



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

The Petitions Committee

Completion Report

**Summary of the Petitions Committee's consideration of
P-03-061 Coal M Tan**

Presented

10 July 2007

Ruled Admissible

18 July 2007

Initial Consideration**20 September 2007**

The Committee considered the petition and resolved to refer it to the Sustainability Committee for their consideration.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 September 2007, and Annex 2 for the letter sent by the Chair to the Chair of the Sustainability Committee, and the letter subsequently sent by the Chair of the Sustainability Committee to the Minister for Environment, Sustainability and Housing)

24 April 2008

The Committee considered a written statement from the Minister for Environment, Sustainability and Housing, and agreed to defer consideration of the petition until the Coal M Tan consultation period finished on 23 May 2008.

(See Annex 1 for the relevant extract from the transcript of the meeting on 24 April 2008, and Annex 3 for the Written Statement from the Minister for Environment, Sustainability and Housing)

20 November 2008

The Committee considered an update, and agreed to write to the Leader of the House to ask when the announcement of the final Coal M-Tan was due.

(See Annex 1 for the relevant extract from the transcript of the meeting on 20 November 2008, and Annex 4 for the letter sent to the Leader of the House)

27 January 2009

The Committee considered the Coal M-Tan 2 and the Minister for Environment, Sustainability and Housing's statement, and agreed to conclude its consideration of the petition as it has taken it as far as it can.

(See Annex 1 for the relevant extract from the transcript of the meeting on 27 January 2009 and Annex 3 for the Written Statement from the Minister for Environment, Sustainability and Housing)

Petitions Clerk

February 2009

Annex 1

Extracts from Petitions Committee transcripts

20 September 2007

Val Lloyd: The petition on the coal MTAN is slightly different, is it not? I believe that, for the first TAN, there was no guidance, but the second one came up with a 350m buffer zone, but only for safety reasons. That is only from memory.

Michael German: I think that this petition is much easier to deal with: this is one that should go to the committee. The committee needs to look at whether the coal TAN, as it currently exists, is satisfactory in this respect. As we do with other things, we could ask the committee if it would mind looking at the coal TAN, to see whether it feels that it should be amended. You can obviously send it to the Minister, but it requires more detailed investigation. I think that that is something that we could do.

Val Lloyd: I am not averse to that, but I am saying that the TAN has been amended—you can now have a 350m buffer zone.

Michael German: The petitioners are requesting something more stringent than that. I support that, but—

Andrew R.T. Davies: The coal TAN needs to be looked at by the committee.

Michael German: It is not us who have the job of scrutinising the TAN.

Val Lloyd: No, I am not claiming any expertise in that area.

Michael German: That is why all you would be doing is passing it to the committee to ask it to consider the revision.

Val Lloyd: Bethan, do you have a comment on that one?

Bethan Jenkins: Yes. I do not see why we cannot pass it on to the committee and for the committee to then pass it back to us, for us to consider.

Val Lloyd: Do we really need that?

Mr George: Sorry, I am just a little unclear. Are we talking about—

Michael German: We are passing it to the relevant Assembly committee.

Mr George: I see; you are passing it to the relevant Assembly committee. I misunderstood.

Michael German: We will ask the committee if it would consider the petition and let us know what its views are on revising the coal TAN.

24 April 2008

Val Lloyd: Let us turn to the coal MTAN.

Bethan Jenkins: We should wait until 23 May for the consultation to take place, because the final consultation will not take into account all these areas. There may be grounds then to take it further, so I do not want to close it at this time.

Val Lloyd: Do Members want to add anything to that, or are you content with that decision? I see that you are content. We will wait until the second consultation has closed.

20 November 2008

Val Lloyd: We have updates of varying descriptions for 13 previous petitions. We will work through them in the order they appear on the paper. The first is P-03-061, which is the petition about the Coal MTAN exclusion zone. We have considered this petition for some time, first in September 2007, then in April 2008, and most recently in October 2008, at which time we agreed to write to the Minister for Environment, Sustainability and Housing. You have a copy of the Minister's reply and of her second consultation on the Coal MTAN. I open the matter up for discussion.

Bethan Jenkins: The Minister says in her letter that the matter will go before the Cabinet on 24 November. She also says that she will update the Petitions Committee, but I wish to ask her whether the matter will come before the National Assembly for debate. Can we ask her?

Michael German: It would normally be in a statement. Perhaps we could ask for an oral statement. If it is going to come back to the committee, it will presumably be after the matter has gone before the Cabinet. As that is only next Monday and since the Cabinet papers will be made public within a few weeks of that meeting, I presume that we are likely to get the announcement between now and our next meeting.

Andrew R.T. Davies: We need to wait for the Minister's response to this.

Michael German: We will see the technical advice note, but it would be sensible to have an oral statement on it in any case.

Val Lloyd: Shall we wait for the Minister, then? We will pick it up at our next meeting. If we do not have an intimation that there is going to be a statement by then we can write to the Minister asking for one.

Andrew R.T. Davies: If the matter is going before Cabinet next week, would now be an opportune time for the committee to write to the Leader of the House asking whether a statement has been scheduled?

