

## **ENVIRONMENT, PLANNING AND COUNTRYSIDE COMMITTEE**

### **REPORT TO PLENARY UNDER STANDING ORDER 9.9: APRIL 2006 TO MARCH 2007**

#### **1. INTRODUCTION**

1.1 The Environment, Planning and Countryside Committee is one of the Assembly's seven subject committees. This report is made under Standing Order 9.9, which requires subject committees to report to the Assembly from time to time on their progress in fulfilling their work programmes. It summarises the Committee's work from April 2005 to March 2006.

#### **2. MEMBERSHIP**

2.1 The Committee's current membership is: Glyn Davies (Chair), Lorraine Barrett, Mick Bates, Jocelyn Davies, Tamsin Dunwoody, Elin Jones, Carwyn Jones (Minister) and Brynle Williams.

#### **3. REMIT AND RESPONSIBILITIES**

3.1 The Committee's remit mirrors the portfolio of the Minister for Environment, Planning and Countryside, Carwyn Jones, which covers: the environment and sustainable development; town and country planning; countryside and conservation issues; agriculture and rural development including forestry and food production.

3.2 The responsibilities of subject committees are set out in Standing Orders 9.7 and 9.8. The remainder of this report details significant aspects of Committee work under each of these headings.

#### **4. WORK AND ACHIEVEMENTS TO DATE**

4.1 During the reporting period the Committee held 16 formal meetings. All meetings were held in public. In order to raise awareness of the Committee's work and to make its proceedings more accessible, three meetings were held in different locations throughout Wales: on 26 October 2006 at the Assembly's North Wales Visitor Centre in Colwyn Bay; on 30 November 2006 at the LANTRA building on the Royal Welsh Agricultural Showground at Llanellwedd; and on 1 March 2007 in Principality House at the National Botanic Garden for Wales.

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

### **Waste Management**

Following publication of the Committee's third inquiry *Meeting Landfill and Recycling Targets* in August 2005, the Committee maintained its interest in waste management issues and on 25 January 2007 scrutinised Environment Agency Wales about its role in regulating waste management and the Welsh Local Government Association about implementing the Government's strategy *Wise about Waste*. The Committee was apprised of the current situation with regard to the provision of landfill sites and considered various options for waste management in the future.

### **Planning Aspects of Mobile Telecommunications Apparatus**

The Committee undertook work on this following the Minister's response to a Standing Order 31 debate, which was proposed by Janet Davies AM. The Committee began by discussing a paper from the Minister, which set out the current legislation and policy and technical guidance of the land use planning system, with particular attention to permitted development rights. On 28 June the Committee took evidence from the Mobile Operators Association and the Welsh Local Government Association. It focussed on issues such as appropriate communication and consultation with the public on the siting of masts and whether the *Code of Best Practice on Mobile Phone Network Development*, published in 2003 and current planning guidelines were appropriate. The Committee agreed and laid its report before the Assembly in line with the Business Committee's protocol for handling Committee reports and discussed the Minister's response in Committee on 13 December.

### **Future of Agri-environment research in Wales - IGER**

The Committee agreed to add a short inquiry into agri-environment research, and specifically the future of IGER to its strategic forward work programme. On 15 June it took evidence from: the Welsh Assembly Government; Defra; the Biotechnical and Biological Sciences Research Council; IGER; and Coleg Llysfasi. The Committee's report focussed on stability of funding for the sector in light of changed strategic priorities in Government; governance issues; and the wider issue of the application of research and development in the industry. The Committee agreed its report on 14 July. The report was laid before the Assembly on 21 July; the Committee discussed the Minister's response on 15 November.

### **TAN 15**

At its meeting on 13 July, Members requested that the Committee undertake a short review of the implementation and operation of TAN15, which was published in July 2004, given the number of high profile cases where it appeared that the guidance had caused problems. The Committee's work on this was generally welcomed and key stakeholders showed a genuine desire to resolve conflicting priorities. The Committee wrote to all local authorities

requesting that they update the Committee on the difficulties in their areas. Twelve responses were received. The Committee also received a response from the Brecon Beacons National Park Authority. A written report summarising the responses was produced. Following consideration of emerging issues, the Committee agreed its final report on 25 January 2007. The report was laid before the Assembly on 2 February. The Minister was unable to respond to the Committee before the end of the Second Assembly.

