



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Iau, 21 Ionawr 2010
Thursday, 21 January 2010**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur Labour
Mick Bates	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Angela Burns	Ceidwadwyr Cymreig Welsh Conservatives
Rhodri Glyn Thomas	Plaid Cymru The Party of Wales
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives
Leanne Wood	Plaid Cymru The Party of Wales
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Jon Beynon	Uwch-swyddog, Y Gangen Polisi Chwaraeon, Llywodraeth Cynulliad Cymru Senior Executive, Sports Policy Branch, Welsh Assembly Government
Jane Davidson	Aelod y Cynulliad, Llafur (y Gweinidog dros yr Amgylchedd, Cynaliadwyedd a Thai) Assembly Member, Labour (the Minister for Environment, Sustainability and Housing)
Alun Ffred Jones	Aelod y Cynulliad, Plaid Cymru (y Gweinidog dros Dreftadaeth) Assembly Member, the Party of Wales (the Minister for Heritage)
Elin Jones	Aelod y Cynulliad, Plaid Cymru (y Gweinidog dros Faterion Gwledig) Assembly Member, the Party of Wales (the Minister for Rural Affairs)
Peter Jones	Pennaeth Rheoli Perygl Llifogydd ac Arfordiroedd, yr Is-adran Newid yn yr Hinsawdd a Dŵr, Llywodraeth Cynulliad Cymru Head of Flood and Coastal Risk Management, Climate Change and Water Division, Welsh Assembly Government
Gerry Quarrell	Pennaeth yr Uned Natur, Mynediad a'r Môr, Llywodraeth Cynulliad Cymru Head of Nature, Access and Marine Unit, Welsh Assembly Government
Nicola Thomas	Pennaeth Polisi Dŵr, yr Is-adran Newid yn yr Hinsawdd a Dŵr, Llywodraeth Cynulliad Cymru Head of Water Policy, Climate Change and Water Division, Welsh Assembly Government
Arfon Williams	Rheolwr Pysgodfeydd Mewndirol, Llywodraeth Cynulliad Cymru Inland Fisheries Manager, Welsh Assembly Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Dr Virginia Hawkins Clerc
 Clerk
Meriel Singleton Dirprwy Glerc
 Deputy Clerk

*Dechreuodd y cyfarfod am 1 p.m.
The meeting began at 1 p.m.*

Cyflwyniad, Ymddiheuriadau a Dirprwyon Introduction, Apologies and Substitutions

[1] **Mick Bates:** Good afternoon. Croeso. Welcome to this meeting of the Sustainability Committee. We will be considering two issues this afternoon: first, a further evidence session on access to inland water and, secondly, the Flood and Water Management Bill.

[2] Before we start work on our inquiry and begin our scrutiny, I will make the usual housekeeping announcements. In the event of a fire alarm, you should leave the room by the marked fire exits and follow the instructions of ushers and staff. There is no test scheduled for today. Please ensure that all mobile phones, pagers and BlackBerrys are switched off, as they interfere with the broadcasting equipment. The National Assembly for Wales operates through the media of both the Welsh and English languages, and headphones are provided, through which simultaneous translation may be received. For those who are hard of hearing, the headsets can also be used to amplify the sound. Interpretation is available on channel 1, and the verbatim on channel 0. Please do not touch the buttons on the microphones, as that can disable the system, but ensure that the red light is showing before you speak.

[3] I have received apologies from Karen Sinclair and Irene James. I wish them both well. Karen has been ill for some time and Irene has just had an operation. So, on behalf of the committee, I wish them both well.

[4] I would like to welcome formally Joyce Watson and Irene James, in her absence, to the committee. I am certain that they will be active members of the committee and that they both have a passion for all the topics and issues that we will discuss. Equally, I would like to thank Lesley Griffiths and Alun Davies for the work that they did as members of the Sustainability Committee. I know that Lesley has gone on to much grander things, but we welcomed her contribution at all stages.

[5] I must pay special attention to Alun's work as the Chair of the Rural Development Sub-committee. The committee has proven to be extremely successful as a sub-committee of the Sustainability Committee. That was largely due to the excellent leadership displayed by Alun Davies as Chair of that committee. It undertook a great many difficult inquiries, which were brought to fruition with great success and were received extremely well by the agriculture industry in Wales. I am certain that some of its work, particularly the work on disease, has had a lasting impact on the industry. I hope that it will be beneficial to the industry.

[6] At the last meeting, Rhodri Glyn Thomas was elected the new Chair.

[7] Llongyfarchiadau i Rhodri. Congratulations to Rhodri.

[8] We look forward to your continued work.

1.03 p.m.

Mynediad i Ddŵr Mewndirol: Sesiwn Dystiolaeth
Access to Inland Water: Evidence Session

[9] **Mick Bates:** There was much discussion as we arrived at committee with regard to what would be the collective noun for three Ministers.

[10] **Angela Burns:** It has to be a murder of Ministers.

[11] **Mick Bates:** It is my great pleasure to welcome the Minister for Environment, Sustainability and Housing, the Minister for Rural Affairs, and the Minister for Heritage to this scrutiny session on access to inland waterways. I thank you for the evidence that you have submitted jointly and for the figures that you have provided. Before we start our questions, it may be better if I offer one of you, perhaps Jane Davidson as Minister with responsibility for sustainability, the chance to give an introduction. If the other two Ministers wish to comment, please do so.

[12] **The Minister for Environment, Sustainability and Housing (Jane Davidson):** I am delighted to be here with other Cabinet colleagues so that we can explain our Welsh Assembly Government agenda to the committee. There are two issues here. The first is the conservation of the natural environment and the second is about improving public access to that environment. The Assembly Government has a duty to conserve Wales's natural resources, including our water resources, but we also want people to enjoy them for recreational purposes, responsibly and sustainably. That position and the actions that we are taking on this agenda are set out in the Assembly Government's evidence paper.

[13] Wales has very extensive water resources in the form of rivers, lakes, reservoirs and canals, as well as our considerable and beautiful coastline. It is fairly clear that many of these resources are not widely used for water-based recreational activities, with the exception of angling and, to a smaller extent, canoeing. While this issue is often seen as a matter between anglers and canoeists, the Assembly Government wants to improve access opportunities for the benefit of all recreational users, be they swimmers, rowers, sailors, rafters, gorge walkers or others, as well as anglers and canoeists. I am firmly convinced that there is room for all.

[14] Our approach is built on practical action and on building consensus between the different interests on what activities can sensibly take place and when, on the different water locations. As a direct result of Welsh Assembly Government support, we now have new voluntary access agreements on extensive stretches of the Rivers Wye and Usk, and we are looking to build on that through the round table on water access, which is exploring the scope for similar agreements on other main rivers in Wales.

[15] I am sure that the committee has heard a lot about the scope for conflict between the different interests involved. Some recreational activities will conflict if pursued at the same time—a rafting race and a fishing competition, for example. Voluntary agreements between local interests can provide, and are providing, a way forward in that regard, and are resolving potential conflicts. We are keen to see more agreements being put in place, possibly with assistance from the Splash fund.

[16] Finally, the new white-water centre in Cardiff bay will open soon. I am sure that that excellent new facility will encourage a greater interest in water sports, including canoeing and boating on the River Taff. I am delighted that the Splash fund has just agreed to finance a feasibility study to examine how the wider recreational use of the Taff might best be taken forward and managed.

[17] **Mick Bates:** Diolch, Weinidog. **Mick Bates:** Thank you, Minister.

[18] Do either of the other Ministers wish to comment at this stage?

[19] **Y Gweinidog dros Dreftadaeth (Alun Ffred Jones):** Mae gennyf ddau ddiddordeb o ran yr hyn sy'n cael ei drafod yma. Fel y mae'r Gweinidog newydd ei ddweud, credaf fod angen canolbwyntio ar ffyrdd ymarferol o ddatblygu mwy o gonsensws rhwng y grwpiau gwahanol sydd â buddiannau yn yr adnodd hwn.

The Minister for Heritage (Alun Ffred Jones): There are two points of interest for me in what is being discussed here. As the Minister has just said, I believe that we need to focus on practical ways of developing more of a consensus between the various groups that have an interest in this resource.

[20] Mae mynediad i ddyfrffyrdd yn hynod bwysig o ran twristiaeth, ac yr ydym yn parhau i farchnata gweithgareddau fel pysgota a chanwïo yn frwd i ymwelwyr. Amcangyfrifir fod gwerth pysgota mewndirol, hynny yw ar afonydd a llynnoedd, dros £40 miliwn, a gwerth canwïo, £30 miliwn. Felly, mae'n bwysig o ran twristiaeth.

Access to waterways is extremely important for tourism, and we continue actively to promote activities such as fishing and canoeing to visitors. The value of inland fishing, that is, on rivers and lakes, is estimated at over £40 million, and of canoeing, £30 million. Therefore, it is important for tourism.

[21] Ni ddylem anghofio bod gwerth hefyd o ran diddordebau lleol a chael pobl i fynd allan i ymarfer corff, boed hynny drwy bysgota neu ganwïo. Mae hefyd yn gyfraniad pwysig i'r rhaglen sy'n anelu at wneud Cymry'n fwy actif ac yn iachach. Yr her inni oll yw edrych am ffyrdd ymarferol o gael consensws o ran deddfu.

Let us not forget that it also has value for local interests and in getting people to take exercise, whether through fishing or canoeing. It also makes an important contribution to our programme aimed at making Wales more active and healthier. The challenge for us all is to look at practical ways of reaching a consensus on legislation.

[22] **Y Gweinidog dros Faterion Gwledig (Elin Jones):** Diolch am y cyfle i gael gwneud sylwadau cychwynnol. Cytunaf â'r hyn sydd wedi'i ddweud eisoes, ond, o ystyried fy nghyfrifoldeb o ran pysgodfeydd, hoffwn dynnu sylw'r pwyllgor at y cryfder sylweddol sydd yng Nghymru oherwydd bod y rhan fwyaf o'r hawliau pysgota ym meddiant clybiau pysgota. Mae clybiau pysgota hirsefydledig ar hyd ein hafonydd. Mae'r hawliau hynny'n cael eu cadw ar gyfer y gymuned leol, ac yn cael eu defnyddio er budd twristiaeth. Mae rôl bwysig y clybiau pysgota yn cael ei hadlewyrchu heddiw mewn erthygl wych yn *The Independent*, sy'n sôn am ddychweliad yr eog i afonydd de Cymru wrth i'r afonydd hynny gael eu glanhau yn dilyn dirywiad y diwydiant glo yn benodol. Mae'n sôn hefyd am y rôl y mae clybiau pysgota yng Nghymru wedi'i chwarae wrth wella cynefin yr afonydd er mwyn i'r pysgod ddychwelyd iddynt. Mae Tony Rees o glwb Merthyr yn cael ei ddyfynnu yn *The Independent* heddiw.

