Government Resilient Roads Grant has enabled LAs to bid for funding to make roads more resilient during extreme weather events, recognising the adverse impact weather has on the road network and anticipating continued worsening as a result of climate change. The scheme has a particular focus on ensuring public transport routes are more resilient.
16. These sources of additional funding (above and beyond what LAs already commit from their own resources) have been most welcomed and have enabled some targeted local improvements to resilience.

However it is important to be clear about the current outlook and evolving funding position;

17. The highway network is the highest value asset held by each individual council (e.g. the Gross Replacement value in RCTCBC is £3.4Bn).
18. The quality of the network is often perceived and judged by the condition of its carriageway surfacing and LAs have tended to focus on this as the primary asset for investment for external and internal funding. Consequently carriageway condition has held up better than some of the buried assets.
19. The network is comprised of many other major asset classes;
  - a. Carriageways
  - b. Footways
  - c. Structures (Bridges, Retaining Structures, Large Culverts)
  - d. Highway Drainage
  - e. Safety Barriers
  - f. Street Lighting and Traffic Signs & Signals
20. The focus on “pot holes” can be to the detriment of other key asset classes. They are often the subject of media interest, politicians’ inboxes will be dominated by residents’ concerns about pot holes, they are a clear and obvious sign of the level of investment in the highway network.

21. Assets such as Structures and Highway Drainage tend to be out of sight and out of mind until there is a failure and roads, bridges, etc., have to be closed for costly and disruptive emergency repairs.
22. Whilst the backlog position on carriageways is relatively easy to calculate, the position on structures and highway drainage is less clear. More work is needed to fully understand the scale of the problem but it is asserted that there is a general underfunding of maintenance/replacement of these assets which have a finite lifespan.
23. Active Travel predominantly takes place on the highway network or on dedicated routes that are maintained from the general highways maintenance budget.
24. Bus services and home to school transport are reliant on a resilient local highways network. Bus infrastructure (bus shelters, bus stops, bus stations, bus priority) is also predominantly maintained by councils from their general highways maintenance budget or competes with highway maintenance within the same broad maintenance funding pot.

#### Funding Position;

25. Ten plus years of austerity.
26. A Roads Review was established by Welsh Government in 2021. This effectively suspended funding support for emerging new road building projects to enable a review and to provide the opportunity to redirect that funding towards more sustainable options to address the Climate Change emergency, including managing and maintaining our current highways assets more effectively.
27. Roads Refurbishment Grant – ended in 2021/22 and has not been replaced.
28. Resilient Roads Grant has been amalgamated into Local Transport Fund Grant and seemingly reduced (e.g. RCT secured approximately £6m in the first 2 years but only £0.4m this year against a bid of £2.4m).
29. Active Travel – increased Welsh Government capital funding for new infrastructure to £75m in 2022/23.

#### The Challenge;

30. Growth in Active Travel Infrastructure is diluting the impact of existing highways maintenance budgets.
31. Grants that support effective highways maintenance have been terminated, deferred or reduced.

32. The buried assets are largely operating well beyond their design life and are deteriorating.
33. Climate change is accelerating the degradation of all highways assets.
34. Rampant cost escalation of materials, labour, fuel, energy together with general inflation will reduce the amount of work that can be commissioned from existing budgets.
35. All of society is reliant on a well maintained highways network.

Roger Waters 5 July 2022.

Director of Frontline Services, Rhondda Cynon Taf County Borough Council  
Chair of the CCRTA Officer Group.

## Appendix A

### **CSSW – State of Highway Maintenance Funding, June 2022**

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#### **1. The Universal Public Asset**

Every public service relies in some way on the existence of a safe and fit for purpose highway network. The 33,000km of roads and associated footways, structures, lighting, signs etc., managed by local authorities in Wales range from busy major roads to remote rural lanes. They enable trips to schools, hospitals, shops, to see doctors, friends and family to be taken. It is assumed that regardless of whether trips are taken by foot, on a bicycle, by bus or coach, or in a car, the roads, footways, bridges, lights, signs etc will be safe and available to use.