### **Wales Spatial Plan (WSP) – planning and environment issues**

Given the Committee's responsibility to shadow the planning work of the Minister's portfolio, as illustrated by the last one/two items, the Committee also discussed the Wales Spatial Plan. On 13 July, Members received a paper from the Minister outlining progress on implementing the planning implications of the Plan. The Assembly Government's policy is outlined in LDP Manual 2006, which includes technical advice on the integration of plan making with the WSP. The Committee also discussed the environment issues raised by the WSP and took evidence from Environment Agency Wales, the Countryside Council for Wales and the Welsh Local Government Association.

### **Bovine Tuberculosis**

The Committee continued to receive regular updates from the Minister on the work of the Wales TB Action Group and developments in the treatment of and compensation for bovine TB. (See also details of *The Cattle Compensation (Wales) Order 2006* under Secondary Legislation). At its meeting on 28 September the Committee considered the initial findings of the badger found dead survey, and discussed the final report on 14 March. Members continued to express their concerns over the introduction of pre-movement testing.

### **Rural Development Plan and Tir Mynydd**

The Committee continued its consideration of the successor Rural Development Plan (RDP) and the associated issue of the future of Tir Mynydd payments. (See also below – *Budget*) On 24 May 2006, it considered the report of the responses to the Welsh Assembly Government's consultation on the future of Tir Mynydd payments. At its following meeting, it discussed the report of the consultation on the successor RDP and on 28 June looked at a draft plan.

### **Environment Strategy Wales – Action Plan**

The Welsh Assembly Government's Environment Strategy Wales and Action Plan were launched in May 2006. The purpose of the Committee's evidence sessions on 28 September and 14 March was to question key organisations in the public and voluntary sector to whom a great deal of work has been delegated in delivering the Action Plan, as to whether they felt they have the right level of support, funding and guidance to carry out their work. The organisations provided written and oral evidence, which outlined the issues and challenges they face in delivering the outcomes.

## **Strategic Action Plan for the Welsh Dairy Industry**

The Welsh Assembly Government published for consultation its Strategic Action Plan for the Welsh Dairy Industry on 29 January. The Committee took evidence on the plan at its meetings on 7 February and 1 March. The witnesses were: J Sainsbury plc; NFU Cymru; FUW – Undeb Amaethwyr Cymru. The organisations also submitted written evidence in advance of the meetings. The Committee's report, which was agreed on 14 March, summarised the main issues raised. The report was laid before the Assembly and presented to the Minister as the Committee's formal response to the consultation.

### **Biomass and biofuels**

Following a meeting in March 2006 when the Committee examined the potential of the biomass and biofuel industry in Wales with the scientific community and the farming unions, in May 2006 it looked at the impact of bioenergy on biodiversity and invited the Countryside Council for Wales and RSPB Cymru to give evidence. The Committee agreed its report in June 2006, which was then laid. It awaits the Welsh Assembly Government's response.

### **Monitoring implementation of Committee recommendations**

On 25 January, the Committee scrutinised the Minister on implementation of recommendations in the Committee's first three inquiries of the Second Assembly – *Planning aspects associated with the provision of affordable housing and sustainable communities in the countryside; Bovine TB; Meeting Landfill and Recycling Targets.*

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

The Committee received regular reports from the Minister allowing scrutiny of policies and decisions for which he is accountable. Given the two-week cycle of meetings, the Minister provided a full written report and an oral update of issues within his portfolio at alternate meetings.

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

During the autumn term 2006, the Committee scrutinised the work of the Assembly Sponsored Public Bodies within the Minister's portfolio: Environment Agency Wales; the Countryside Council for Wales; Forestry Commission Wales; and the Planning Inspectorate Wales. They were each invited to Committee to provide evidence on performance against target for 2005-06 and to highlight challenges for the future, with specific reference, where appropriate, to their remit letters, corporate plans, contribution to delivering the Assembly's Sustainable Development priorities and any operational or funding issues of which the Committee would wish to be made aware.