The Minister for Rural Affairs (Elin Jones): Thank you for the opportunity to make some opening remarks. I agree with what has already been said, but, considering my responsibility with regard to fisheries, I wish to draw the committee's attention to the great strength that we have in Wales as a result of the fact that most fishing rights are owned by angling clubs. There are long-established angling clubs along our rivers. Those rights are retained for the local community, and are used to promote tourism. The important role that angling clubs play is highlighted in an excellent article in *The Independent* today, which talks about the return of salmon to the rivers of south Wales, as they have become cleaner following the decline of the coal industry in particular. It also talks about the role that angling clubs in Wales have played by improving the habitat of these rivers in order to get fish to return to them. Tony Rees from the Merthyr club is quoted in *The Independent* today.

1.10 p.m.

[23] Mae gennyf un sylw ychwanegol. Deuthum yn ymwybodol o dystiolaeth y Comisiwn Coedwigaeth i'ch pwyllgor ychydig cyn y Nadolig, a hoffwn achub ar y cyfle i egluro bod tir y Comisiwn Coedwigaeth yn dir cyhoeddus gyda mynediad cyhoeddus iddo. Mae'n dir sylweddol yng Nghymru ac felly mae mynediad cyhoeddus i'r tir hwnnw. Ar y cyfan, nid y comisiwn biau'r hawliau pysgota ar yr afonydd sy'n mynd drwy ei dir. Hoffwn ymddiheuro i'r pwyllgor, felly. Trafodais ansawdd ddiffygiol y dystiolaeth lafar ac ysgrifenedig a roddwyd i'r pwyllgor gan y Comisiwn Coedwigaeth, a gwn fod cyfarwyddwr y comisiwn wedi ysgrifennu at y Cadeirydd i ymddiheuro am ansawdd y dystiolaeth honno. Hoffwn gadarnhau, felly, fod tir y comisiwn yn agored i'r cyhoedd a bod y comisiwn yn awyddus i weithio gyda chlybiau pysgota a chanwïo lleol i hyrwyddo mynediad, ar sail wirfoddol, i afonydd Cymru sy'n mynd drwy'r tir hwnnw.

I have one additional comment to make. I became aware of the Forestry Commission's evidence to this committee shortly before Christmas, and I want to take this opportunity to explain that Forestry Commission land is public land that allows public access to it. It is a substantial amount of land in Wales and therefore the public can access that land. On the whole, it is not the commission that owns the fishing rights on the rivers that run through its land. I would therefore like to apologise to the committee. I discussed the flawed nature of the written and oral evidence given to the committee by the Forestry Commission, and I am aware that the commission's director has written to the Chair to apologise for the quality of that evidence. I therefore confirm that the commission's land is open to the public and that the commission is eager to work with local angling and canoeing clubs to promote access, on a voluntary basis, to the rivers of Wales that run through that land.

[24] **Mick Bates:** Thank you for your statement, and particularly for that clarification of the Forestry Commission's evidence, which I remember was found to be a little unacceptable in some parts at the time, because it seemed to be coming from an interest group and not the Forestry Commission. Thank you for your evidence.

[25] During this scrutiny session, there will be opportunities for you all to answer each question, but some will be more specific to certain portfolios. I will therefore call on the relevant Minister first. There are some general questions first, and I invite Angela Burns to ask them.

[26] **Angela Burns:** Thank you for coming here today to talk to us about your paper. You know that this is a controversial issue, and we have been taking evidence in great detail from all sides. What is not clear is how much confusion there is about access to inland water for all the different users. I will roll my questions up, and then you can expand on them. Do you believe that there is confusion? If so, is it great or small, and does the current legislation need to be changed or are there other ways in which we could sort it out?

[27] **Jane Davidson:** It is certainly true to say—

[28] **Mick Bates:** Sorry for interrupting you, Minister, but it was remiss of me not to welcome the other three witnesses this afternoon. Could you give your names and positions so that the microphones can be switched on in the correct order if you are to answer any questions?

[29] **Mr Quarrell:** I am Gerry Quarrell. I head up the nature, access and marine unit. It is my team that is taking forward the strategic plan on water-based recreation in Wales and that is managing the Splash fund with the Environment Agency.

[30] **Mr Williams:** I am Arfon Williams, and I have responsibility for freshwater fisheries in Wales.

[31] **Mr Beynon:** I am Jon Beynon, and I am a senior executive in the sports branch, working for Alun Ffred Jones.

[32] **Mick Bates:** Thank you for that and sorry, Minister. You may now proceed.

[33] **Jane Davidson:** It is probably worth saying at the outset that the legal position is quite complex because there is a whole range of interests involved and, if there were to be new legislation, those interests would all have to be addressed: common law, riparian rights, health and safety, conservation, and liability issues. It is also an area in which we do not have legislative competence. However, we believe, as a Government, that much of this could be sorted out if all the partners' websites gave accurate and proper information. For example, it is quite clear that the work that has been done in Pembrokeshire on the marine code has been very effective at making people understand what their rights and responsibilities are. As I said in my introductory remarks, we have to keep that balance between conservation and proper access, because we have this fantastic resource and we want people to be able to benefit from it. So, it is not our view that we need to rush to legislate at this time because we have not tried the full panoply of opportunities to ensure that more information is more widely available, and we have not really applied ourselves to look at ways of developing more consensual approaches.

[34] **Alun Ffred Jones:** Efallai bod y sefyllfa'n gymhleth, ond nid wyf yn credu bod angen newid y ddeddfwriaeth ar hyn o bryd. Dyna safbwynt y Llywodraeth ar hyn o bryd. Hyd y deallaf, wedi cyfarfod rhai grwpiau sydd â buddiant yn hyn i gyd, byddai'n fater pur gymhleth mynd i'r afael ag unrhyw newid mewn deddfwriaeth beth bynnag. Dyna un rheswm pam y dylem ddilyn y llwybr o chwilio am gyd-ddealltwriaeth a chytundebau mynediad lleol.

Alun Ffred Jones: The situation may be complex, but I do not believe that the legislation needs to be changed at the present time. That is the Government's position at present. From what I understand, having met some of the interested parties in all this, getting to grips with any amending legislation would be a rather complicated process. That is one reason why we should take the route of seeking mutual understanding and local access agreements.

[35] **Elin Jones:** Mae'n siŵr bod y bobl sy'n ymwneud â'r meysydd hyn, pa un a ydynt yn aelodau o glybiau pysgota neu'n glybiau canŵio, yn weddol ymwybodol o'u hawliau a'r ddeddfwriaeth yng nghyd-destun mynediad i afonydd. A yw'r cyhoedd yn gyffredinol yn gwybod a oes hawl gan berson i fynd a phrynu canŵ, mynd ag ef i'r afon a'i ddefnyddio? Mae'n siŵr bod angen dealltwriaeth well ar y cyhoedd yn gyffredinol a gwybodaeth well am ble mae cael yr wybodaeth am eu hawliau. Y pwynt yr oedd y Gweinidog dros gynaliadwyedd yn ei wneud oedd bod angen i ni fel Llywodraeth a'n holl bartneriaid roi amlinelliad cliriach o'r hawliau ac o'r defnydd a wneir o fynediad i afonydd.

Elin Jones: I am sure that the people involved in these areas, whether they are members of angling clubs or canoeing clubs, are fairly aware of their rights and of the legislation relating to river access. Does the public in general know whether a person has the right to go out and purchase a canoe, take it onto the river, and use it? I am sure that the public in general needs a better understanding and better knowledge of where it is possible to access such information about their rights. The point that the Minister for sustainability was making was that we as a Government and all our partners need to look at giving a clearer outline of what the rights are and of the use made of rights of access to rivers.

[36] **Angela Burns:** Thank you very much for that. The Minister for sustainability made a particular comment about rights with responsibilities, and I totally agree with that. Can I

make sure, for the record, that we understand that the Government's reluctance to change legislation at present is not simply because we do not have the competence, because, if we wanted to, we could get the competence to do this? It would be good for the wider public if your view on that was made clear.

[37] **Jane Davidson:** I will start by saying that of course that is not the case, since we, as a Government, have taken forward other requests for legislative competence. We do not choose not to go down that route at this time because of that in any way. It is important to reiterate the message that there are many opportunities, particularly in Wales as a small country, for all partners to work together—the Assembly Government and the other statutory agencies, such as Environment Agency Wales, the Countryside Council for Wales and the Sports Council for Wales—to ensure that common information is available. As we go through this session, I am sure that we will explore the other opportunities available to us to take this agenda forward. We believe that there is room for all and that it is not necessary to move immediately to use the sledgehammer of legislation to crack the nut of access to waterways.

[38] **Angela Burns:** I have a final, small question. Do you believe that there is that much confusion, because I have met a lot of groups that seem to co-exist happily, or is the confusion among quite a small, but loudly expressed, minority? That is, is it only a small group of people saying that there is confusion about who can or cannot access water, or do you think that there is general confusion among the public of Wales?

[39] **Elin Jones:** I return to my previous answer, namely that the people who are actively involved in various clubs, whether they are fishing clubs or canoeing clubs, are probably quite familiar with their rights relating to access to the rivers. Are members of the general public completely familiar with whether they have the right to pick up a coracle one day and ride down the Teifi in it? I would say that they are not generally aware of their particular rights on particular rivers. Therefore, we need to work as a Government and with other partners in this field to improve the information on access, the rights to access in different areas of Wales, and the general legislation on this, but we need to do that in a way through which we will hopefully see the multi-use of rivers and voluntary agreements evolving. The agreements may well be different in different parts of Wales on different rivers. Therefore, the need to have the right information available to potential river users will be important from that point of view.

1.20 p.m.

[40] **Angela Burns:** I take your point entirely, Minister, and I agree with it, but, strangely enough, the people who have come to this committee saying that they are confused are the groups and clubs, not the general public. As Jane will know, I live in Pembrokeshire and I have seen the marine code, which is excellent. Those of us who skip on and off the water understand it, so my worry is that while I accept that we should educate the general public more on its rights and responsibilities and what people can and cannot do, the confusion that has been brought to the committee has all stemmed from pressure groups, lobby groups and those groups that are engaged in the sport, who you would think would know what they can and cannot do. If we do not change the legislation, how will we make that problem go away?

[41] **Elin Jones:** Ignorance of the law is not usually a defence, but the articulation of what the law means in practice is something that needs to be improved for every river user.