#### **2. The Invisible Asset/Liability**

Some aspects of highway condition are evident to users, pot holes in roads and trips in footways. Users will and do observe when these are present and may notify the council of the need for repair. The majority of highway assets are not visible. The structure of roads and footways are unseen as are bridges and many walls. These items of infrastructure have been constructed over many decades. Many of them, either wholly or in part, are reaching an age and state of deterioration where replacement or refurbishment is required.

### 3. Substantial and Growing Backlog# of Deferred Maintenance

Historical underinvestment in road maintenance has led to a very substantial backlog of repair and replacement totalling **£ 2,043 million** made up of:

- **£1,042m;** Roads (carriageways)
- **£222m;** footways
- **£719m;** structures (bridges, culverts walls etc)
- **£76m;** street lighting

#The backlog is the cost of returning assets in a deteriorated condition to a good condition.

### 4. Huge Quantities in Need of Maintenance Works

The works required to remove backlog are:

- Resurfacing of **14,300km roads**
- Replacement or resurfacing of **5,400km of footways**
- Refurbishment of **3,444 structures (bridges, culverts, walls, etc)**
- Replacement of **67,000 street lighting columns**

### 5. Ongoing Repair of Tens of Thousands of Defects Required

The dilapidated state of the network means that very large number of reactive repairs are required to ensure the roads are safe for use. During the last year 73,000 carriageway and 51,000 footway defects were repaired. Approximately 51,000 street lighting faults were repaired. In addition, repairs were carried out to bridges, walls, signs, traffic signals, bollards and other assets.

### 6. Investment Level are not Sufficient to Prevent Deterioration

Asset Group	Steady State	Ave. Annual funding, (last 5yrs)	% Of steady state
Carriageways	£76m pa	£67m	77%
Footways	£11m pa		
Structures (incl. bridges)	£55m pa	£21m pa	38%
Street Lighting	£14m pa	£11m pa	79%
<b>Total</b>	<b>£143m</b>	<b>£99m</b>	<b>63%</b>

Investment levels over the last 5 years have been £99mpa. This included approximately £20m pa. provided by Welsh Government in the form of the Highways Refurbishment Grant for 3 of those years. This equates to 63% of the estimated annual investment required to keep the asset in its current state. Grant monies enabled deterioration to be abated for carriageways. Without grant funding the asset will return to the deteriorating state that all other asset group remain in.

### **7. Road Refurbishment Grant Funding [Enabled Deterioration to be Abated]**

The Roads Refurbishment Grant provided approximately £20m pa nationally for 3 years. The grant funding provided a welcome opportunity to slow the rate at which the asset has been deteriorating. It ended in 2021/22 and has not been replaced. Current funding levels are insufficient to prevent a reversion to a deteriorating state of all asset groups.

### **8. Cost increases will Exacerbate Funding Pressures**

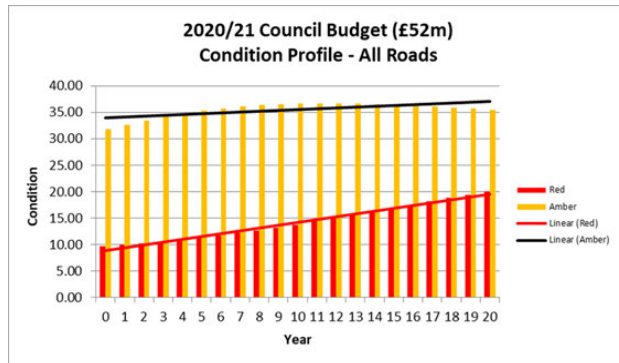
Rampant cost escalation of materials, labour, fuel, energy together with general inflation will reduce the amount of work that can be commissioned from existing budgets. Increases more than 20% have been reported this year. Hyperinflation is however expected to continue and will exacerbate the problems outlined above