Val Lloyd: That is a good idea.

Andrew R.T. Davies: Otherwise, these things tend to roll on, and I am conscious of the date when this petition was presented—20 September 2007.

Val Lloyd: It is a really good idea to write. I assumed that the matter would return to us before the end of term, but it is as well to write.

Andrew R.T. Davies: I am just aware that there are only three weeks from today until the end of term.

27 January 2009

Val Lloyd: We will start by considering the update on the first petition, P-03-061, which relates to the coal MTAN. This petition has been considered by the committee, and our first consideration was in September 2007. We took it as far as we could at the time as we were awaiting the publication of the coal MTAN, but that has now happened. I open the petition up for discussion.

Bethan Jenkins: A buffer zone has been introduced, which is to be welcomed. I know that the petition does not address all of the concerns outlined, but I do not see how it can be progressed in this way. If the petitioner has any other concerns with regards to the presumption against opencast mining and the public consultation, I think that they should now go through the Minister.

Andrew R.T. Davies: I concur with that. Am I right in thinking that this, or a similar, petition has gone to the European Parliament?

Val Lloyd: It might well have done, but I do not recall whether this one has.

Andrew R.T. Davies: Perhaps it was not this petition but something on a similar case. To be fair, the Assembly Government has given it its consideration and has reopened the review of the buffer zone, and I believe that we have taken it as far as we can as the Petitions Committee.

Val Lloyd: I agree with you. It was this petition that prompted the Minister to take the issue forward, so the petition has had an excellent hearing. Are we all agreed that we close the petition? I see that we are in agreement.

Annex 2

Y Pwyllgor Deisebau

Petitions Committee

Mick Bates
Chair, Sustainability Committee
National Assembly for Wales
Cardiff Bay
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CF99 1NA

Bae Caerdydd / Cardiff Bay
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Our ref: P-03-061

24 September 2007

Dear Mick

Petition – Coal M TAN

As you will be aware, the Assembly now has a duty under Standing Order 28 to consider all admissible petitions it receives. The Petitions Committee has been established to consider these petitions. At its meeting on 21 September, the Committee considered a petition to request amending the Coal M TAN.

The Committee discussed the petition and we agreed to ask the Sustainability Committee to consider the petition and to provide us with further advice. A copy of the papers that the Petitions Committee considered is attached.

I would be grateful if you could arrange for this matter to be considered by the Members of the Sustainability Committee at an early stage and for its views, or any action that it takes on the petition, to be reported to us as soon as possible. The Petitions Committee will give further consideration to the petition in the light of the response.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

SUSTAINABILITY COMMITTEE/

Y PWYLLGOR CYNALIADWYEDD

Jane Davidson AM
Minister for Environment, Sustainability
and Housing
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11 October 2007

Dear Minister

PETITION PO61: COAL M TAN

At its meeting on 11 October 2007, the Sustainability Committee considered petition PO61 on the Coal M TAN. The Committee noted that the consultation on the draft Coal M TAN ended on 26 April 2006 and that the findings of further research into the relationship between coal resources in Wales and Welsh communities was to be published this month.

The Committee expressed concern as to the length of time elapsed since the close of the consultation and agreed to write to you seeking the publication dates of both the further research and the final M TAN. The Committee also requests clarification as to whether the timescale would allow the Committee to input to the content of the final Coal M TAN.

I would be grateful if you could forward your response to me, copying in the Clerk to the Committee at your earliest convenience.

Yours sincerely

Mick Bates AM
Chair, Sustainability Committee

Annex 3



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Minerals Technical Advice Note 2: Coal

Date: 6 February 2008

By: Jane Davidson, Minister for Environment, Sustainability and Housing

I would like to update Assembly Members on proposals for taking forward the technical advice note for coal, currently in draft form.

I have considered the responses to the draft coal MTAN and the findings of the research on coal resources and the impacts of coal working in Wales.

There were three hundred and forty written responses to the consultation in spring 2006, with 4 petitions of over three hundred signatures and a further two petitions, the larger with five thousand five hundred signatures. The main focus was on buffer zones.

Research was commissioned, largely to make information available to planning authorities but also to look at how opencast coal working affected local communities. It was due to be completed by the end of September 2006, in line with the intention to finalise the Coal MTAN by the end of 2006. However the final part of the two stage report was only received last October (2007); the delay was largely due to difficulties the researchers experienced in securing the information, post privatisation of the coal industry.

The results of the research have made me keenly aware of the difference between the way in which the impacts of opencast are measured and the perception that local people have.

I am acutely aware of the sensitive issues relating to opencast operations. It is vital to protect communities but it is also critical that we have the energy supplies necessary to sustain our economy and safeguard our standard of living, now and in the future. It is the role of planning to balance these competing demands and there are no easy answers.

Based on responses to the consultation and the recent research, I have instructed officials to undertake a targeted second consultation on a limited number of issues. A consultation document will issue shortly, seeking views to inform final decisions on the content of the Coal TAN, primarily on buffer zones and health impact assessment.

