

## **ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE**

### **REPORT TO PLENARY UNDER STANDING ORDER 9.9: 2000 to 2003**

#### **INTRODUCTION**

1. This report summarises the activities of the Environment, Planning and Transport Committee (the Committee) between its first meeting in April 2000 and last meeting in March 2003. Copies of Committee reports, agendas, papers, minutes and transcripts of meetings can be found on the National Assembly website<sup>1</sup>.

#### **MEMBERSHIP**

2. The Committee was established in March 2000 following the dissolution of the former Local Government and Environment Committee, which had been elected in 1999. Original membership was: Richard Edwards (Chair), David Davies, Geraint Davies, Glyn Davies, Jocelyn Davies, Sue Essex (Minister), John Griffiths, Christine Humphreys, Carwyn Jones, Gareth Jones and John Marek.

3. There were significant changes to the Committee's membership during the reporting period, with over a third of Assembly Members having sat on the Committee at some time. Details are at **Annex 1**.

4. Current Committee membership is: Richard Edwards (Chair), Eleanor Burnham, David Davies, Janet Davies, Sue Essex (Minister), Brian Hancock, Val Lloyd, Tom Middlehurst, Karen Sinclair and Phil Williams.

#### **REMIT AND RESPONSIBILITIES**

5. The Committee's remit mirrors the portfolio of the Minister for Environment. Initially this covered countryside and conservation issues, environmental protection, planning, transport, and ancient monuments, listed and historic buildings. Later in 2000 the Minister gained responsibility for leading on sustainable development.

6. Standing Order 9 outlines the responsibilities of subject committees.

7. Members of the Environment, Planning and Transport Committee, who have undertaken the necessary training, also make up the panel from which members of Planning Decision Committees are drawn. Standing Order 35 outlines the responsibilities of Planning Decision Committees.

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<sup>1</sup> See [www.wales.gov.uk](http://www.wales.gov.uk) pages for Environment, Planning and Transport Committee

## **WORK AND ACHIEVEMENTS TO DATE**

8. The Committee met fifty five times during the report period. In addition, the Committee met jointly three times with the Economic Development Committee and once with the Agriculture and Rural Development Committee.

9. As part of its commitment to making its proceedings more accessible to the people of Wales, the Committee met in diverse locations across Wales – Brecon, Blaenavon, Haverfordwest, Snowdonia National Park, Trehafod (three times), and Treorchy. Members launched the Committee’s public transport consultation report at the bus/rail interchange in Caerphilly.

10. The principal achievements of the Committee are outlined below.

### **Nantygwyddon investigation**

11. In July 2000 the National Assembly resolved that the Committee undertake an independent investigation into the establishment, management and regulation of the Nantygwyddon landfill site in Gelli, Rhondda. This followed concerns expressed by local residents about the effect of the site on their health and environment.

12. The investigation began with two Committee meetings in October 2000, where the Committee heard from local residents and public bodies. An independent investigator was then appointed to undertake detailed investigation on the Committee’s behalf. David Purchon heard evidence and opinion in public from a wide range of individuals and bodies over a twelve month period. He also commissioned two technical reports - one on hydrogeology, another on toxicology. The independent investigator reported to the Committee in December 2001.

13. The Committee invited interested parties to appear before it and comment directly on the investigator’s report. The Committee in turn reported to plenary in February 2002<sup>2</sup>. Some of its recommendations were specific to the Nantygwyddon landfill site, others drew general lessons for the future of waste management in Wales, including the need to address health concerns associated with waste disposal facilities. The Committee’s recommendations were endorsed in full by plenary.

14. The site has since been closed. Implementation of the Committee’s recommendations is underway, with the exception of one recommendation, which requires the Assembly to seek amendment to the Environmental Protection Act 1990 to remove ‘commercial confidentiality’ as a barrier to publication of environmental information.

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<sup>2</sup> Environment, Planning and Transport Committee, *Independent Investigation: Nantygwyddon Landfill Site – Committee Report*, ISBN 0 7504 2873 2, March 2002.

15. The investigation was a first for the National Assembly, using an independent investigator to meet locally to undertake detailed evidence gathering and analysis on behalf of a committee, and has set a precedent for the work of subject committees. The Committee undertook a review of the process to identify best practice for any future investigations and reported to the Panel of subject committee chairs in June 2002. The Panel recommended to Business Committee the inclusion in Standing Orders of a provision for initiating investigations by subject committees.