### **9. Resilience of the Network**

Storm events in recent years, such as storm Dennis in 2020, have highlighted how vulnerable the network is to the effect of extreme weather events. More frequent storms with high impact are predicted into the future. In years when harsh winter conditions occur significant increases of pavement repairs are required as water gets into the pavement and the action of freeze and thaw breaks up the surface. The network is susceptible to impact from extreme weather and future events will continue to cause significant problems unless greater resilience can be created. Planned maintenance and more rigorous routine maintenance of drainage assets are essential if the effects of weather events are to be mitigated. Welsh Government introduced the Resilient Rods grant following Storm Dennis to address the resilience of the network to storm events, focussing on routes serving public transport that have traditionally been susceptible to local flooding during storms. This funding has enabled some councils to begin to address some major deficiencies in their highway drainage

networks. Unfortunately, this grant has been subsumed into the Local Transport Fund Grant and reduced in the current financial year.

### 10. Ongoing Deterioration Predicted



#### Roads (carriageways)

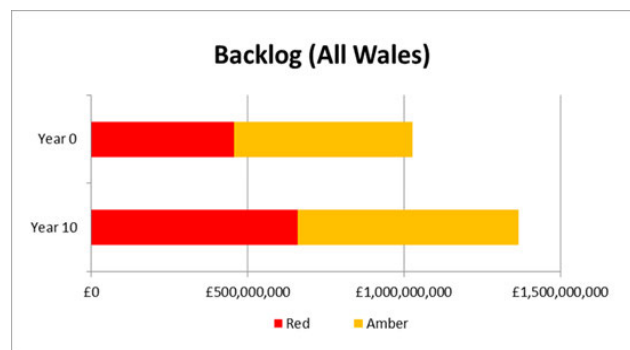
Without the government grant funding investment levels have been approximately £52m pa. This is below the steady state level of £76m pa and the asset overall will be in a state of deterioration. Roads will progressively

deteriorate, creating an increased backlog of roads in need of resurfacing and increasing quantities of pot holes and other defects.

Similar patterns of deterioration will occur within the other asset groups where funding levels are a fraction of that required to prevent them from deteriorating. Current funding levels of all highway asset group are insufficient to prevent ongoing deterioration (increasing backlog).

### 11. Huge Future liability Created

A continuance of current funding levels (assuming no grant funding or similar government funding) will result in the roads (carriageways) backlog increasing such that by the end of 10 years a further £400m of funding would be required to remove the backlog.



Similar increases will occur in all the other asset groups. The assets in need of refurbishment and replacement will increase in number and extent of work required. They will need replacement. As such, a massive funding liability will be created that a future generation will have to pay for.

### 12. Improvement in Condition will Require Increased Funding Levels

The funding levels provided recently are insufficient to maintain the asset in approximately its current state nationally. Some authorities have invested significantly more than steady state levels and been able to improve the condition of some assets

for a short period, whereas others have continually been managing a deteriorating condition. At a national level a significant increase in funding, above those of the last 5 years, would be required if condition is to be improved. If grant funding is not continued an accelerated level of deterioration can be expected. Very significantly increased funding is required to allow authorities to prevent an increase in backlog, associated increase in repair need and the resultant future liability.

### **Summary/Key Points**

1. Highways that are safe and fit for purpose are a prerequisite of every public service.
2. Many highway assets (wholly or in part) are reaching an age and state of deterioration where replacement or refurbishment is required. For most assets deterioration is not visible.
3. Historical underinvestment in road maintenance has led to a very substantial backlog of repair and replacement totalling **£ 2,043 million**
4. The backlog is made up of huge amounts of roads, footways, structures (bridges, walls etc), lighting and other highway assets that need refurbishment or replacement.
5. The dilapidated state of the network means that very large number of reactive repairs are required to keep the roads safe for use.
6. Investment levels over the last 5 years have been £99mpa. 63% of that required to maintain the asset in its current condition.
7. Current funding levels are insufficient to prevent a reversion to a deteriorating state of all asset groups.
8. Rampant cost escalation of materials, labour, fuel, energy together with general inflation will reduce the amount of work that can be commissioned. Hyperinflation is however expected to continue and will exacerbate the problems outlined above.
9. The dilapidated state of the network has made the asset more vulnerable to the effects of weather and extreme storm events. Greater resilience requires enhanced maintenance.
10. Without the government grant funding the asset overall will be in an even more rapid state of deterioration, roads will progressively deteriorate, creating an increased backlog.
11. Over time a massive funding liability will be created that a future generation will have to pay for.