[42] **Mr Quarrell:** As for the situation as regards the Wye and Usk rivers, there is a lot of good information about where people can go on the Wye and the Usk. The new agreement on the Wye and Usk Foundation's website gives very clear information. The Splash fund is also helping to fund small local projects such as the production of a new information leaflet in Neath Port Talbot about what can be done where on the waterways in that local authority

area. So, a lot of things are happening to get more information out there.

[43] **Jane Davidson:** One of the points that I was going to make is that not everyone who uses rivers is a member of a club. That is why it is particularly important that we use information mechanisms. Gerry Quarrell mentioned the Wye and Usk, and, although we are not suggesting that what has happened on the Wye and Usk can be immediately replicated in other parts of Wales, an interesting fact that came forward from the Wye and Usk Foundation meeting in the round-table meeting on Monday was that since the voluntary agreements have been put in place—they now go all the way down the river—there has been an increase in the numbers of anglers and canoeists, and there are ingress and egress points on the rivers in set places, for example. So, with some considered management, we can address a number of these issues.

[44] **Mick Bates:** We seem to have had a positive start with the points made about the voluntary agreement being a practical way of working. However, when we received the report from Brighton University, we found that there are legal frameworks almost exclusively in other nations that govern access, whether it is limited by time or total access, such as has been implemented in Scotland. I wish to hear from each Minister about what makes them think that Wales is so unique that it can do without a legislative framework to encourage access. I will start with Alun.

[45] **Alun Ffred Jones:** Un o'r rhesymau pam mae'r sefyllfa yng Nghymru yn gymhleth yw'r ffaith fod natur yr afonydd yn wahanol ac nid yw'r afonydd yn un fath drwy Gymru. Mae presenoldeb canolfannau dwys o boblogaeth yn agos at yr afonydd hyn yn creu sefyllfa fwy cymhleth yng Nghymru. Felly, byddwn yn dadlau y dylem fynd i lawr y llwybr o chwilio am gytundebau lleol er mwyn gweld a ydynt yn gweithio. Mae wedi bod yn anodd—ac yn amhosibl yng nghydestun amryw o afonydd—cael y cytundebau hyn yn eu lle, ac yr wyf yn derbyn nad ydynt wedi gweithio mewn rhai lleoedd. Os yw hynny'n amhosibl, bryd hynny fydd yr amser i edrych a yw'n bosibl creu fframwaith deddfwriaethol.

Alun Ffred Jones: One of the reasons why the situation in Wales is complex is the very fact that the nature of the rivers is different and the rivers are not identical throughout Wales. The presence of densely populated areas close to these rivers creates a more complex situation in Wales. Therefore, I would argue that we should go down the route of seeking local agreements in order to see whether those work. It has been difficult—and impossible in the case of some rivers—to get these agreements in place, and I accept that they have not necessarily worked in some places. If that proves impossible, that will be the time to consider whether it is possible to create a legislative framework.

[46] Beth bynnag yw'r ddeddfwriaeth, gan gynnwys y ddeddfwriaeth bresennol, mae'n anodd iawn plismona'r math hwn o gytundeb oherwydd natur agored y maes dan sylw.

Whatever the legislation, including the current legislation, it is very difficult to police this type of agreement due to the open nature of the subject in question.

[47] **Mick Bates:** It seems from your answer that you accept that there may be a need for a legislative framework if a voluntary agreement does not work.

[48] **Alun Ffred Jones:** Dyna a ddywedais. Nid yw'r Llywodraeth o blaid newid y ddeddfwriaeth ar hyn o bryd. Credaf y dylem ddilyn trywydd y cytundebau. Dim ond wedyn y byddai rhywun yn ystyried a oes angen cyflwyno deddfwriaeth.

Alun Ffred Jones: That is what I said. The Government is not in favour of changing legislation. I believe that we should go down the route of seeking agreements. It is only then that one could consider whether we need to bring forward legislation.

[49] **Mick Bates:** Do the other Ministers have anything to add on that?

[50] **Jane Davidson:** I have two points. Previously, whenever we have applied for legislative competence Orders, it has been with the unanimous support of stakeholders. One of the complex areas is that there are hugely different views, which is why, Chair, you are conducting this committee inquiry. Following a referendum in Wales and new powers being acquired here, a Government of the future could choose to move down the legislative framework route. However, I think that any Government that wanted to pursue a legislative framework would want to be absolutely sure that previous Governments had done all that they could to pursue a consensual approach and to try to use the Government authority to bring different interests together.

[51] The other important point to make is that there is a real difference—as people who have previously given evidence to this committee have pointed out—between enshrining a right of access and managing the resource. The resources still have to be managed, and countries have demonstrated very different management mechanisms. As I said at the beginning, the critical area for us is that we operate our conservation responsibilities seriously and responsibly, and look to widen access as much as possible within that framework.

[52] **Elin Jones:** Y cyfan a wnaif yw aiddweud rhywfaint o'r hyn a ddywedodd Alun Ffred, a phwysleisio bod y Llywodraeth hon yn dymuno gweld amldefnydd o'n hafonydd gan wahanol grwpiau buddiant. Ar hyn o bryd, ni chredaf ein bod yn hyderus bod hynny'n gweithio'n ddigon da ar nifer o afonydd yng Nghymru. Hoffem weld y rhai sydd â diddordeb mewn hyrwyddo mynediad eang i afonydd yn cydweithio i wella, cryfhau ac ychwanegu at y defnydd o'r afonydd hynny. Ni chredwn mai drwy ddeddfwriaeth Llywodraeth y mae gwneud hynny, ond drwy roi'r cyfrifoldeb i'r bobl hynny sydd agosaf at yr afonydd hynny ac sy'n dymuno'u gweld yn cael eu defnyddio'n ehangach. Dylem bwysleisio fod ganddynt gyfrifoldeb i hyrwyddo a datblygu cytundebau gwirfoddol, ac mae cyfle yn awr, drwy gyfrwng y drafodaeth gyhoeddus sy'n deillio o'ch gwaith chi fel pwyllgor, a'n gwaith ni fel Llywodraeth, i wahanol grwpiau yng Nghymru dderbyn yr her honno.

Elin Jones: I will merely reiterate some of what Alun Ffred said, and to emphasise that this Government wishes to see multipurpose use of our rivers by various interest groups. At present, I do not think that we are confident that that is working particularly well on a number of rivers in Wales. We would like to see those who have an interest in promoting broad access to rivers working together to improve, reinforce and increase the use of those rivers. We do not think that it is through Government legislation that that can happen, but through placing the responsibility on the people who are nearest to those rivers and want to see more extensive use being made of them. We should emphasise that they have a responsibility to promote and develop local agreements, and there is an opportunity, through the public debate emanating from your work as a committee, and from our work as a Government, for various groups in Wales to take up that challenge.

[53] **Mick Bates:** I believe that Rhodri and Brynle would like to move on to access agreements.

[54] **Rhodri Glyn Thomas:** Mae eich tystiolaeth ysgrifenedig yn ei gwneud yn eithaf clir eich bod yn ffafrio cytundebau gwirfoddol. Fodd bynnag, nid yw'ch tystiolaeth lafar yn cadarnhau hynny, oherwydd yr hyn a glywais yn yr atebion diwethaf—mewn cyfres o atebion gan bob un ohonoch, mewn gwirionedd—oedd eich bod yn gweld y trafferthion gyda chytundebau

Rhodri Glyn Thomas: Your written evidence makes it quite clear that you favour voluntary agreements. However, your oral evidence does not seem to back that up, because what I heard in the last responses—in a series of responses from each one of you, in fact—was that you recognise the problems with these voluntary agreements, that there are examples of voluntary agreements that do

gwirfoddol, bod enghreifftiau lle nad ydynt yn gweithio, a bod problemau yn bodoli o ran eu plismona. Mae'n ymddangos o'ch tystiolaeth lafar, sy'n dra gwahanol i'ch tystiolaeth ysgrifenedig, mai'r broblem fwyaf i Lywodraeth yw'r ffaith y byddai unrhyw fath o ddeddfwriaeth yn gymhleth ac yn arwain at broses na fyddech yn dymuno'i gweithredu ar hyn o bryd o ran cael y pwerau i ddeddfu. A ydych yn gweld bod gwrthgyferbyniad rhwng eich tystiolaeth lafar a'ch tystiolaeth ysgrifenedig?

not work, and that there are problems policing the agreements. It appears from your oral evidence, which is very different from your written evidence, that the greatest problem for Government is the fact that any sort of legislation would be complex and would lead to a process that you would not want to implement at this moment in time, in seeking powers to legislate. Do you see any contradiction between your oral evidence and your written evidence?

[55] **Jane Davidson:** No. I see a contradiction in your assessment of it. I think that we have been very clear.

[56] **Rhodri Glyn Thomas:** It is based on what you have said.

1.30 p.m.

[57] **Jane Davidson:** I have been very clear—in fact, we have all been very clear—that this Government does not favour changing legislation at this point. This Government is determined to see the widest number of users having access to our waters, whether they are inland or coastal, and this Government favours the voluntary access agreement route. We have spoken a little about the agreements relating to the Wye and Usk rivers and demonstrated that there has already been an increase in the numbers of anglers and canoeists. Another aspect with regard to the Wye and Usk is that they are also special areas of conservation. So, it is also about bringing together that conservation and recreation agendas, which enables us to look at issues around access and management. It is fair to say that this Government has not shied away in any way from taking on legislation that is complex or difficult. In fact, Leanne Wood and I started together on the Proposed National Assembly for Wales (Legislative Competence) (Environment) Order 2009, which proved to be both. We believe that it is important that we look to work together as much as possible in our small country to deliver outcomes that are beneficial for all.

[58] **Rhodri Glyn Thomas:** You have referred to the marine code in Pembrokeshire and to the Wye and Usk Foundation, but are you saying that, as a general rule throughout Wales, you think that voluntary agreements can work?

[59] **Jane Davidson:** My answer to that is 'yes', but it involves people coming to the table and saying that they are prepared to look at making them work. We have seen situations in some parts of Wales where different groups have pulled out of agreements, so we are trying to look at ways in which we can encourage people to work more effectively together. These agreements do not just benefit members of the clubs or the river trusts that put in the work to deliver them, but they also benefit all those other users. So, it has a more utilitarian function in Wales, as well as further enshrining Wales as a holiday destination.

[60] **Rhodri Glyn Thomas:** I am sorry, Minister, but there is another contradiction there. You are saying that voluntary agreements work but that, unfortunately, in some situations, people have withdrawn from them. Voluntary agreements do not work if people withdraw from them.