### ***Policy development (SO 9.7 (i))***

#### **Public transport**

16. At its second meeting in May 2000 the Committee adopted the terms of reference drawn up by the former Local Government and Environment Committee to review public transport in Wales. This was a major review that considered the steps needed to facilitate improved and integrated public transport services, and whether the nature of the National Assembly's powers over public transport were adequate.

17. The Committee published a consultation report in July 2001<sup>3</sup> following a wide ranging scoping consultation, two transport seminars, numerous evidence sessions and fact finding visits. The report defined a vision for public transport in Wales and recommended establishing a quality kite mark. With regard to delivery, the Committee recommended regional public transport strategies and the development of the voluntary regional transport consortia. The Committee also recommended development of an evaluation framework for measuring the benefits of investment in public transport. The Welsh Assembly Government accepted all of the Committee's recommendations, implementation is underway. The consultation report also invited comments on options for future organisational change that would require amendment of primary legislation.

18. The Committee's final report was presented to plenary in December 2001<sup>4</sup>. It recommended longer-term statutory and organisational change. This included gaining enabling primary legislative powers for organisational change, with a delegation of management responsibility for the Valley Lines rail service. Recommendations were also made for gaining power of direction over the Strategic Rail Authority (SRA) along the Scottish model, as well as the right to nominate a member of the SRA and secure Welsh representation on the successor body to Railtrack. A further recommendation was for the establishment of an office of the Traffic Commissioner in Wales, and consideration of ways of his being accountable to the National Assembly. The Welsh Assembly Government accepted all recommendations and has asked the UK Government to introduce a Passenger Transport Bill.

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<sup>3</sup> Environment, Planning and Transport Committee, *Policy Review of Public Transport – Consultation Report*, ISBN 0 7504 2699 3, July 2001.

<sup>4</sup> Environment, Planning and Transport Committee, *Policy Review of Public Transport – Final Report*, ISBN 0 7504 2820 1, December 2001.

19. Committee Members presented the Committee's recommendations to the UK Parliament's Welsh Affairs Committee (the first subject committee of the National Assembly to do so). The Committee's calls for changes to primary legislation and the accountability of the Strategic Rail Authority were echoed in the Welsh Affairs Committee report *Transport in Wales*<sup>5</sup>.

### **Local Biodiversity Action**

20. This short review began in July 2002 with widespread consultation on actions needed to support the implementation of local biodiversity action plans. A number of written submissions were received and the Committee discussed the key themes arising from the consultation with representatives of local biodiversity officers, voluntary sector partners, and the National Assembly's statutory adviser on biodiversity, the Countryside Council for Wales.

21. The Committee reported to plenary in February 2003<sup>6</sup>. The review highlighted good progress in drawing up local biodiversity action plans, but also identified barriers to implementation of actions. Recommendations were made for increasing political commitment to biodiversity and matching this at a local level with resources. The Committee also recommended increasing the accessibility of information and expertise available to support local partnerships, and the establishment of biodiversity awards - all aimed at supporting the delivery of local conservation actions. The Welsh Assembly Government accepted all ten recommendations.

### **Contribution to policy development**

22. In addition to its own reviews, the Committee also contributed to the following main policy developments of the Welsh Assembly Government:

- *Environment* – the development of the Wales Waste Strategy, and review of flood defence funding and administration;
- *Planning* – revision to planning guidance and reform of the planning system in Wales, the development of a Wales Spatial Plan, and work to address public health implications of developments during the planning process;
- *Transport* - the Transport Framework including supporting Road Safety Strategy and Walking and Cycling Strategy, a community transport review (following recommendations of the Committee's policy review of public transport), and the future development of air transport in Wales.

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<sup>5</sup> House of Commons Welsh Affairs Committee, *Transport in Wales*, Second Report of Session 2002-03, December 2002, HC 205-I

<sup>6</sup> Environment, Planning and Transport Committee, *Review of Local Biodiversity Action*, ISBN 0 7504 3088 5, January 2003.