12. The funding levels provided recently are insufficient to maintain the asset in its current state nationally.
13. Very significantly increased funding is required to allow authorities to prevent an increase in backlog, associated need for repair and to prevent creating a massive future liability for future generation to pay for.

# Agenda Item 3.1

**Pwyllgor Newid Hinsawdd,  
yr Amgylchedd a Seilwaith**

—

## **Climate Change, Environment, and Infrastructure Committee**

Julie James MS, Minister for Climate Change

Lee Waters MS, Deputy Minister for Climate Change

28 June 2022

Dear Julie and Lee,

### Additional questions following the 15 June 2022 Ministerial scrutiny session

Thank you for attending the Climate Change, Environment and Infrastructure Committee ('the Committee') meeting on 15 June 2022. Following the meeting, the Committee agreed I should write to ask you to address a number of matters that were not reached during the scrutiny session.

#### Decarbonisation of housing

In responding to the Climate Change Committee's 2020 Progress Report: Reducing Emissions in Wales, the Welsh Government committed to publishing "a roadmap to building net zero carbon new social homes" in July 2021.

#### 1. Could you share details of the roadmap with the Committee?

During the first phase of our inquiry into decarbonisation of housing, we sought the views of stakeholders on progress made towards decarbonising existing social homes. While supportive of the Optimised Retrofit Programme ('ORP'), stakeholders explained that, under the ORP, Registered Social Landlords ('RSLs') have to compete for funding. They emphasised the need for a rolling programme to support decarbonisation across the sector.

#### 2. Can you clarify whether the Welsh Government intends to move to a rolling programme of funding to support RSLs in delivering its ambition for the sector to decarbonise by 2033? If so, what timeline are you working towards?

The [Better Homes, Better Wales, Better World](#) report called for the Welsh Government to find a financial solution for traditional RSLs who do not currently receive Welsh Housing Quality Standard

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(‘WHQS’) resources to enable them to meet the stretching targets for the social housing sector recommended in the report.

**3. Can you provide details of funding available to traditional RSLs to support them in decarbonising their existing housing stock?**

In your [letter](#), dated 7 April, 2022 you told us the ‘testing and learning’ approach adopted through the ORP “will provide the springboard to rapidly start the decarbonising of homes in other tenures by 2023”. Stakeholders suggested that two or three years of data would be needed from the ORP in order for “real learning” to take place.

**4. How confident are you that sufficient learning from ORP will have taken place by 2023 to start the decarbonising of homes in other tenures?**

Although the focus of our inquiry is decarbonisation of existing housing stock, we are also interested in how the Welsh Government is working to ensure that homes built today support the delivery of Wales’ 2050 net zero target.

**5. Can you provide an update on the steps the Welsh Government has taken, and plans to take, to ensure that new homes (across housing sectors) are built to zero carbon in operation standards?**

**Proposed ban on single use plastics**

The Committee has previously written to you about the exclusion from the UK Internal Market Act 2020 (‘UKIMA’) for single use plastics. In your [response](#), dated 31 May 2022, you confirmed that the dispute resolution procedure was used with a view to securing an exclusion that was wider in scope than the one agreed.

**6. Given that both the Scottish and Welsh Governments expressed disappointment at the narrow nature of the exclusion, how satisfied are you that the dispute resolution procedure has been effective in this instance?**

Both you and the Counsel General have previously given a commitment to notify relevant committees/the Senedd of disputes arising under the various Common Frameworks that reach Ministerial level. No formal notification was received in relation to the dispute.

**7. Can you clarify whether the dispute reached Ministerial level? If so, why did you not notify this Committee/the Senedd?**

The Committee was first made aware of the UK Government’s decision to grant the exclusion on 28 March 2022. In your letter, dated 31 May 2022, you told us you had “now received a letter from Minister Prentice of the UK Government seeking the formal consent from Welsh Ministers [to make regulations to give effect to the exclusion] (as required by UKIMA) which I intend to give”.