[61] **Jane Davidson:** The point is that where people have withdrawn in the past from voluntary agreements, we are hoping, particularly through round-table meetings, to ascertain what barriers there are to the voluntary agreements where they have broken down, and to look

at whether there are ways for the Assembly Government or other agencies to assist local groups in taking those forward. I am delighted that there was broad support around the table for that agenda.

[62] **Mick Bates:** I will bring in Joyce and Leanne at this stage.

[63] **Joyce Watson:** I am interested in pursuing the voluntary agreements. Rhodri Glyn rightly mentioned policing a few times, and the way I see it as a new member of this committee is that you would not be able, either through legislation or voluntary agreements, to police every access point to every waterway, every activity or every single user's activity. Therefore, I would be interested in resolving those issues, as you have said, through the round-table meetings on water access that you are setting up. It is common sense to me—and perhaps I am naive—that if you have a single source that all people want to enjoy, you must have some agreement and a meeting of minds to share that facility, because there is but one facility. I understand that there have been historic arrangements in place, and I also understand that some people do not like change, but, if we are going to keep as many people happy for as long as possible, policing will not achieve that. What will achieve it is mutual understanding and respect that allows people to use a single resource together, fairly and equally.

[64] **Mick Bates:** Minister, how many of these round-table meetings have you held?

[65] **Jane Davidson:** We held the first one in 2008. There is another this week, and we will be holding another in the summer. So, there have been two so far. The only reason there was no meeting last year is because it was initially scheduled for January—around the same time of year as the meeting held recently—but the Petitions Committee was looking at this issue, so it was crossed out of the diary. The intention is now to hold another meeting in the summer, and another around this time next year. The round table interest groups agreed on Monday that a sub-group should be set up to get voluntary agreements in place relating to the other main rivers in Wales, possibly using the Splash fund. Although we have not talked about it much today, we have introduced a strategic plan for recreation and water access, which is provided additional money. We have granted some £377,606 through that to increase water access.

[66] **Elin Jones:** I hope that it is clear to committee members and to all that this Government wants to see an improvement in the current use of rivers and in the situation over the past five years. That is why we are putting resources into developing the voluntary agreements and the access work on rivers, which are necessary. There is currently a climate of uncertainty about possible future legislation and, over the past 12 months particularly, that has not helped the development of voluntary agreements relating to rivers in Wales. Some people are holding out for unfettered open access to rivers, and others may be entrenching their position as regards the current situation. Hopefully, our statement as a Government to committee today, that we are not looking to seek legislative competence in this area during the third Assembly, gives a clear indication of the fact that voluntary agreements are the way forward, and we want to see all parties engaging in that actively.

[67] **Mick Bates:** When does the Splash fund end, by the way?

[68] **Jane Davidson:** The Splash fund money ends next year, but we are bidding for more.

[69] **Mr Quarrell:** It is a three-year funding scheme at the moment and, in line with any good management of grant schemes, it has been evaluated—

[70] **Mick Bates:** Yes, but when does it end?

[71] **Mr Quarrell:** The current funding stream is due to end in March 2011, but we are undertaking an evaluation now to assess what it has delivered over the last two financial years. That will inform the Ministers' decisions on future funding.

[72] **Mick Bates:** I would like to move on. Leanne is next, and then Brynle, to ask about the Wye and the Usk.

[73] **Leanne Wood:** Why do you think the voluntary access agreements do not work? Elin Jones just answered that partially by saying that some people might be holding out because they think that there may be legislation or a change in the future. However, these voluntary access agreements broke down before there was any potential change in the pipeline. Are there other reasons for the voluntary access agreements breaking down, and are all parties coming to the table as equals?

[74] **Jane Davidson:** I would like to go back to the Wye and the Usk to start with, because they are two very long rivers and we have access agreements for them. Those agreements are voluntary and have increased both the stretch of river that is accessible and the number of anglers and canoeists who use it. There are a number of elements there that are important for the future. At the meeting on Monday, the director of the Wye and Usk Foundation said that some of the important factors in the success of those agreements were: first, clear information, particularly in the context of access and egress points for canoeists; clarity about when canoeing and other non-angling activities can take place; and up-to-date information on water levels through the use of webcams and gauges, so that people can see the state of the river and know whether it is rising or falling.

1.40 p.m.

[75] That was all seen to be integral to the success of those agreements. Clearly, because the Rivers Wye and Usk are large rivers in the context of Wales, the same arrangements will not necessarily work in exactly the same way in every other river in Wales. The director was also at pains to point out that he and other members of the trust had walked the length of the river to engage with all interested parties and, in doing so, had brought people on board. There are many comparisons to be drawn with any other activity that the Government is encouraging, such as recycling. If people are given good information and if it is available to a wide group of people, some of the element of fear and confrontation is taken away. If you keep the element of confrontation, generally, people will not respond positively. Taking away that element of confrontation is an important part of our agenda, to see whether we can use that experience gained in relation to the Wye and the Usk elsewhere. We are still looking for other pilot canoe trails, for example, in other parts of Wales.

[76] **Leanne Wood:** Are all parties around the table equal?

[77] **Elin Jones:** May I answer that question? I have given it some thought while listening to your words. It is an excellent question—and I do not mean to be patronising—as it makes you think about whether all parties are equal. I hope that all the parties that come together to discuss access agreements on particular rivers think that their aspiration for the future is equal. That is, they all want to see multiple uses made of the river. However, when they come to that table, their position may well be different. For example, many fishing clubs have invested heavily, have raised or borrowed money to buy the fishing rights along rivers, and have subsequently invested to improve the habitat of the river. I have seen fishing clubs and river trusts throughout Wales, and especially in the Valleys—and I referred to the article in today's *The Independent*—where the individual members have made great efforts to clean up their rivers over the years, with time and money. They have invested heavily as individuals in the development of angling on the river, for their members and for the future generations who will become members of the club.

[78] Having said that, everyone needs to be clear on the fact that multiple uses of a river do not necessarily result in conflict—and the committee has received evidence to that effect. There may be conflict among some individuals at times, unfortunately, but there is no need for it. If people continue to think that there is conflict, the Government has a job of work to do, as does the committee in its recommendations, to say continually that we want to see multiple uses made of rivers and that it can work, even for those areas in greatest need of conservation. It can work even in those areas, and many different parties can be users of that river.

[79] **Mick Bates:** I remind Ministers and Members that we have approximately 15 or 20 minutes of this session left, and we are not really halfway through it. I call on the Minister for Heritage.

[80] **Alun Ffred Jones:** To reiterate what has already been said, a climate of uncertainty over legislation will make it more difficult to get more agreements. That is an additional reason why the Government is firm about not contemplating any change in legislation.

[81] To add to what Elin has said in relation to equality, from my experience as an AM, I know that anglers, whether they are members of a club or not, pay a licence fee and a rod fee, and they may well have contributed to improvements to the environment of a river or series of rivers. I know of one club that has spent quite heavily on ensuring access to the river for the disabled. There seems to be no problem with the situation regarding inland lakes, for example, presumably because there is plenty of water there. The problem has arisen on smaller rivers. The angling clubs often see that they have to pay for the right to fish but that canoeists do not pay for their activity. So, that is a bone of contention. However, there are angling clubs around Wales, the members of which I have met and discussed this with, who are quite happy and willing to enter into an agreement and, indeed, have practical plans to do so. However, at the moment, by and large, those plans have not come to fruition.

[82] **Mick Bates:** I now move to Brynle because we have taken evidence that may be of interest.

[83] **Brynle Williams:** It is pleasing to hear that an agreement is being, or has been, reached with the Wye and Usk Foundation. However, in its written evidence to us, it stated the following.

[84] ‘In the early stages of negotiations, attempts were made to include the national canoe bodies of England and Wales. It was apparent almost immediately that they were unable to enter into any agreement that involved sharing. We also found they represented only a small number of actual Wye and Usk canoeists. We therefore made the arrangements with advice from local canoe groups for the benefit of all canoeists/ paddlers.’

[85] Ministers, in the written evidence that you have all provided to committee, you seem to support the agreements put in place—and I will discount the Usk and the Wye. How can we get these agreements relating to smaller rivers? I understand from previous evidence that these agreements were in place. However, it appears as though one particular group has torn them up. How do we repair that damage and get everyone to enter into these agreements so that everyone can use smaller rivers? As you pointed out, Minister, we have the two major rivers, namely the Wye and the Usk, but we also have many other rivers, so how will we persuade these people to enter into these voluntary agreements?

[86] **Mick Bates:** Before you answer, Minister, I would like to read you a little more evidence about the Wye and Usk. We took evidence from Mr Jones Powell, who clearly stated that not all riparian owners were involved in the Wye and Usk agreement. He knew of his

neighbour who had no idea that people were agreeing things ‘over his head’. So, when you answer Brynle’s question, can you tell us how extensively you think voluntary agreements consult with all owners?

[87] **Jane Davidson:** If any riparian owners on the Wye or anywhere else have issues with an agreement, they need to take those up with those who made the agreement. However, on the broader point, I have always operated according the principle that where there is a will, there is a way. The round-table group would like to see the effective delivery of voluntary access agreements in Wales, as would this Government.

[88] As Elin has just said, if this committee also supported that view, we would have the right climate in which to develop voluntary access agreements in Wales. This is about asking people to come to the table to take this agenda forward in the interests of the widest group of users. If Government has a commitment to the widest group of users operating on the inland waters, as well as on the coastal waters, our commitment is not to an individual organisation, but to the widest group of users. We all want to achieve the same thing, but it depends on whether people agree with how we are trying to move forward with it.

1.50 p.m.

[89] **Mick Bates:** I think that this committee will make up its own mind about the recommendations that it makes.

[90] **Jane Davidson:** I am sure that it will.

[91] **Mick Bates:** Brynle, I will just call in Lorraine at this point as her question relates to the voluntary access agreement.

[92] **Lorraine Barrett:** I would like to ask for a little more information on the voluntary access agreement. We are told that it takes only one objection to an agreement for the whole process to be stopped. Could you confirm that? Do you think that that makes the whole thing susceptible to dismissal? Could that be tightened up? Do you think that an independent body should be in charge of drawing up the voluntary access agreements so that all interested parties could be given fair weighting?

[93] **Jane Davidson:** By its nature, the agreement is voluntary. Therefore, we know of cases where someone has chosen to stop the agreement or prevent it from being made. However, we are still convinced that the agreements can succeed if there is a determined effort. It may be that we sometimes need relatively independent community organisations to help the process on a bottom-up basis. This is about local agreement on rivers. If we can get those local agreements on rivers, we believe that the voluntary access agreement approach will work.