## ***Review of Expenditure and Administration (SO 9.7 (ii))***

### **Minister's report**

23. The Committee regularly scrutinised the Minister for Environment via her Report, which provided a summary of developments across the portfolio.

### **Flooding**

24. Shortly after the floods of autumn 2000 the Committee invited the Minister for Environment, Minister for Finance, Local Government & Communities, Environment Agency and Welsh Local Government Association to report on lessons learnt from the flooding incidents and action underway to reduce the risk of flooding in the future.

### **Foot and Mouth**

25. During the Easter recess 2001 the Committee met jointly with the Agriculture and Rural Development Committee to consider the environmental implications of the foot and mouth outbreak. The Committees scrutinised the actions of the Minister for Environment and Minister for Rural Affairs, Chief Veterinary Officer for Wales, Countryside Council for Wales, Environment Agency and the (then) Intervention Board.

## ***Review of Assembly Sponsored Public Bodies (ASPBs) (SO 9.7 (iii))***

### **Sponsored bodies and agencies**

26. The Committee annually scrutinised the performance of the Countryside Council for Wales, Environment Agency, Welsh National Parks (Brecon Beacons, Pembrokeshire Coast and Snowdonia), and Cadw: Welsh Historic Monuments. The Committee also contributed to the quinquennial reviews of these bodies, where consideration of the medium to long term need for some form of Countryside/Environment Agency for Wales was recommended. The Committee's views were also sought on draft statutory guidance to Environment Agency Wales.

27. In 2000 the Committee considered the report of the quinquennial review of the Advisory Committee for Wales on the Environment Agency and agreed that it should be wound-up, given the overlap between its role and that of the Committee under Standing Order 9.7 (iii).

28. The Committee also scrutinised the actions of the following bodies, even though they do not formally report to the National Assembly.

- *Strategic Rail Authority* - the Committee regularly scrutinised the Strategic Rail Authority on their emerging strategy for Britain's railways and the letting of the Wales and Borders rail franchise. The Committee also scrutinised the performance of the train operating companies providing passenger services in Wales.
- *Dŵr Cymru* - in 2000 the Committee held two joint meetings with the Economic Development Committee to scrutinise the potential acquirers of Hyder - Nomura and Western Power Distribution. Later in the year the Committees scrutinised Glas Cymru's proposal to take-over of Hyder's water company, Dŵr Cymru, from Western Power Distribution. Their joint statement influenced the new Director General of Water Services' decision not to block the proposal. In 2002 the Committee followed up with a review of the performance of Glas Cymru.

### **Legislation (SO 9.8(i))**

29. The Minister regularly reported to the Committee on forthcoming legislation within the portfolio in order for Members to identify areas for scrutiny or further clarification.

30. *Secondary legislation* - rather than undertake detailed scrutiny of proposed subordinate legislation after a policy has been formulated, the Committee tended to contribute at the policy development stage. However, the Committee received reports on the implementation of the Countryside and Rights of Way Act through subordinate legislation, to ensure that it met the needs of stakeholders. Only one item was formally referred to the Committee by the Business Committee during the reporting period - the draft Transport Act 2000 (Commencement No.1) (Wales) Order 2001<sup>7</sup>.

31. *Primary legislation* – the Committee scrutinised the provisions of the England and Wales Planning and Compulsory Purchase Bill prior to its consideration by the House of Commons standing committee. The Committee's views were reported to the Minister for Environment to take up with the UK Government.

### **Budget (SO 9.8 (ii))**

32. The Committee discharged its responsibility to contribute to the annual budget process by identifying priorities within the portfolio and commenting on the draft budget.

### **Complaints (SO 9.8(iii))**

33. No complaints were referred to the Committee during the reporting period.

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<sup>7</sup> For a copy of the Committee's report see [www.wales.gov.uk](http://www.wales.gov.uk) for documents laid before the Assembly dated 14 June 2001.

### ***Public Appointments (SO 9.8(iv))***

34. The Committee's public appointment nominees<sup>8</sup> were consulted on numerous appointments to public bodies during the reporting period.

### ***Matters referred by the Assembly (SO 9.8 (V))***

35. In July 2000 the National Assembly resolved that the Committee undertake an investigation into the Nantygwyddon landfill site (see paras. 11-15 above).