8. Can you explain why you chose not to seek the Senedd's views on the exclusion prior to giving consent to the making of *The United Kingdom Internal Market Act 2020 (Exclusions from Market Access Principles: Single-Use Plastics) Regulations 2022*?

You have told the Committee that, as well as the single use plastic items listed in the Welsh Government's July 2020 consultation, you also propose to ban the sale of wet wipes which contain plastic and single use plastic carrier bags. You said your officials are "currently undertaking a rapid evidence review and they are engaging with stakeholders on the inclusion of these additional measures".

9. Can you provide a list of stakeholder your officials are engaging with? When will the review be completed and will you commit to publishing the outcome?

### COP15 and biodiversity

The Terms of Reference for the Biodiversity Deep Dive ('the Deep Dive') state "the outcomes of the review will be announced in a Ministerial Statement ahead of summer recess". However, you subsequently told us the Deep Dive panel will "make the initial recommendations at a conference just after summer recess".

10. Can you clarify when the outcome of the Deep Dive will be made available?

In your letter, dated 25 May 2022, you told us you had "put forward Wales' position strongly to Defra in relation to the latest draft of the 2020 global biodiversity framework (GBF) to inform the development of a UK position". Although we questioned you on this issue during our recent scrutiny session, there remains a lack of clarity about the Welsh Government's position.

11. Can you provide further details of the Welsh Government's position on the latest draft of the 2020 global biodiversity framework?

12. COP15 has now been put back to December 2022. What impact will this have on the Welsh Government's plans in this policy area, including the development of statutory biodiversity targets?

During the meeting, you committed:

- to provide details on the uptake of Leasing Scheme Wales by local authority area and the number of properties within each local authority area that are known to be failing to meet regulatory standards, and
- to seek the UK Government's agreement to share its settled negotiating position in relation to the draft 2020 GBF with the Committee.

I should be grateful if you would respond as soon as possible, and by 26 July 2022 at the latest.

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.

# Agenda Item 3.2

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  
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27 June 2022

Dear Llyr,

Thank you for your letter of 18 May detailing the committee's recommendations in relation to the Provisional Common Frameworks for Air Quality, and Chemicals and Pesticides which have been noted.

As you will be aware, the UK Parliament, Scottish Parliament and the Northern Ireland Assembly are also undertaking scrutiny of the framework(s), and we will need to wait for their Committees to complete scrutiny before we can provide a response to your recommendations. This approach to responding to Committee recommendations has been agreed on a four-nation basis and is in line with the spirit of four-nation working and consensus that embodies the Common Framework programme. The only exception to this is where a recommendation relates to a factual error which poses a reputational risk to one or more of the Governments.

I will therefore write to you again once the recommendations have been received from all UK legislatures and the four governments have reached agreement on the changes to be made to the frameworks in response to these.

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[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 commit to providing a full response as soon as practicable, but please accept this letter in the interim. In the meantime, if there are pressing matters related to policy about which you would like information or clarification, please write to me and I will be happy to address these outside the scrutiny process.

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 3.3

Senedd Cymru

**Y Pwyllgor Cyllid**

—  
Welsh Parliament

**Finance Committee**

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

6 July 2022

## Welsh Government Draft Budget 2023-24

Dear Committee Chairs

### *Budget Engagement*

On 11 April 2022, I wrote to notify you of the Finance Committee's programme of engagement for its scrutiny of the forthcoming Welsh Government's Draft Budget 2023-24. The Committee has now completed its three engagement strands:

- a stakeholder event in Llanhilleth Miners' Institute;
- a workshop with member of the Welsh Youth Parliament; and
- focus groups with the Welsh public.

An engagement report has been published which summarises the responses we received during our engagement work.



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## *Plenary Debate on the Welsh Government's Spending Priorities*

On 13 July, the Committee will hold a Plenary debate on the Welsh Government's Spending Priorities and the engagement report referred to above will be included as a supporting document for the debate.