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

### **Primary legislation**

The Marine Bill had been remitted to the Committee in June 2005, following a plenary debate on the Queen's speech. In March 2006, Defra published a consultation document on a Marine Bill. On 11 May, the Committee received a position paper from the Welsh Assembly Government on the proposals that would have the greatest impact on Wales. The Committee took evidence from key stakeholders on the consultation on 24 May and agreed its response on 15 June. The response was sent to Defra and was laid before the Assembly. The Minister's response was discussed in Committee on 13 December.

In November 2006, the Climate Change Bill was remitted to the Committee for scrutiny. At its meeting on 25 January 2007, the Committee discussed a position paper from the Welsh Assembly Government – *Proposals for a Climate Change Bill*. The paper set out the Bill's likely contents and the input of the Welsh Assembly Government to negotiations on framework powers and the role of the Carbon Committee, the establishment of which is one of the Bill's central proposals.

### **Secondary legislation**

The Committee received a detailed timetable of forthcoming legislation within the Minister's portfolio on a half-termly basis. The Committee requested several refinements to the lists during the year to assist Members to identify only those items of legislation where responsibility had been either wholly or partly devolved to the Minister and to inform Members of the procedure for handling items of unprogrammed legislation in the Third Assembly.

Where appropriate the Committee sought opportunities to identify and scrutinise items of subordinate legislation which were pursuant to primary legislation previously scrutinised by the Committee and did so on a number of occasions. On two items of subordinate legislation pursuant to the Animal Welfare Act 2006, *The Docking of Working Dogs' Tails (Wales) Regulations 2007* and *The Mutilations (Permitted Procedures) (Wales) Regulations 2007*, the Committee commissioned both written and oral evidence from key stakeholders of opposing views.

Following rejection by both the Committee and plenary in March 2006 of *The Cattle Compensation (Wales) Order 2006*, the Minister returned to the Committee with revised options and proposals on two occasions – 30 November 2006 and 14 March 2007.

During the reporting year the Committee considered 25 pieces of subordinate legislation, details of which are attached at **Annex 1**. In line with the agreed protocol, the Committee reports of its scrutiny were laid before the Assembly.

## ***European issues***

Throughout the year Members received, at regular intervals, a European brief, containing updates on the progress of items discussed or identified by the Committee and information on relevant issues to the portfolio. The Committee also undertook a visit to Brussels, 12-14 September 2006, when Members and officials met with senior Cabinet officials of relevant Directorates General.

On 5 April 2006, the Committee received a position paper from the Welsh Assembly Government on the EU Waste Strategy.

The Committee discussed "*Halting the Loss of Biodiversity by 2010 — and Beyond: Sustaining ecosystem services for human well-being*" on three occasions, twice with the Welsh Assembly Government and on 11 October 2007 with a member of Cabinet for the EC Environment Commissioner, Stavros Dimas. This discussion was held using video conference technology, linking the Committee directly to Brussels, a first for the Committee and the Assembly. The Committee made use of this facility on two other occasions. On 15 November, it discussed the future CAP healthcheck and modulation with a senior Member of Cabinet of the EC's Agriculture and Rural Affairs Commissioner, Marian Fischer Boel. At the Committee's last meeting on 14 March 2007 it discussed the forthcoming EU Green Paper on adaptation to climate change with an official on secondment to the EC from the Welsh Assembly Government and who was responsible for drafting the document.

Members have discussed the implications of the on-going negotiations at the European level on the rules for voluntary modulation which is important for the UK and the financing of Wales' Rural Development Plans.

Both EPC Committee and the Enterprise, Innovation and Networks Committee identified the EU Maritime Strategy – *Towards a Future Maritime Policy for the Union* – for further discussion. The Committees commissioned both written and oral evidence and held a joint meeting on 8 March, which included a video conferencing session with the EC's Head of the Maritime Policy Task Force.