### ***Planning Decision Committee (SO 35)***

36. Seventeen committee meetings were held during the reporting period to consider thirty-eight cases. An annual report for the period April 2002 to April 2003 is attached at **Annex 2**. Reports for previous years are available on the National Assembly website.

37. The Committee reviewed the arrangements for Planning Decision Committees and invited the Minister to bring forward proposals for speeding up the decision making process and making the process of establishing committees more flexible. Proposed revisions to Standing Order 35 were agreed in February 2003 and submitted to the Business Committee.

38. The Committee is keen that this innovative procedure for taking planning decisions on a collegiate basis be publicised more widely. The success of these arrangements is demonstrated by there having been no successful legal challenges to any decision made by a Planning Decision Committee.

### ***The Assembly's Statutory Duties***

39. The Government of Wales Act 1998 places certain duties on the National Assembly, the Committee's work has been guided by the following:

- *Equality of Opportunity (s.48 and s.120)* – Committee meetings were all held in public and often away from the National Assembly to increase the accessibility of its business to people across Wales. Over the range of issues within its portfolio, the Committee had regard to equality of opportunity, and its own review of public transport recommended delivering services that were accessible to all people. The Committee also scrutinised sponsored bodies on their work to promote equality of opportunity and establish a more diverse workforce.

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<sup>8</sup> Current nominees are Eleanor Burnham and Richard Edwards. During the reporting period this duty was undertaken by: Mick Bates and Richard Edwards (May – 17 October 2001), Eleanor Burnham and Richard Edwards (17 October 2001 – 13 March 2002), Eleanor Burnham and Tom Middlehurst (13 March – 19 June 2002).

- *Sustainable Development (s.121)* – throughout its deliberations the Committee focused on the need to balance economic and social growth with the conservation of the environment, through sustainable development. Its own policy review recommendations reflect this principle. The Committee also contributed to the development of the National Assembly's Sustainable Development Scheme and Action Plan. [At its last meeting the Committee considered the effectiveness of the Scheme, to inform the forthcoming review by the new Assembly]. The Committee also scrutinised sponsored bodies within its portfolio on their work to promote sustainable development.

## **FORWARD PROGRAMME**

40. This is the Committee's final report to the Assembly. **Annex 3** lists **forthcoming issues** within the Committee's portfolio and areas where the Committee suggests that further work be undertaken, which may be of assistance to successor committee(s) in drawing up their work programme(s).

**Environment, Planning and Transport Committee**  
**March 2003**

## EPT COMMITTEE MEMBERSHIP 2000-2003

**29 March 2000**

|                         |                       |                  |
|-------------------------|-----------------------|------------------|
| Richard Edwards (Chair) | Preseli Pembrokeshire | Labour           |
| Sue Essex (Minister)    | Cardiff North         | Labour           |
| Carwyn Jones            | Bridgend              | Labour           |
| David Davies            | Monmouth              | Conservative     |
| Geraint Davies          | Rhondda               | Plaid Cymru      |
| Glyn Davies             | Mid and West Wales    | Conservative     |
| Jocelyn Davies          | South Wales East      | Plaid Cymru      |
| John Griffiths          | Newport East          | Labour           |
| Christine Humphreys     | North Wales           | Liberal Democrat |
| Gareth Jones            | Conwy                 | Plaid Cymru      |
| John Marek              | Wrexham               | Labour           |

**10 October 2000** - Jocelyn Davies and Gareth Jones replaced by:

|                    |                             |             |
|--------------------|-----------------------------|-------------|
| Helen Mary Jones   | Llanelli                    | Plaid Cymru |
| Rhodri Glyn Thomas | Carmarthen East and Dinefwr | Plaid Cymru |

**30 October 2000** - John Marek resigned upon his election as Deputy Presiding Officer.

**9 November 2000** - all subject committees 're-elected' following changes to Cabinet portfolios. Committee membership reduced from eleven to ten, losing one Conservative, Glyn Davies.