We believe this debate allows the best opportunity for Members to influence the Welsh Government's spending priorities prior to the formulation of the draft budget in the autumn and I would encourage Committees to contribute to this important debate and press for action in their areas of interest.

## *Timetable and approach to budget scrutiny*

Following the announcement by the UK Government last year of a multi-year settlement, the Committee had hoped that we would return to a 'normal budget' process this year, after several years of curtailed scrutiny. However, the Minister for Finance and Local Government has written to me to explain that the lack of certainty over the significant pressures facing the Welsh Government's spending plans will not be resolved until the Welsh Government knows whether its settlement will change in any UK Autumn Fiscal event.

The Minister sought the Committee's view on a preferred timetable for publishing of the draft budget, with our preferred option being that it is published in October to enable eight weeks for scrutiny with the final budget being published in December.

The Minister for Rural Affairs and North Wales, and Trefnydd has now written to the Business Committee to notify it that the Welsh Government intends to publish the outline and detailed draft budgets together by 13 December at the latest or within four weeks of the UK Government's autumn budget. The Trefnydd also confirmed that she will provide an updated budget timetable in the autumn term, as soon as details of the UK fiscal event is known..

Given that the publication of the draft budget will be delayed again this year, the Committee's call for evidence will take place in September. I will write to you again with further information on the consultation, and any revisions to the budget timetable, in due course.

## *Budget Process Protocol*

The Budget Process Protocol between the Senedd and the Welsh Government has been in place since 2017. The protocol sets out an understanding between the Finance Committee and the Welsh Government on the administrative arrangements for the scrutiny of the annual draft budget and other related budgetary matters.



This is the fourth consecutive year where the two-stage budget process has not been used and scrutiny has been curtailed due to “exceptional circumstances”. Whilst we acknowledge that delays have been due to the uncertainty of funding from the UK Government, a curtailed budget processes is becoming commonplace and, as Chair, I do not wish to have similar discussions around timetabling issues year upon year.

For this reason, I have asked the Minister to commit to a review of the budget process protocol ahead of the budget round for 2024-25 to ensure it remains fit-for-purpose.

If you have any comments on your experience of your Committee’s budget scrutiny, I would be grateful to hear from you.

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, Owain Roberts, 0300 200 6388, [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.



Rebecca Evans MS  
Minister for Finance and Local Government

30 June 2022

Dear Rebecca,

## Legislative Consent Memorandum for the UK Infrastructure Bank Bill

As you are aware, the Business Committee has referred the Legislative Consent Memorandum for the UK Infrastructure Bank Bill ('the LCM') to several committees for consideration, including the Climate Change, Environment and Infrastructure Committee ('the Committee').

At its meeting on 30 June, the Committee agreed I should write to you seeking further information and/or clarification on a number of matters, which are of specific interest to us, given our remit. Without prejudice to the Welsh Government's current policy position on the Bill, we would welcome a response from you on the following questions.

1. To what extent does the Bill, as drafted, reflect the Welsh Government's policy priorities in relation to infrastructure investment?
2. To what extent are you satisfied with the Bank's 'objectives' set out in section 2(3)? Are there any other objectives that you believe should be included, for example, tackling the decline in biodiversity?
3. How will the Bank take into account Welsh legislation, for example, the Well-being of Future Generations Act, when making its investment decisions?
4. Much of the detail relating to the Bank's core principles and parameters within which it will operate are set out in the UK Infrastructure Bank Framework Document ('the Framework Document'). To what extent are you satisfied that an appropriate balance has been struck between the detail contained in

the Bill and that left to the non-legally binding Framework Document, which has been agreed by the UK Government?

5. As noted in the LCM, the Framework Document states “where an investment is primarily to support economic growth, the Bank will ensure that it does not do significant harm against its climate objective”. Please set out your understanding of:

- the meaning of ‘significant harm’ in this context, and
- how the Bank will determine whether an investment will do ‘significant harm’.