[94] **Lorraine Barrett:** What about the independent body? I do not know whether you have just covered that. Do you think that an independent body should draw up those agreements?

[95] **Jane Davidson:** One of the things that I am keen to explore through the round table—through the group that will look at what the barriers are—is whether there could be some kind of support offered, for example, through the round table mechanism or a designated element of that mechanism to help groups that are having trouble in this context. There are all sorts of ways in which we can work with different river interests in different parts of Wales to ensure that there is an appropriate template that means that people feel content with the approach being taken.

[96] **Mick Bates:** Rhodri Glyn would like to come in on this point.

[97] **Rhodri Glyn Thomas:** Deallaf fod amser yn mynd yn ei flaen, Gadeirydd, ond mae hwn yn bwynt sylfaenol. Mae'n gwbl glir o'ch tystiolaeth ysgrifenedig ac, yn wir, o'ch tystiolaeth llafar mai bwriad y Llywodraeth yw symud ymlaen gyda chytundebau gwirfoddol. Yr ydych am gael pawb o amgylch y bwrdd ac yr ydych am gael cytundeb yn y fan honno.

Rhodri Glyn Thomas: I understand that time is moving on, Chair, but this is a fundamental point. It is completely clear from your written evidence and, indeed, from your oral evidence, that the Government intends to progress with voluntary agreements. You want to get everyone around the table and you want to achieve agreement there.

[98] Y drafferth yw nad wyf yn gweld unrhyw beth yn eich tystiolaeth ysgrifenedig, ac nid wyf wedi clywed unrhyw beth yn eich tystiolaeth lafar, ynglŷn â sut y byddwch yn sicrhau bod y cytundebau gwirfoddol hyn yn weithredol ledled Cymru. Ar hyn o bryd, mae'n amlwg bod problem ac mae rhai pobl wedi penderfynu tynnu allan o'r cytundebau hynny. Mae'n iawn dweud mai cytundebau gwirfoddol lleol ydynt, ond yn y pen draw mae'n rhaid i rywun sicrhau bod y cytundebau'n weithredol drwy Gymru. Mae goblygiadau enfawr felly o ran eu plismona a sicrhau bod pawb yn eu parchu. Nid wyf wedi gweld na chlywed rhyw lawer o dystiolaeth ynglŷn â sut y byddai'r Llywodraeth yn gwneud hynny. A ydych yn derbyn, os ydych yn ymwrthod â'r llwybr deddfwriaethol ac eich bod yn dweud bod yn rhaid inni sicrhau bod y cytundebau gwirfoddol yn cael eu gweithredu, bod cyfrifoldeb ar y Llywodraeth i sicrhau bod hynny'n digwydd?

The difficulty is that I do not see anything in your written evidence, and I have heard nothing in your oral evidence, about how you will ensure that these voluntary agreements are implemented across Wales. At the moment, it is clear that there is a problem and some people have decided to withdraw from those agreements. It is fine to say that they are local voluntary agreements, but, at the end of the day, someone has to ensure that these agreements are implemented throughout Wales. There are huge implications for that with regard to policing them and ensuring that everyone respects the terms of those agreements. I have not seen or heard much in your evidence regarding how the Government will do that. Do you accept that, if you reject the legislative route and you say that we must ensure that these voluntary agreements are implemented, the Government is responsible for ensuring that that happens?

[99] **Alun Ffred Jones:** Mae hwnnw'n bwynt digon teg, er nad y Llywodraeth fydd yn gwneud y cytundebau hynny, wrth gwrs. Mae sefyllfa wahanol mewn gwahanol rannau o Gymru o ran y pwysau sydd ar yr afonydd, am resymau yr ydych yn ymwybodol iawn ohonynt. Nid yw'r sefyllfa yr un fath ym mhob rhan o Gymru ac nid yw'n bosibl gwneud yr un math o gytundebau. Felly, derbynias fod cyfrifoldeb ar y Llywodraeth i hwyluso ac i roi arweiniad i'r grwpiau lleol.

Alun Ffred Jones: That is a fair point, although it will not be the Government that makes those agreements, of course. The situation is different in different parts of Wales in relation to the pressures on rivers, for reasons that you are very aware of. The situation is not the same throughout Wales and it is not therefore possible to have similar agreements. Therefore, I accept that there is a responsibility on Government to facilitate this and to give guidance to local groups.

[100] Mae cymdeithasau i'w cael. O ran pysgota, er enghraifft, mae gennych un corff sy'n gallu cynrychioli'r diddordeb hwnnw. Fodd bynnag, a bod yn deg, yn aml iawn ar yr ochr arall, mae gennych hefyd grwpiau â diddordeb, er enghraifft, mewn chwaraeon

There are societies. For fishing, for example, there is one organisation that can represent that interest. However, to be fair, on the other side, you also have groups that have an interest, for example, in outdoor sports or recognised clubs. Although they do not

awyr agored neu glybiau cydnabyddedig. Er nad ydynt yn cynrychioli pawb, os oes cytundeb rhwng y grwpiau hynny, bydd yn haws cael unigolion neu grwpiau sy'n dod i ddefnyddio afon am ddiwrnod i barchu'r cytundebau. Fodd bynnag, yr wyf yn derbyn y pwynt canolog bod yn rhaid inni roi arweiniad yn y cyfeiriad hwn.

represent everyone, if there is agreement between those groups, it would be easier to get individuals or groups who are using the river for just a day to respect those agreements. However, I accept the central point about us having to give guidance in that direction.

[101] **Mick Bates:** Surely, we have to have management agreements, whatever system is adopted, statutory or not. The general point that I have not heard you answer as a trio yet is this: what is the mechanism to ensure that voluntary agreements work when, as Lorraine said, it only takes one person to withdraw for the whole thing to collapse? As yet, there does not seem to be a mechanism by which you can walk in and say, 'Look, make it work', so that we achieve exactly what you have just said, with all people having access to the water to pursue whatever activity they wish. At the moment, that is not the case. We have found in our evidence that there is conflict all over Wales. We took the Assembly bus out, and believe me, the evidence, which you will eventually be able to see, shows conflict. It appears to me that there is no mechanism to ensure that the voluntary agreements give fairness to all.

[102] Starting with you, Jane, how will you ensure that all people feel that they have been fairly treated in respect of access to water?

[103] **Jane Davidson:** It goes back to a number of the things that we have said—I feel that this discussion is circular at the moment. There is a distinction between access and management. The issue that you are focusing on, namely whether an agreement should be voluntary or not, is one of access. I do not think that you can separate access from management. If we have good voluntary access agreements—by its very nature, 'voluntary' means that you cannot ensure it—they will enable the responsible take-up of opportunities to use the water in a whole range of aspects that benefit the area, in tourism, physical activity and community relations. In a small country with small rivers, and given the pressures that are exerted on certain sites, all those things are extremely important.

[104] Depending on the site in question, the recreational activities envisaged and the features that make a site environmentally sensitive are, as Alun Ffred said, different on each river, so you must have local arrangements in place. The difficulty is that if you go down the legislative route and introduce the access arrangements without looking at management issues—that is, without testing these arrangements to see that, from the Government's perspective, they work in a positive way—you will just set it up for a repeat of all the previous conflict. We are trying to move away from the conflict, to get people to discuss matters rationally around the table. As Minister for environment, I want to see a great deal more canoeing, for example—as does Alun Ffred as part of his responsibilities—so we must ask how can we do that as quickly and as effectively as possible. It is not by taking a route that could lead to a long hiatus before any change. How can we do this now in a way that demonstrates that Wales is open for business for all these interests? That can be done now by people engaging around the table.

[105] **Mick Bates:** Thank you for that answer. Brynle is next, and then Joyce, on this issue of environmental sensitivity.

[106] **Brynle Williams:** I would like to turn this matter around, to look at the costs. In some of the remarks, it was stated that fishing is worth up to £150 million to Wales. Fishing licences bring in a vast amount of money—I have the figure here somewhere. In taking evidence previously, we asked the canoeists whether they would be prepared to make a financial contribution in the form of licensing, registration or whatever. I think that the

answer was ‘no’ because of the policing of it. If we are to have access agreements, surely, we also need entry and egress points, as the Minister pointed out, and these are all facilities that have to be provided. Who will provide these facilities? Will the riparian owners be financially recompensed for their loss—if one can call it that? There is a massive bill building up in this. We know that we have to get the access right, but we also have to get the legal aspect of it right with respect to the legal rights of the riparian owners to the centre of the river. It is enshrined in law that that is their right. They have paid for it.

2.00 p.m.

[107] The cost of setting up an entrance and exit also concerns me. I like the idea that the Minister mentioned about dedicated trails, where this could be done. However, will people stick to those trails? In north Wales, an awful lot of environmental damage is being done to riverbanks, walls and hedges because there are no access and egress points. What are your views on this? Have we looked at the cost of this?

[108] **Mick Bates:** Joyce, could you also ask about environmental sensitivities?

[109] **Joyce Watson:** My question is about environmentally-sensitive sites. What do any of you imagine the effective management of those sites to look like, and how will that be enforced?

[110] **Elin Jones:** I will answer some of Brynle’s questions first. Brynle has raised many of the issues that will challenge the National Assembly and the Government in changing legislation to allow open access. They include what happens to the current riparian rights, what happens to the fishing rights that fishing clubs have, how riparian owners and fishing clubs are affected by any changes to access to rivers, and how and if you compensate riparian owners or fishing clubs that have invested heavily in the current make-up of the fishing of the riverbanks because, as I mentioned earlier, they have invested a lot of voluntary time and money in the habitat that is the riverbank, on which they own the fishing right. The complexity of changing legislation and recognising that investment would be a challenge for any Government or any lawyer. So, in effect, Brynle has answered his own questions in the way that he has asked them.

[111] **Mick Bates:** You could have told us that first. [*Laughter.*] What about the environmental sensitivity issue?

[112] **Jane Davidson:** We have a whole range of agencies, such as the Environment Agency, the Countryside Council for Wales and local authorities, which have functions in this area. There could be local warden schemes, as well as the users acting as the eyes and ears to report malpractice. To take the groups around which we are having the primary discussion, anglers and canoeists report problems on rivers, for example. You need local people to be the eyes and ears, but you also have the back-up of statutory agencies, particularly if there is a dedicated management scheme. Those types of management scheme arrangements would be relatively easy to set up. The Environment Agency and the Countryside Council for Wales are part of the round table, as well as fishing and canoeing interests, tourism interests and others.

[113] **Mick Bates:** Leanne, I know that you were interested in fees and what that money would be put towards. Do you have a question on that?