Christine Humphreys replaced by:

|            |                 |                  |
|------------|-----------------|------------------|
| Mick Bates | Montgomeryshire | Liberal Democrat |
|------------|-----------------|------------------|

Carwyn Jones, and vacancy created by resignation of John Marek, replaced by:

|                 |                  |        |
|-----------------|------------------|--------|
| Tom Middlehurst | Alyn and Deeside | Labour |
| Karen Sinclair  | Clwyd South      | Labour |

**16 October 2001** – Mick Bates replaced by:

|                 |             |                  |
|-----------------|-------------|------------------|
| Eleanor Burnham | North Wales | Liberal Democrat |
|-----------------|-------------|------------------|

**27 November 2001** – John Griffiths replaced by:

|           |              |        |
|-----------|--------------|--------|
| Val Lloyd | Swansea East | Labour |
|-----------|--------------|--------|

**21 March 2002** – Geraint Davies, Helen Mary Jones and Rhodri Glyn Thomas replaced by:

Janet Davies  
Brian Hancock  
Phil Williams

South Wales West  
Islwyn  
South Wales East

Plaid Cymru  
Plaid Cymru  
Plaid Cymru

## PLANNING DECISION COMMITTEES

### REPORT TO PLENARY UNDER STANDING ORDER 9.9: MAY 2002 TO APRIL 2003

#### 1 Introduction

1.1 This report summarises the activities of the Planning Decision Committees (PDC) from May 2002 to April 2003.

#### 2 Membership

2.1 Each PDC is elected anew for each appeal or application (or group of appeals/applications). Members are selected from the Planning Decision Panel comprising Members of the Environment, Planning and Transport Committee who have been trained for the purpose.

#### 3 Remit and Responsibilities

3.1 The responsibilities of Planning Decision Committees are set out in Standing Order 35.

#### 4 Meetings

4.1 The following cases were considered during the reporting period:

##### PDC 2002/4

- Called in application by Renewable Energy Systems Ltd for proposed development of a 17 turbine wind farm at Mynydd Clogau, Adfa, Powys. **Decision: The Members agreed with the Inspector that the application for planning should be granted subject to conditions**
- Called in applications by National Windpower Ltd for proposed 42 turbine wind farm at Cwm Llwyd, Carno, Powys and for proposed substation compound, control building and associated works near Cefn Brith, Carno, Powys. **Decision: The Members agreed with the Inspector that the application for planning should be refused.**
- Planning appeal by Powergen Renewables Ltd for proposed development of a 16 turbine wind farm at Nant Carfan, Llanbrynmair, Powys. **Decision: The Members agreed with the Inspector that the application for planning should be refused.**
- Called in application by Mr A J Nolan for new agricultural dwelling at Woodlands, Forest Lodge, Libanus, Powys. **Decision: The Members agreed with the Inspector that the application for planning should be refused.**

## **PDC 2002/5**

- Planning appeal and listed building consent appeal by Gryphon Corporation Ltd for proposed new doorway to Apartment 2, the Victorian Wing, Trawsgoed, Aberystwyth. **Decision: The Members agreed that planning permission be granted for the creation of a new doorway in the façade of the building subject to conditions.**
- Called in application by Mr C Alford for new agricultural dwelling at Castle Lands, Pencelli, Brecon. **Decision: The Members agreed with the Inspector that the application for planning should be refused.**
- Called in application and listed building consent application by Powys County Council for Phase III of the Brecon Inner Relief Road from the Struet to Ship Street, Brecon and demolition of listed buildings. **Decision: Subject to various comments the Members agreed with the Inspector's recommendations and granted planning permission for the Brecon Inner Relief Road subject to various conditions.**

## **PDC 2002/6**

- Called in application by Windjen Power Ltd for proposed 25-turbine windfarm at Tir Mostyn/Foel Goch, Nantglyn, Denbigh. **Decision: The Members agreed that planning permission be granted subject to the submission of a comprehensive Section 106 Undertaking, covering both the application site and the habitat enhancement area for black grouse mitigation measures.**
- Called in application by Anglesey Boat Company Ltd for proposed construction of marina and facilities building, car park and boat storage at Gallows Point, Beaumaris, Anglesey. **Decision: The Members agreed that planning permission be granted subject to conditions, and subject to the submission of a signed and sealed Section 106 Agreement including provisions for monitoring of water quality and surveying of the ecological conditions.**