6. Even though a specific investment decision may not meet the threshold of ‘significant harm’, it is possible that a series of decisions could be considered cumulatively to cause significant harm. Please set out your understanding of whether and how the Bank will consider the cumulative effect of its investment decisions.

7. To what extent are you satisfied with the meaning of ‘infrastructure’ set out in section 2(5)? Are there any other aspects/measures that you believe should be included within the meaning?

8. As drafted, the Bill would permit the Bank to provide financial assistance to infrastructure projects relating to roads. To what extent does this align with the Welsh Government’s current transport priorities and its sustainable transport hierarchy?

9. The UK Government has made clear its intention that the Bank should be permitted to provide financial assistance/loans for projects aimed at improving the energy efficiency within homes. Can you explain whether and how this will help support the Welsh Government to deliver its ambitions to decarbonise Wales’ housing stock?

10. The Framework Document sets out types of projects that should not be supported by the bank, including projects involving extraction, production, transportation and refining of crude oil, natural gas or thermal coal with very limited exemptions. Please set out your understanding of the ‘very limited exemptions’.

11. Are there any other types of projects that you believe the Bank should not be permitted to support?

12. In reference to the policy mentioned in question 8, the Explanatory Notes states that “This policy will be updated over time to reflect changes in government policy and regulatory standards”. How will the Welsh Government ensure these changes reflect policies or regulatory standards that fall within devolved competence?

13. The Bill creates delegated powers to enable the Treasury to change the Bank’s activities or the definition of infrastructure using secondary legislation under the affirmative procedure in the UK

Parliament. What arrangements are in place to ensure the Welsh Government (and other devolved governments) are consulted in advance of any such changes?

14. What role will the Senedd have in considering subordinate legislation to change the Bank's activities or the definition of infrastructure?

I am copying this letter to Huw Irranca-Davies MS, Chair, Legislation, Justice and Constitutional Affairs Committee; Paul Davies MS, Chair, Economy, Trade and Rural Affairs Committee; Peredur Owen Griffiths MS, Chair, Finance Committee; and Julie James MS, Minister for Climate Change.

I should be grateful if you could respond no later than 28 July 2022.

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.

# Agenda Item 3.5

**Pwyllgor Newid Hinsawdd,  
yr Amgylchedd a Seilwaith**

—

## **Climate Change, Environment, and Infrastructure Committee**

The Rt Hon Mark Drakeford MS,  
First Minister of Wales

1 July 2022

Dear Mark,

### **First Minister's legislative statement: environmental governance Bill**

At its meeting yesterday, the Climate Change, Environment and Infrastructure Committee ('the Committee') took evidence from the Interim Environmental Protection Assessor for Wales ('the Interim Assessor') and stakeholders on the on-going operation of Wales' interim environmental governance measures ('interim measures').

It has been almost four years since the Welsh Government committed to legislate to address any post-Brexit environmental governance gaps in Wales. In March 2021, interim measures were put in place with the appointment of the Interim Assessor. While we recognise the valuable work being undertaken by the Interim Assessor, the interim measures are far from satisfactory. There are significant and unacceptable gaps in Wales' environmental governance arrangements that must be addressed as a matter of priority.

The interim measures were supposed to provide time for the Welsh Government to develop and establish new, permanent governance arrangements, specifically an Environment Commission to oversee the implementation of environmental law. We recognise the challenge of developing robust, effective and enduring governance arrangements that meet Wales' needs. But, 15 months in to the interim measures, we have seen no evidence that any progress has been made. Yesterday's meeting serves only to reinforce this. The Interim Assessor told us she has only had informal discussions with the Welsh Government on the development of proposals for the new governance arrangements that will supersede her role. In addition, stakeholders told us they were not aware of any recent work by the Welsh Government on the matter. In their words, "it feels like work [on permanent arrangements] has been parked".

We are growing increasingly concerned that, with the passing of time and with interim measures in place, any sense of urgency the Welsh Government may have had to legislate to address the post-Brexit governance gaps has been lost.