[114] **Leanne Wood:** Yes. We discussed earlier the investment that anglers’ clubs put into rivers in their management, and so on. In oral evidence to the committee, Canoe Wales said that it believes that all users, including anglers, should have unfettered access to the water without having to pay for a licence. What are your views on that? How would unfettered access affect the management, protection and improvement of inland waterways?

[115] **Elin Jones:** We discussed earlier the enforcement aspect. If no payment is required for a fishing licence, what is the resource that goes into enforcing fishing rights on rivers, because currently that resource is raised from the fishing licence? Fishing is heavily regulated by legislation, including the ability to fish, to take fish out of rivers and then to sell those fish. So, it is already heavily regulated and—

[116] **Rhodri Glyn Thomas:** You could have a voluntary agreement with anglers.

[117] **Elin Jones:** I would suggest that the price of a salmon from the Towy river, which would probably be freshly caught, could be quite high and selling it would be lucrative. Over the years, there has been overfishing due to the ability to sell the catch, stocks have been depleted and all kinds of problems have resulted from that. That is why there is regulation on rivers and quotas for catching fish that are wild in the sea.

[118] My response to you is that fishing is currently heavily regulated and legislated for regarding the extraction of wild fish from rivers and there needs to be enforcement of that. That enforcement is currently paid for by the fishing licence fee, which needs to continue. The Government could fund that effort, but it would have to find that funding from elsewhere.

[119] **Leanne Wood:** In order to achieve equality, should other users be charged for the use of inland waterways?

[120] **Alun Ffred Jones:** If a voluntary agreement means anything, it means access points, which would therefore have to be controlled and paid for. Therefore, there would have to be some agreement between the anglers and those who wish to use the rivers in a different way, which would probably involve some form of charging. I do not know how that would happen, but in order to have such control, you would have to have some means of raising revenue, unless you believe that the Government should pay for the management and the control of all waterways.

[121] **Leanne Wood:** Finally, have you looked at the situation in Scotland? In Scotland, voluntary access agreements are in place where there are difficulties, but the presumption is of open access. The committee has heard evidence that England and Wales are anomalies in the world and that every country that has left the former empire has introduced land reform with an assumption of open access. Can you explain to us why Wales should continue to be in this anomalous situation and whether you think that the set-up in Scotland and the way in which the voluntary agreements work there could work equally well in Wales?

[122] **Jane Davidson:** May I say something about unfettered access? The point that we have not yet made is that some restrictions on rivers and other waters will still be necessary because of environmental and health and safety considerations. This is a complex issue and unfettered access is a great soundbite—

[123] **Leanne Wood:** They manage it fine in Scotland.

[124] **Jane Davidson:** That is not completely the case, because there are all sorts of agreements on different stretches of water in Scotland to ensure that environmental considerations are properly managed. Since we have big issues about ensuring that our water quality is good and that we keep our rivers in a healthy state, which means that we have to look at issues to do with the spawning of fish and everything else, it is again about getting the right balance between access and management. For us in Government, it is about how we deliver that as effectively as possible. What we have been saying in our evidence to you today is that we believe that we can develop the appropriate management and voluntary access arrangements to deliver the outcome of more people being able to use our inland waters for a

wide variety of recreational and other uses. That is what I meant when I said that that is what we would all want to see: access rights being exercised responsibly. The question is: what is the best way to do that?

2.10 p.m.

[125] As a Government, we feel that if we work closely with all of our partners, we can make that information available, make sure that it is available on websites, get agreements in place and look at ways in which we can support the agreements with funding. I said at the beginning of the session that we are looking at a feasibility study on the Taff, to be funded out of the Splash funding, to support the new canoe centre. We can demonstrate quite clearly, as a Government, that we can put practical solutions in place for delivery. We are seeing an increase in the numbers of both anglers and canoeists and we want to maintain that growth.

[126] **Mick Bates:** Are there any further points or comments that committee members or Ministers wish to make before I draw this session to a close? I see that there are no further comments; therefore, I thank you once again for your attendance.

[127] It seems that while the Ministers were united in their support for voluntary agreements, we have taken evidence that suggests that if voluntary agreements are to be successful, there needs to be an arrangement to resolve issues. It also seems that while the Minister for Environment, Sustainability and Housing drew the distinction between management plans and access, I believe that the access issues, in this day and age, are the dominant ones and the management plans do follow when people have the right to access. We have found conflict in many areas and I feel, today, that I did not really hear that the Government was in a position to answer the question that Lorraine asked about what happens if one person pulls out of a voluntary agreement and the whole thing collapses. At present, I think that that remains a rather unsatisfactory position, in a modern age of accountability and rights.

[128] However, I thank you very much. I am sure that you look forward to receiving our recommendations on this issue. We will now take a short break.

*Gohiriwyd y cyfarfod rhwng 2.12 p.m. a 2.16 p.m.
The meeting adjourned between 2.12 p.m. and 2.16 p.m.*

Y Mesur Rheoli Dŵr a Llifogydd Flood and Water Management Bill

[129] **Mick Bates:** We now move to the final item on the agenda for this afternoon. The Minister for Environment, Sustainability and Housing is with us again to respond to our questions regarding the Flood and Water Management Bill. We particularly wish to establish the Minister's views on what she plans to do in Wales in respect of this Bill when it becomes an Act. We have raised issues with you before, Minister, regarding your position and views about what you will do in Wales, and, to that end, I invite Angela Burns to ask the first question.

[130] **Angela Burns:** Good afternoon, Minister. We all know that the current Bill that is progressing is a slimmed-down version of the original in its intent. Do you think that this is the best approach for Wales and when do you foresee legislation being enacted to be able to pick up the bits that have been left out?

[131] **Jane Davidson:** Yes, I do feel that this is the best approach. I know that the Environment, Food and Rural Affairs Committee wanted to see a fully consolidated Bill taking account of all Michael Pitts's recommendations, but, because parliamentary time was

short prior to a general election, it was only possible to bring forward a slimmed-down Bill with all-party support and I do think that such a Bill is preferable to waiting until after a general election and for flood and water issues to have to take their place in the queue along with any other legislation. The commitment is certainly there, and I hope that it sits with the other parties as well, so that, when this passes before the general election, there will be a consolidated Bill in the first session after the general election that will pick up all the other issues.

[132] **Angela Burns:** Being positive, if we can assume that that will happen, how do you anticipate the Bill being implemented in Wales, given that we will be in different stages of it?

[133] **Jane Davidson:** It was always envisaged that certain elements of the Bill would be commenced quicker than others. There is always a range of commencement dates, and there are normally different phases for legislation. The critical elements for us are to ensure that the requirements on ourselves, as regards a national strategy, and on local authorities, as regards local strategies, are in place immediately to take the agenda forward. The obligation is on us to deliver a national strategy and lay it before the National Assembly for Wales.

[134] **Angela Burns:** What timetables would those different sections of the Bill have? Do you have any timetables yet?

[135] **Jane Davidson:** That sounds like a question for my officials. May I therefore introduce Nicola Thomas, who is our head of water, and Peter Jones, who is our expert on floods?

[136] **Ms Thomas:** We will seek to take forward some provisions as soon as possible, and we are working closely with our colleagues in the Department for Environment, Food and Rural Affairs to work out a timetable for those and which order we can do them in. That will be done on a priority basis. Things like the new Government amendment on bad debt, which was one of Anna Walker's recommendations from her final report, will hopefully go forward fairly soon.

[137] **Angela Burns:** That is an interesting point. As the Walker and Cave reviews are no longer included in the Bill, when are you intending to take those forward? Do you intend to publish a report on those? Finally, what do you intend to do with the outcomes of those reviews?

2.20 p.m.

[138] **Jane Davidson:** The consultation on the Cave review ended just before Christmas, and the Walker review of household metering and charging was published on 8 December, and that led, as Nicola said, to the new clause to tackle bad debt. We will be looking to publish a full response before the summer on the other issues in the reports, following consultation. Another important aspect of the Bill is that certain provisions will come into force upon Royal Assent—responsibilities, for example, for the Assembly Government and others—and then other aspects will be commenced by Order. We are working with the UK Government to develop that commencement timetable. Some of that will be conditional on the final outcome of the Bill in Parliament. We know that it is intended to have its Third Reading shortly, and, in fact, the committee is meeting this afternoon.

[139] **Angela Burns:** I would like to be clear about the actions that you would consider taking forward on Cave and Walker, as this is something about which we have raised a degree of concern. I appreciate that those reports have only just been published, but apart from some of the general points that you will be able to enact through parts of this legislation, you will be taking this forward. Therefore, when will you publish your responses?

[140] **Ms Thomas:** We have had 52 responses to the Cave consultation and are looking at those currently. The next step for us is to publish a summary of those responses so that everyone will be able to see what they are. At the same time, we are fully considering those responses. As you know, from the outset, we have had a different policy viewpoint from Whitehall on where we are, and how competition will work for customers in Wales with the particular set-up that we have—with the Glas Cymru model serving the majority of customers for water and sewage across Wales. That is not just about the competition element; it is about reforming the water industry and taking forward innovations. It all needs further consideration on that side. That is where we are with Cave.

[141] On the Walker review, the report has just been issued, and we have taken the opportunity to insert the important clause on bad debt. I believe that you have, Minister, agreed with the DEFRA Minister that it is appropriate to have full consultation on the rest of the recommendations, so that will be the next step.

[142] **Angela Burns:** I have one final point about the general aspects of the Bill. We were wondering how you will be able to manage and encourage co-operation between the various authorities and bodies in Wales, and also between England and Wales.

[143] **Jane Davidson:** Clause 13 places risk management authorities under a duty to co-operate with one another in exercising their flood and coastal erosion risk management functions, and they may share information for the purpose of complying with this requirement. We expect public authorities to co-operate with each other anyway, but since it is absolutely essential in this case—and we have talked previously in committee about the fact that there are different views on delivery—we want to ensure that it is all tied up clearly. That is why we have given them an express duty, and that is particularly important for the water companies because, in effect, they are private companies delivering public functions. That duty to co-operate means that all the relevant authorities know that they have to engage in local flood risk management.

[144] **Angela Burns:** I have a few supplementary questions. In that case, who will monitor that they are fulfilling their duties between England and Wales? Will you be doing that in conjunction with your colleagues over the border? How will you ensure that that co-operation happens? There will be different levels of impact.

[145] **Jane Davidson:** As it is a duty, it can be challenged by judicial review. However, in looking at the day-to-day delivery, the Secretary of State, the risk management authorities, and I will be developing guidance on the application of the national strategy for Wales and the development of the local strategies. That will include information on co-operation with an expectation as regards the duty. It will all be clear, and we will consult fully on that, so I am sure that I will be back in front of this committee for that discussion.