The most consistent public request was for the MTAN to include 500m buffer zones. Evidence shows that it is possible, subject to site specific circumstances, to protect communities from opencast workings by employing best practice. But the consultation responses and correspondence show us that some members of the affected communities do not have confidence that promises will be kept, or conditions met. Complaints can only be rectified after the problem has arisen. It is because of this anxiety that it is appropriate to consult on a 500m separation between sensitive development such as housing and schools and the site boundary of opencast sites.

Comments will be invited on a 500m buffer zone, though I recognise that there will need to be provision for local circumstances. Historic shallow underground coal workings and deep mine tips can make land potentially unstable and unsafe. Opencast working is one way of remediating the land and can contribute towards the cost. There may be other existing developments such as roads, or stretches of woodland, which make a lesser buffer appropriate.

One Wales includes a commitment to make **health impact assessments** compulsory for opencast coal application. Particulate dust from opencast, and how it may affect health, worries people. Evidence to date has demonstrated an association, but not identified clear impacts. Elements of the community may be more vulnerable, and health within the particular social context of the South Wales coalfield needs to be considered. People perceive the risk as high because it is regarded as unfairly distributed, inescapable and posing particular danger to children.

To date, Health Impact Assessments that reflect community concerns about opencast proposals have been run by health experts, run through Cardiff University and with the assistance of the Welsh Health Impact Assessment Support Unit. They have earned the trust of the community. But they have not taken the next step – to evaluate the risk in a context that helps the local authority to make the planning decision. Subject to advice from health professionals, a more defined process will be set out in the proposed consultation.

The consultation period will be for 12 weeks. As I am keen to progress this as quickly as possible a consultation paper will issue this month.



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

WRITTEN STATEMENT BY THE WELSH ASSEMBLY GOVERNMENT

Title: Minerals Technical Advice Note 2: Coal

Date: 20 January 2009

By: Jane Davidson , Minister for Environment, Sustainability, and Housing

The Welsh Assembly Government will publish the Minerals Coal Technical Advice Note 2 (MTAN2) - an important One Wales commitment - early this year.

It will contain comprehensive advice for local planning authorities, applicants and other stakeholders. It will apply to both surface and underground working. It will provide a comprehensive framework within which future applications for coal extraction applications should be determined and mineral resources should be safeguarded.

Completion of the Coal MTAN will fulfil the pledges in One Wales to introduce Health Impact Assessments for coal applications, together with buffer zones, and with an emphasis on working closely with local communities. It reaffirms the commitment identified in the 2008 consultation paper to a 500m buffer zone.

Building on the buffer zone policy in Minerals Planning Policy Wales (2000), the technical advice is a significant step towards our common goals - planning for a coal industry that works with local communities, that respects the environment and, for the immediate future, continues to contribute to a secure, diverse and sustainable supply of energy and of coke for the iron and steel industry.

This means putting a high value on the well-being of the people who live and work in the Welsh coalfields, their health and every day amenity while at the same time recognising the value of our coal for energy, for steel, for employment.

Striking this difficult balance will require an awareness of the unique aspects of the main Welsh coalfield in South Wales. Most coalfields in the world will produce power station coal as the main commodity. In South Wales the power station coal is of an unusual low volatile character. When local coal is unavailable, Welsh coal is not easily substituted by imported coal and that is why Siberian low volatile coal is currently used to supplement Welsh supplies. Welsh coking coal reserves are not simply a potential energy source; metallurgical grade coal is a vital ingredient for steel making. Anthracite in the western part of the South Wales coalfield is a resource unique in the UK although available from other continents.

When possible, the working of coal reserves should be kept as far apart as practical from communities. The legacy of past mining, close to towns and villages, can mean that land cannot easily be reused and restored and may, in fact, be unsafe. The coal advice recognises this restitution problem and, where it is the most sustainable solution, coal working may be permitted within the 500m buffer zone, with full justification for the exceptions in such cases.

Opencast working frequently generates a high degree of controversy, partially based on concerns about health. The coal advice aims to ensure that public participation is a key part of the process, extending to the need and scope for Health Impact Assessment and how it might best be approached for coal applications.

Annex 4

Y Pwyllgor Deisebau

Petitions Committee

Carwyn Jones AM
Leader of the House
Welsh Assembly Government
Cardiff Bay
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Our ref: PET-03-061

21 November 2008

Dear Carwyn

Petition: P-03-061 Coal M TAN

The Petitions Committee has been considering a petition on the proposed Coal M-Tan, and has been in correspondence with the Minister for Environment, Sustainability and Housing on this issue. At its meeting on 20 November the Committee gave further consideration to the petition following the Minister's latest response, in which she informed the Committee that she will present the final M-Tan to Cabinet on 24 November. I have enclosed a copy of this letter for your reference.

In light of this, the Committee agreed to write to you to ask for a likely timescale for an oral or written statement from the Minister.

Thank you for your consideration of this matter, and I look forward to your response.

Yours sincerely



Val Lloyd
Chair, Petitions Committee