## **PDC 2002/7**

- Planning appeal and listed building consent appeal by Hutchinson 3G UK Ltd for proposed antennae on Empire House, 54-57 Mount Stuart Square, Cardiff. **Decision: The Committee agreed with the Inspector that Planning permission should be refused.**
- Planning appeal by Bovis Homes Ltd for outline application for residential development of the whole site and full application for the first phase of development comprising 121 dwellinghouses together with landscaping proposals, incidental open space and other ancillary works on land at Woodside, Usk, Monmouthshire. **Decision: The Committee agreed with the Inspector that Planning permission should be refused.**

**FORTHCOMING ISSUES IN THE EPT PORTFOLIO**

Includes areas where the Committee suggests that further work be undertaken (marked \*)

**Countryside**

- Continued implementation of the provisions of the *Countryside and Rights of Way Act 2000* – consultation on mapping open access is due to finish in early 2004;
- Continued implementation of the Natura 2000 network and of the requirement under the *EU Habitats Directive* to evaluate the conservation status of Natura 2000 sites and species;
- \*Review of funding for Areas of Outstanding Natural Beauty;
- Implementation of the recommendations of EPT Committee's report *Review of Local Biodiversity Action*;
- Ongoing review of National Parks in Wales, including scrutiny of their role as planning authorities.

**Environment**

- Implementation and implications of the *EU Water Framework Directive*. The Directive must be transposed into UK law by December 2003;
- The *Water Bill*, which received its first reading in the House of Lords on 19 February 2003;
- Implementation of revised flood and coastal defence funding mechanisms and administrative arrangements;
- Progress towards meeting climate change targets, including Wales' contribution to UK's Kyoto Protocol target;
- Implementation of the recommendations of EPT Committee's investigation into the Nant-y-Gwyddon landfill site;
- Progress towards meeting 2003-04 recycling targets set out in *Wise about Waste*, the waste strategy for Wales, including \*further information on issues associated with incineration as a method of waste disposal, and impact of EU Directives relating to the disposal of tyres;
- Implementation and impact of producer responsibility initiatives in Wales, e.g. *EU End-of-Life Vehicles (ELV) Directive* and *EU Waste Electrical and Electronic Equipment Directive*. The UK has already failed to meet the deadline for transposing the ELV Directive into law;

- Next consultation exercise on UK proposals for managing radioactive waste;
- \*Assembly consideration of radioactive discharges from Nycomed Amersham plant in Cardiff, licensed under the Radioactive Substances Act 1993, in light of a Petition to the European Commission over failure to meet certain EU Directives;
- \*UK consideration of the 'justification' of practices exposing the public to radiation, as required under Article 6 of EU Council Directive 96/29/Euratom;
- \*Further information on the effects of environmental pollutants on human health;
- \*Discussion of the views of Bjorn Lomborg, author of 'A Sceptical Environmentalist'.

### **Planning**

- Implementation of the provisions of the Planning and Compulsory Purchase Order Bill;
- Ongoing monitoring of the development and implementation of the Wales Spatial Plan;
- Implications of the proposed integration of *Planning Policy Wales* and *Minerals Planning Policy*;
- Update of planning guidance and technical advice notes concerning telecommunications (new research is currently being undertaken by the Telecommunications Health Research Programme on the safety of base stations and the validity of the perceived health problems of people living near to them);
- \*Consideration of wider sustainable development issues relating to dismantling the nuclear reactor at Trawsfynydd power station, following the publication of the planning inquiry report;
- \*Planning issues related to development of renewable energy;
- Guidance on equality and diversity in planning (a recent paper by the Royal Institute of Town Planning called for guidance on promoting equality and diversity in development plans and planning decision making).

## **Transport**

- Implementation of recommendations of EPT Committee's report *Policy Review of Public Transport*;
- Development of rail services in Wales, in particular the letting of the Wales and Border rail franchise;
- Delivery, especially strategic infrastructure, of the *Transport Framework for Wales*;
- Progress towards reducing traffic congestion, e.g. role of congestion charging;
- Ongoing review of air transport policy being undertaken by the UK Department for Transport.

## **Heritage**

- Outcomes of ongoing quinquennial review of Cadw and wider review of the management of the historic environment.

## **Cross-cutting**

- \*Review of the roles, responsibilities and future direction of the Countryside Council for Wales, Environment Agency, Welsh National Parks, Forestry Commission, Cadw and associated heritage bodies.