[146] **Mr Jones:** We have made significant strides forward over the last year or two in encouraging partnerships. At the national group level, we have ensured that a range of organisations come together to work to develop guidance on a way forward. On our European-funded programmes, a condition of drawing down European money has been that organisations that are promoting improvement schemes do so on the basis of a partnership arrangement. So, we are encouraging that actively.

[147] **Mick Bates:** Lorraine, you have the next questions.

[148] **Lorraine Barrett:** There are differences between England and Wales with regard to the consultation and monitoring requirements of the national strategy for flood and coastal erosion risk management, particularly in relation to clauses 7 and 8.

[149] **Jane Davidson:** Differences between England and Wales are expressed in a number of ways, because the strategies will be drafted by different bodies. The Environment Agency is subject to the duty in England, and the Welsh Assembly Government and Welsh Ministers are subject to the duty in Wales. As we are already committed to public engagement and consultation in our policies—and, as you know, we consult on every major policy—we did not feel that a commitment was required on the face of the Bill, whereas the Environment Agency remains answerable ultimately to UK Government Ministers acting in the English context. It is because the Environment Agency is at one remove from Government that that provision has been put in there. It has not been put in in relation to Wales because we are the Government.

[150] **Lorraine Barrett:** Can you give details on how the national strategy will be developed, maintained and applied?

[151] **Jane Davidson:** We are developing the national strategy at the moment. I have asked the team to try to ensure that we get the national strategy out for consultation before the summer recess. It is important that, before next autumn and winter, people in Wales know where we are going with the national strategy. We will be consulting broadly with a wide range of organisations, including all the risk management authorities, environmental organisations and the Countryside Council for Wales, and there will be an open consultation with the people of Wales. There will also be some dedicated consultation events across Wales, particularly in areas that have been affected by flooding, so that there is a real opportunity for individuals to get involved in the consultation.

[152] This is a risk-management-led strategy, as Sir Michael Pitt recommended; it is not a flood-defence strategy. The national strategy will set out the risks that we face and provide the details of risk-management authorities, including which risks each organisation is responsible for, and information on investment.

[153] **Brynle Williams:** Minister, will no map be provided? As part of the consultation, risk assessment will be undertaken right around the coast. Would a map that showed that the risk of flooding in one area is considerably higher than in another devalue properties and result in black spots in low-lying areas?

[154] **Jane Davidson:** This will be an important strategic document that will operate with the facts on where we are, and with which we all need to operate. The Environment Agency has produced its own map of the coast. The final mapping work will be completed next year. In relation to planning, we also had operating advice in the form of development advice maps, which were updated in September of last year. It is important that people understand the potential for flooding in their area, because the deal that we had previously with the Association of British Insurers, which I have talked about before in this committee, means that people take appropriate actions as a result of their insurance status. Those people who do not take action will be at a greater risk, and that will be recognised as such through insurers' premiums. The arrangement with the Association of British Insurers—which Peter might want to say more about—is that where people do take appropriate action, they will be adequately supported by the insurance industry.

2.30 p.m.

[155] **Mr Jones:** As the Minister said, the national strategy will be a high-level strategy. It will look at risks across Wales and use the information that has been made available to us. That information is not 100 per cent accurate and is not complete, therefore more work needs to be done to get to where we want to be. We will, of necessity, use the information that is available to us. The local strategies, which will sit underneath the national strategy, will go

into further detail and provide more detailed information on mapping flood risk areas and so on.

[156] **Mick Bates:** I would like to ask a little about the strategy, because the regional flood and coastal committees, which replaced the regional flood defence committees, will be coming to give evidence. Could you tell me how they fit into this and how the interface between these national and local strategies will be decided? Someone has to write the local strategies, therefore will the regional committees have a role in assisting with their preparation?

[157] **Jane Davidson:** The primary writers, as it were, of the local strategies will be the local authorities. What we have done—and this is another provision that differs in Wales and England—is to ensure that the local strategies are then assessed by the Welsh Assembly Government so that it is all complementary. In that way, we can make sure that all issues around duties on co-operation, and that all the risk management agencies and roles, are clearly articulated at both national and local strategy levels. The Environment Agency and local authorities will have different responsibilities due to the different flooding risks, and that is clearly spelled out.

[158] **Mick Bates:** So, there will be 22 local flood risk management plans. Will national parks have plans as well?

[159] **Jane Davidson:** No, I was going to say—

[160] **Mr Jones:** There will be 22 local strategies prepared by each of the 22 local authorities, and these will underpin and conform to the national strategy. The flood risk management and coastal committee is a committee of the Environment Agency, and we will be looking to the Environment Agency to assist the Assembly Government in preparing the national strategy. We will also look to the agency and its committees to monitor and report on implementing the strategy on the Assembly Government's behalf.

[161] **Mick Bates:** So, are you saying that there will be one regional flood and coastal committee in Wales?

[162] **Mr Jones:** At present, we have one committee, and we anticipate that that will be the case under the new arrangements.

[163] **Mick Bates:** So, there will be only one committee.

[164] **Jane Davidson:** It will be one high-level committee that will look at all flooding issues.

[165] **Mr Jones:** Its remit will be extended to cover coastal issues as well, so, in effect, it will provide an overview of all the flood management issues.

[166] **Mick Bates:** If I understood correctly your opening remarks about the strategy and committee, the Environment Agency will have a role in establishing the strategy as well.

[167] **Mr Jones:** We will be looking to the Environment Agency to help us prepare the detail of the strategy, but the strategy would be the Welsh Assembly Government's strategy.

[168] **Jane Davidson:** That applies to Wales. In England, the Environment Agency would be preparing the strategy. That is the point of distinction that we were talking about earlier.

[169] **Mick Bates:** So, what will the regional flood and coastal committee do?

[170] **Mr Jones:** The regional committee is an Environment Agency committee, which is the executive committee for all the agency's flood risk management activities in Wales.

[171] **Mick Bates:** It is for all activities.

[172] **Mr Jones:** Yes.

[173] **Leanne Wood:** Forgive me if what I say sounds a bit confused, but what the committee has received in evidence, as part of its inquiry into flooding, suggests that there is a lot of confusion out there regarding who is responsible for water management when people get flooded. Sometimes, if it involves rivers or the coast, the Environment Agency is responsible. In other circumstances, if it involves surface water, it could be the local authority, a water company or a range of parties. Do these new arrangements clear up that confusion? From what I have just heard you say, I do not think that it will necessarily do so, but could you explain whether or not people will be a lot clearer in the future as to who is responsible for responding when they get flooded?

[174] **Jane Davidson:** We hope that this legislation will clear it up. The Environment Agency has a specific role in relation to the major waterways. Coastal erosion has now been added to the Environment Agency's responsibilities as well. Regarding local water—ground water and surface water—that responsibility will sit with local authorities, which is entirely appropriate. They will be the agents of the mechanisms to provide support and tackle those issues. For the first time, issues around surface water flooding that have not been in previous legislation are actively brought into this legislation, and they will sit with local authorities. That is why there needs to be a national strategy and local strategies working with each other. The national strategy will lay out what the Welsh Assembly Government wants to see by way of delivery in Wales. Then, each of those local strategies will need to fit in the context of that national strategy.

[175] **Leanne Wood:** Do you envisage that there will be clarity for people? For example, someone gets flooded, it is a surface water issue and the buck will ultimately stop with the local authority. Will there be a person in the local authority that Mrs Jones can phone and say, 'This is my problem and I want you to sort it all out'? Will there be a clear line of responsibility?

[176] **Jane Davidson:** Yes, the clear line of responsibility will absolutely be there in the local authority.

[177] **Leanne Wood:** Okay, thank you.

[178] **Mick Bates:** That is the aspiration. Rhodri and Brynle want to come in on this point.

[179] **Rhodri Glyn Thomas:** Yn y dystiolaeth yr ydych eisoes wedi rhoi i'r pwyllgor hwn, Weinidog, dywedasoch mai eich bwriad—a chredaf dyna'r gair i chi ei ddefnyddio—oedd sicrhau bod Asiantaeth yr Amgylchedd yn derbyn cyfrifoldebau sylweddol ynghylch monitro ac arsylwi ar lifogydd, yn ogystal â'r pwynt yr ydych newydd ei wneud ynglŷn ag erydiad arfordirol. O'r hyn yr wyf newydd ei glywed, beth bynnag, yr ydych yn gosod y cyfrifoldeb o ran llifogydd ar awdurdodau lleol. Gan **Rhodri Glyn Thomas:** In evidence that you have given previously to this committee, Minister, you said that your intention—I think that was the word that you used—was to ensure that the Environment Agency would take on significant monitoring and reporting duties in relation to floods, as well as the point that you have just made about coastal erosion. From what I am hearing now, however, you are placing the responsibility for flooding on local authorities. To come back to Leanne's point, I think that there will

ddod yn ôl at bwynt Leanne, yr wyf yn credu y bydd dryswch ymysg y bobl gyffredin ynghylch ble y dylent fynd, a phwy, yn y pen draw, yw'r cyswllt a phwy y dylent ei ffonio pan fydd ganddynt broblem.

be confusion among ordinary people as to where they should go and who, ultimately, is the point of contact and who they should phone when they have a problem.

[180] **Jane Davidson:** No, that is not the case. Part 1 of the Bill—dealing with flood and coastal erosion risk management—gives the Environment Agency a strategic overview of the management of flood and coastal erosion risk in England, and gives Welsh Ministers a similar role in Wales. It also gives local authorities responsibility for preparing and putting in place strategies for managing flood risk from ground water, surface water and ordinary water courses. Those responsibilities sit with local authorities, and the other responsibilities remain with the Environment Agency. In a sense, the big opportunity of this Bill was to enshrine a proper role for local authorities in the context of surface water, which has been one of the big flooding issues that we have faced in Wales over the last few years. It has been one of the areas where there has been real concern as to who holds responsibility. Legislatively, that was difficult to answer, and it will still be difficult to answer until this legislation goes through the parliamentary process. However, once the legislation is through, it will be absolutely clear that responsibility for the large water courses sits with the Environment Agency and responsibility for the ordinary water courses—surface water and ground water—sits with the local authorities. It is a clear distinction, and that has not changed in any way from the evidence that I gave you early last year, before your first report.

2.40 p.m.