## **EU Annual Work Programme 2007**

At its 25 January 2007 meeting the Committee considered the European Commission's Annual Work Programme 2007 and in doing so identified as its priorities:

- White Paper "Towards a European Climate Change Adaptation Programme";
- Green Paper on Post-2012 Climate Change;
- Communication on maritime policy;
- Action Plan on Sustainable Consumption and Production;
- CAP Health Check;

- Communication on the Animal Health Strategy 2007-2013;
- Regulation on animal by-products.

Since discussion on the above was not possible before the end of the Second Assembly, the items were listed in the Committee's legacy report to the Third Assembly.

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

The Committee set out its budget priorities at its meeting on 15 June 2006 and commented on the draft budget at its meeting on 26 October 2006. Following agreement during the all-party discussions on the Assembly's final budget, on 25 January, 7 February 2007, and 1 March 2007, the Committee considered in which areas of the EPC main expenditure group savings would have to be found in order to restore the level of Tir Mynydd payments, which was one of the Committee's stated priorities.

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

The Committee's public appointment nominees were involved in 19 public appointment exercises during the reporting year.

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

In November 2006, the Climate Change Bill was remitted to the Committee for scrutiny. (See above)

### **Planning Decision Committee (SO 17)**

Five meetings were held during the reporting period. These dealt with a total of 11 cases. An annual report for the period April 2006 to March 2007 is attached at **Annex 2**.

## **5. CROSS-CUTTING ISSUES**

Following agreement by the Panel of Chairs, all subject committees included in their work programme consideration of the Welsh Assembly Government's Report on Equality 2004-05 as it related to their respective portfolios. In addition, and in view of this Committee's remit, the session on 5 April 2006 also covered Sustainable Development and the Welsh Language. The Committee invited the standing invitees of the Committee on Equality of Opportunity to present their views and advice to the Committee on the department's performance, before Members scrutinised the Minister.

### **Equality of Opportunity**

The Committee scrutinised the Minister on the EPC Department's contribution to the promotion of Equality of Opportunity in the Welsh Assembly

Government's Seventh Annual report, 2005-06, on Equality of Opportunity on 11 October 2006. It raised the following issues:

- Access to the countryside by black and ethnic minority communities
- Poverty in rural Wales and whether there was any rural proofing to address the impact of policies on rural communities
- The status and funding of the rural observatory's work on providing improved data and monitoring of policy development and implementation in rural areas
- The perceived conflict between securing disabled access to buildings and the requirements of the planning regime
- Whether access to pathways on farms is taking into consideration when Tir Mynydd, Tir Cymru and Tir Gofal agreements are signed

Members also agreed that all Committee briefings and papers should contain advice and questions on equality issues, where appropriate. On monitoring equality of opportunity when scrutinising legislation, Members suggested that all explanatory memoranda should have a section explaining how equality of opportunity was taken into account in drafting legislation and any impact legislation might have on equality issues.



## ANNEX 1

### **Secondary legislation considered by the Environment, Planning and Countryside Committee**

*Avian Influenza (Vaccination)(Wales) Regulations 2006*

*The Bovine Spongiform Encephalopathy (BSE) Compensation (Wales) Regulations 2006*

*The Transmissible Spongiform Encephalopathies (TSE) (Sheep and Goats) Compensation (Wales) Regulations 2006*

*Code of Practice to Prevent and Control the Spread of Ragwort*

*The Sea Fishing (Northern Hake Stock)(Wales) Order 2006*

*The North Western and North Wales Sea Fisheries Committee byelaw 24 Fixed Engines – Prohibitions (Wales)*

*The Environmental Noise (Wales) Regulations 2006*

*The Fishing Boats (Satellite-tracking Devices) (Wales) Scheme 2006*

*The Sea Fishing (Enforcement of Community Satellite Monitoring measures) (Wales) Order 2006*

*The Town and Country Planning (Environmental Impact Assessment) (Wales) (Amendment) Regulations 2006*