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While we wait for legislation to be brought forward in Wales, all other UK nations now have permanent environmental governance arrangements in place, with dedicated governance bodies up and running. It cannot be right that Welsh citizens have less access to environmental justice than citizens of other parts of the UK. We must not see Wales' reputation downgraded from a nation that puts the environment and sustainable development at its heart to one with the weakest environmental governance structures in Western Europe.

Since the start of the Sixth Senedd, we have been calling for the Welsh Government to bring forward an environmental governance Bill. In giving evidence to this Committee on 15 June 2022, the Minister for Climate Change made clear that the timing of the Bill would be for you, as First Minister, to determine. We are therefore writing, ahead of your planned legislative statement on 5 July 2022, to repeat our calls for the Bill to be brought forward as a matter of priority.

I am copying this letter to Julie James MS, Minister for Climate Change, and Huw Irranca-Davies MS, Chair of the Legislation, Justice and Constitution Committee.

We trust you will reflect on the above before making your statement, and we would welcome a response to this letter in due course.

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.

# Agenda Item 3.6

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



Llywodraeth Cymru  
Welsh Government

Our ref: MA/JJ/1826/22

Llyr Gruffydd MS Chair,  
Climate Change, Environment, and Infrastructure Committee  
Senedd Cymru  
[SeneddClimate@senedd.wales](mailto:SeneddClimate@senedd.wales)

28 June 2022

Dear Llyr,

I am writing to inform the Committee of the intention to consent to the UK Government making and laying The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 by 30 June 2022.

I have received a letter from Victoria Prentis MP, Minister for State for Farming, Fisheries and Food asking for consent to these Regulations. The Regulations intersect with devolved policy and will apply to Wales. The provisions could be made by Welsh Ministers in exercise of our own powers. The Regulation will extend to England, Scotland and Wales and a similar request for consent has been sent to Scottish Ministers.

The Regulations will be made by the Secretary of State, in exercise of the powers conferred by Articles 22(3) and 54(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council ('the Official Control Regulations').

These Regulations make provisions for a GB focused risk-based frequency of checks regime, allowing the modification of the frequency of plant health checks on specific import trade pathways, depending on the level of plant health risk posed to GB. This instrument will apply equally to imports from non-EU countries and high-priority goods from EU member States, Switzerland, and Liechtenstein. The Statutory Instrument (SI) is subject to the negative procedure and is due to be laid before Parliament on 30 June 2022 with a commencement date of 22 July 2022.

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:  
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Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

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

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Huw Irranca-Davies MS, the Chair of the Legislation, Justice and Constitution Committee (LJCC).

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

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  
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5 July 2022

Dear Llyr,

I refer to my letter to you of 28 June 2022. I am writing to inform the Committee I have given my consent to the Secretary of State to lay The Official Controls (Plant Health) (Frequency of Checks) Regulations 2022 in relation to Wales. I have laid a Written Statement which can be found at:

<https://senedd.wales/media/a4udat5q/ws-ld15212-e.pdf>

The Regulations intersect with devolved policy and will apply to Wales. The provisions could be made by Welsh Ministers in exercise of our own powers. The Regulations extend to England, Scotland and Wales.

The Regulations will be made by the Secretary of State, in exercise of the powers conferred by Articles 22(3) and 54(3) of Regulation (EU) 2017/625 of the European Parliament and of the Council ('the Official Control Regulations').

The Statutory Instrument (SI) is subject to the negative procedure and was laid before Parliament on 30 June 2022 with a commencement date of 22 July 2022.

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

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

Although the Welsh Government's general principle is that the law relating to devolved matters should be made and amended in Wales, on this occasion, it is considered appropriate for the substance of the amendments to apply to Wales as there is no policy divergence between the Welsh and UK Government in this matter. This ensures a coherent and consistent statute book with the regulations being accessible in a single instrument. I consider that legislating separately for Wales would be neither the most appropriate way to give effect to the necessary changes nor a prudent use of Welsh Government resources given other important priorities.

I have written similarly to Huw Irranca-Davies MS, the Chair of the Legislation, Justice and Constitution Committee (LJCC).

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 6

By virtue of paragraph(s) vi of Standing Order 17.42

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