[181] **Brynle Williams:** To bring this down to a local issue, Minister, we have had a serious problem for nine years in my constituency, and we are meeting with the local council again about it. A whole block of houses is being flooded virtually every year. We have been told that the council has no funding whatsoever to address this until 2014, and it has to accumulate whatever money is available from the Assembly. However, these 10 houses are experiencing continuous flooding. How do we alleviate that? Where does this fit in? These people are being flooded. If my colleague Angela were here, she would raise the same issue. I know that Leanne has constituents who are in the same position, as does Rhodri—we all have. Why is nothing being done? It is no use telling people who are being flooded, 'We are looking at it in the draft Bill', because that does not help people on the ground. I am sorry to bring such a personal issue to the table.

[182] **Mr Jones:** We have a significant flooding risk in Wales. That means that we have large numbers of properties that sit in areas at risk from flooding. Properties that sit in an area at risk of flooding will flood at some point in time. We look to the Environment Agency and local authorities to identify the areas at risk, and then determine which area is their priority for action. Once we have that information, we allocate funds to support improvements for those particular areas. Over the last 10 years, funding and budgets have been increased to address those issues, and we have delivered a large number of improvements over the years. As for those places that do not receive investment, as opposed to those that do, it is a matter of prioritising and trying to identify the most important areas to target.

[183] Going back to the point about confusion and clarity, it is a very important issue and the draft Bill is there to help to remove a lot of that confusion. The national strategy will spell out in a clear way where roles and responsibilities are, where the risks are and what risk-management measures will be taken. The local strategy will reflect those roles and responsibilities, and provide that clarity. However, that is not the end of it. We then have to engage with the public and the communities at risk to ensure that they understand those risks and consequences, and how they can be managed. So, there is a challenge for us in how to engage with the communities and share our understanding of risk, and how we can manage it

with them. There is work to be done on that.

[184] **Mick Bates:** That is a vital point, because it is all about communicating not just the bit that you mentioned, but also the new responsibilities of the EA and local authorities. Is there a budget for communications so that you can achieve your aim? My aim would be to ensure that all people understand the responsibilities of the local authority under this new draft Bill.

[185] **Mr Jones:** The Assembly has a large budget for supporting works to enhance flood and coastal risk management in Wales. Traditionally, the bulk of that budget has been targeted at defences and flood warning systems.

[186] **Mick Bates:** What about communication?

[187] **Mr Jones:** The shift now is to a risk-management approach, which will include communication. It will require enhanced public engagement, more focus on getting the right message across to explain the risks, and so on. That will feature as part of the new risk-management programmes that we will fund and encourage in the future.

[188] **Leanne Wood:** Would Wales flood forum help in that regard? How far have discussions progressed for that?

[189] **Jane Davidson:** We have been working very closely with the national flood forum in looking at how we take forward that approach, and senior representatives of the national flood forum will take part in a Welsh Assembly Government workshop in early March, which will look at ways of facilitating early public engagement at a local level. We hope that the outputs of that workshop will be used to guide the implementation of our European-funded improvement programme, because that is about 66 per cent of our capital in the medium term. That work will help to define a potential role for a Wales flood forum. I will be able to provide more details on the establishment of a Wales flood forum following that workshop.

[190] **Mick Bates:** Thank you. Joyce has a question about obligations with regard to sustainable drainage systems.

[191] **Joyce Watson:** My support for this element of risk management is clear, as is my real interest in sustainable drainage systems, because I have a proposed LCO in the pipeline at the moment. That said, some concerns have been raised in this regard that, before determining a sustainable drainage application, the approving body must consult the relevant bodies but is under no obligation to heed their advice. A further concern has been raised that a sewerage company can no longer object to a connection to a sewer on the grounds that it would be prejudicial to the sewerage system. Would you like to comment on those concerns? If the case is as I have described it, how can people be assured that a connection will not overload a sewerage system?

[192] **Jane Davidson:** New sewers that are connected to the public sewerage system will have to be built to a certain standard. They will then have to be adopted with the agreement of the water and sewerage company. We expect water companies to play an active role in the development of those sewer standards. Surface water drainage connection, as we have previously discussed, will be conditional on meeting the new national standards for sustainable drainage systems, approved by the SUDS approving body. In the short term, we expect that the SUDS approving body will likely be the local authority, but it could be some other authority. There is provision in the Bill for us to change which authority it is, and I think that you have welcomed that in the past.

[193] **Joyce Watson:** I have indeed.

[194] I have another question that has been running around in my mind. You have heard answers to the previous questions about who is responsible for surface water flooding. It is split at the moment between the Environment Agency and local authorities—in the new Bill, that is. The question that I just asked dealt with new drainage. What about the existing sewerage systems that overflow because of surplus surface water? Who is responsible for any pollution that finds its way into a river or somebody's house?

[195] **Ms Thomas:** As somebody just said, it lies with the water company.

[196] **Joyce Watson:** It will be the same. I just wanted to be crystal clear, because we will be asked those questions, and it is good to be able to answer them. Thank you.

[197] **Rhodri Glyn Thomas:** Croesawaf yr hyn y mae Peter a'r Gweinidog wedi'i ddweud ynglŷn â'r eglurder newydd a ddaw yn sgîl rhoi'r ddeddfwriaeth newydd ar waith. Bydd croeso i hynny'n gyffredinol. Mae mater, er hynny, yn codi, ac mae'n un y cyfeiriodd Brynle ato ynglŷn ag adnoddau—yn ariannol ac yn ddynol, oherwydd y bydd angen sgiliau i weithredu'r cyfrifoldebau newydd a fydd gan gyrff o ganlyniad i'r ddeddfwriaeth hon. Beth ydych yn ei wneud, Weinidog, i sicrhau bod y sylfaen o sgiliau hyblyg yn bodoli, ac a ydych yn sicr y bydd yr adnoddau ariannol priodol yn eu lle?

Rhodri Glyn Thomas: I welcome what Peter and the Minister have said about the new clarity that will follow implementation of the new legislation. That will be generally welcomed. A matter arises, however, and it is the one that Brynle referred to concerning resources—both financial and human, because skills will be required to implement the new responsibilities that organisations will have as a consequence of this legislation. What are you doing, Minister, to ensure the existence of a flexible skills base, and are you certain that the proper financial resources will be in place?

2.50 p.m.

[198] **Jane Davidson:** We all recognise that there is a skills shortage in this area because although we want people to respond quickly, we do not necessarily have enough people with the right skills to do that. We have some tremendous skills in Wales, however, and it is important to say that. As a result of setting up a resilience forum and local resilience fora, ahead of other countries, I think, we know that there are some tremendous skills here. With the fire and rescue services in particular, skills from Wales were used in the north of England and the midlands in the context of the flooding a few years ago.

[199] One of the things that Carwyn Jones, as the new First Minister, has done is to establish a new role for Lesley Griffiths, as Deputy Minister, to look at skills gaps in the delivery of the Assembly Government's agenda. That is a welcome move forward. We are discussing generally with the Welsh Local Government Association, the Environment Agency and others the skills base that we have, what we need to develop and the kind of training that will be needed for delivery. If we are also able to look at ensuring that, within Wales, we can provide the appropriate training, at whatever level, it will be important in sustaining a workforce for the future.

[200] On the wider question about funding, the Environment Agency's funding will largely be cost neutral in this regard. Although it will have active responsibility for issues to do with coastal erosion, it has already had active involvement in that area over the past few years. New responsibilities will be placed on local authorities, but there will not be a wholesale transfer of responsibilities. Carl Sargeant is fully aware that local authorities receive funding through the revenue support grant, and additional funding comes through dedicated grant schemes. We are in discussion with the Welsh Local Government Association as well, to see what might need to go into any budget bid. Once the Bill has gained Royal Assent, when we

will know exactly what is in it, we will go through the normal relationship with local authorities to see whether there are new burdens that need to be funded in the budget process.

[201] It is probably important to say that we are ensuring that local authorities are actively engaged in this through the local government partnership council. I appeared before the local government partnership council's last two meetings on issues related to climate change, carbon emission reduction and flooding. We have a standing item on the agenda under which we can bring forward developments. I will go to the council's next meeting as soon as Royal Assent has been granted to the Flood and Water Management Bill so that I can talk through the implications with members. That has been an important mechanism for engaging with the WLGA and a number of local authority leaders.

[202] **Mick Bates:** I have a point on clauses 38 and 39, which show powers for the Environment Agency, lead local flood authorities or internal drainage boards to carry out works. Part of carrying out the works will involve issuing compulsory purchase orders. Can an appeal be made against the work that these people would wish to carry out?

[203] **Jane Davidson:** We were talking about this in the subordinate legislation committee meeting this morning. There are rights to appeal in all elements of the Bill where they are needed, but some of them have not yet been spelled out. In fact, we know that on those particular clauses, amendments have been laid, and the committee is considering them this afternoon. We cannot give you an outcome on that now, as we need to know which amendments the Government has accepted. We hope that we reassured the Subordinate Legislation Committee this morning that a number of areas that include the right to appeal do not have that fully spelled out in the legislation, and they will need to be spelled out subsequently.

[204] **Mick Bates:** Thank you. Do committee members have any further questions to ask or comments to make? I see that there are none. In that case, Minister, I thank you again for your attendance at two whole sessions. We have moved to a position of some clarity as to how this Bill, when it is enacted, will impact on Wales. I am certain that we all share the common aim that it will result in better management of the flood risks. I only hope that communities can show the resilience to take part in local flood risk management plans because all too often, when we were looking at flooding, we found in the evidence a distinct lack of knowledge about who to contact or who is responsible. The delay in finding that out and fighting through that confusion often meant that the flooding was worse. I was pleased to hear your opening remarks about your work on insurance because it seems to the committee that that will become an increasing factor as the rainfall patterns seem to have changed, and the deluges give rise to sudden flooding.

[205] **Brynle Williams:** Going back to CPOs, it is essential that they are encompassed in the Bill. I am thinking of a couple of schemes in north Wales. You could have a problem way up a river where one individual is causing the whole problem and causing misery for hundreds of families.

[206] **Jane Davidson:** There is a mechanism in the Bill. The issue that is not fully spelled out in the Bill—and Members rightly want reassurance from Government on it—is how you exercise your right of appeal against the mechanism. We are assuming that the mechanism will be similar to the way in which it was set up in the Town and Country Planning Act 1990, but there are amendments in front of another committee in another place, which meets this afternoon. So, we will wait to see the outcome of those amendments. However, we all want to enshrine the right of appeal, and, in fact, it is a human rights obligation to do so.

[207] **Mick Bates:** Thank you very much, Minister, and thank you, Nicola and Peter. The next meeting of the Sustainability Committee will be on 28 January when we will take our

final oral evidence on access to inland waterways. Thank you very much for your attendance.

Daeth y cyfarfod i ben am 2.56 p.m.
The meeting ended at 2.56 p.m.