*The Feeding Stuffs (Wales) (Amendment) Regulations 2006*

*The Sheep and Goats (Records, Identification and Movement) (Amendment) (Wales) Order 2006*

*The Town and Country Planning (General Development Procedure) (Amendment) (Wales) Order 2006*

*The Planning (Listed Buildings and Conservation Areas) (Amendment) (Wales) Regulations 2006*

*The Emissions Trading Scheme (Wales) Directions 2006*

*The Highways Act 1980 (Gating Orders) (Wales) Regulations 2007*

*The Agricultural Wages Committee (Wales) Order 2007*

*The Environmental Offences (Fixed Penalty) (Miscellaneous Provisions) (Wales) Regulations 2007*

*The Dog Control Orders (Miscellaneous Provisions) (Wales) Regulations 2007*

*The Controls on Dogs (Non-application to Designated Land) (Wales) Regulations 2007*

*The Local Authority Permits for Part D installation and Mobile Plant (Wales) Fees and Charges Scheme 2007*

*The Local Enforcing Authority Air Pollution Fees and Charges Scheme (Wales) 2007*

*Guidance in Respect of Countryside Rights of Way Act 2000 (Commencement No. 9) (Wales) Order 2006*

*The Docking of Working Dogs' Tails (Wales) Regulations 2007*

*The Mutilations (Permitted Procedures) (Wales) Regulations 2007*

Reports on the above have been laid before the Assembly and can be found on the Committee's website.

## **PLANNING DECISION COMMITTEES**

### **REPORT TO PLENARY UNDER STANDING ORDER 9.9: APRIL 2006 to MARCH 2007**

#### **Introduction**

1. This report summarises the activities of the Planning Decision Committees (PDC) from April 2006 to March 2007.

#### **Membership**

2. 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 Countryside Committee who have been trained for the purpose.

#### **Remit and Responsibilities**

3. The responsibilities of Planning Decision Committees are set out in Standing Order 17.

#### **Meetings**

4. The following cases were considered during the reporting period:

##### **PDC(2) 2006-04**

- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Wm Morrison plc & Shoparama Ltd for a foodstore and associated car parking at former Brown-Lenox site, adjacent to A470, Pontypridd
- Planning appeal under Section 78 of the Town and Country Planning Act 1990 by Morbaine Ltd for a class a1 foodstore, petrol filling station/car wash, parking and associated services and facilities at Pontypridd rugby club, Sardis Road, Pontypridd.

##### **PDC(2) 2006-05**

- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Mr A Lloyd for proposed erection of a dwelling and formation of a new access to the highway at Waunbant, Lledrod, Ceredigion

- Planning appeal under Section 78 of the Town and Country Planning Act 1990 by Redrow Homes (North Wales) Ltd for the proposed restoration of former brickwork & quarry, development of up to 300 dwellings, creation of open space, woodland, an area of habitat creation and landscaping, construction of new and improved vehicular and pedestrian access at former lane end brickworks, Church Road, Buckley, Flintshire

#### **PDC(2) 2006-06**

- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Morris Construction for proposed mixed residential development at land adjoining Leeswood village, Flintshire
- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Aberdare developments for proposed redevelopment to provide residential, commercial and leisure facilities in five zones at land opposite town centre, Robertstown, Aberdare
- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Dillwyn Productions Ltd for proposed golf course, leisure facilities and residential development at Llangyfelach, Swansea

#### **PDC(2) 2007-01**

- Called in planning applications under Section 77 of the Town and Country Planning Act 1990 by Merthyr Village Limited for:
  - (phase 1) full application (ref. 020060) - reclamation and landscape restoration of 83 ha out of 244 ha of derelict and despoiled land including tip reprofiling and coal recovery from selected spoil tips
  - (phase 2) outline application (ref. 020260) - comprehensive development scheme to provide retail, leisure, offices, hotel, football stadium, country park, and residential uses with associated access, servicing, parking and landscaping

#### **PDC(2) 2007-02**

5. Copies of the Inspector's Reports and decision letters relating to the above cases can be found on the Committee's website.

**Environment, Planning and Countryside Committee  
March 2007**