

## **Answers issued to Members on 17 December 2007**

[R] signifies that the Member has declared an interest.

[W] signifies that the question was tabled in Welsh.

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### **Questions to the Deputy First Minister and Minister for the Economy and Transport**

**Lorraine Barrett (Cardiff South & Penarth):** What is the total amount of transportation grants which have been returned by local authorities? (WAQ50805)

**Lorraine Barrett (Cardiff South & Penarth):** What is the breakdown by local authority of returned transportation grants? (WAQ50806)

**Lorraine Barrett (Cardiff South & Penarth):** How many transportation grants have been returned by local authorities? (WAQ50807)

**The Deputy First Minister and Minister for the Economy and Transport (Ieuan Wyn Jones):** No transport grants, principal road grants, road safety grants, or local transport services grants have been returned by local authorities in Wales during 2007-08.

**Nick Ramsay (Monmouth):** When does the Minister foresee a decision being made on the funding of travel passes in Wales? (WAQ50808)

**The Deputy First Minister:** The finance and programme for the provision of smart card travel passes for concessionary fares has been agreed. The roll-out of the smart card enabled ticket machines began in 2006 and will be completed in 2008. The back office facility is under development and new smart cards will be issued to eligible concessionaires throughout Wales in during the first six months of 2008.

**Nick Ramsay (Monmouth):** Would the Minister outline his policies on improving cross-border services, with specific reference to new travel passes in Wales? (WAQ50809)

**Ieuan Wyn Jones:** Our highly successful concessionary fares scheme for elderly and disabled people already provides for limited cross-border travel to the nearest community in England. In addition, the recently published Concessionary Bus Travel Act 2007 includes powers to introduce arrangements for reciprocal concessionary bus travel between Wales and England. However, the concessionary fares scheme in England will not start until April 2008 and will need time to settle down. This will need to happen first before we can take forward discussions with the Department for Transport on reciprocal arrangements for Wales and England.

### **Questions to the Minister for Rural Affairs**

**Darren Millar (Clwyd West):** Have any strategic environment assessments, in accordance with EU directive 2001/42/EC, been carried out regarding Forestry Commission Wales land that may be used for large-scale windfarms? If so, could a copy be made available and if not, when will they be done? (WAQ50813)

**The Minister for Rural Affairs (Elin Jones):** No strategic environmental assessment of the use of land managed by Forestry Commission Wales for large-scale windfarms has been carried out and there are no plans to do so in the future.

The procurement exercise managed by FCW is designed to identify preferred developers to be given options to develop windfarms on the land managed by FCW, subject to the agreement of a lease with its owners, the Welsh Assembly Government, and planning consent being given by the relevant authority.

The disposal exercise does not set a framework for future development consents as required by article 5(2)(b) of the directive. That is achieved by the Assembly Government's 'Technical Advice Note (Wales) 8: Planning for Renewable Energy' rather than the windfarm disposal exercise.

Also, article 2(c) is unlikely to have been fulfilled as the disposal exercise is being carried out in accordance with the powers contained in section 39(3)(b) of the Forestry Act 1967 and therefore cannot be described as one being subject to adoption through a legislative procedure as it is a decision made in reliance on an existing statutory power.

It is also unlikely that the disposal exercise could be described as having been required by any provision. The provisions of section 39(3)(b) of the Act, in accordance with which the disposal exercise is carried out, are not mandatory or prescriptive. They do not require any disposal. Rather they are provisions that can be exercised at the discretion of the forestry commission, subject of course to the requirements of the legal arrangement with the Welsh Assembly Government for the disposal of their land.

For the reasons described above the disposal exercise does not fall within the description of a plan or programme prescribed by the regulations of the EU directive and therefore does not require strategic environmental assessment.

Although there is no requirement for an SEA of the exercise detailed environmental impact assessments will be submitted by the developers as part of the planning process. These will be available for scrutiny when each developer submits its application for planning consent to the relevant authority.

### **Questions to the Minister for Environment, Sustainability and Housing**

**Leanne Wood (South Wales Central):** Will the Minister state what clauses of the Westminster Government's housing and regeneration Bill will apply to Wales and what representations she has made about those clauses? (WAQ50814)

**The Minister for Environment, Sustainability and Housing (Jane Davidson):** The housing and regeneration Bill is principally aimed at English measures.

Part 1 of the Bill creates the homes and communities agency. The main objects of the HCA will be to improve the supply and quality of housing in England; to secure the regeneration or development of land or infrastructure in England; and to support in other ways the creation, regeneration or development of communities in England or their continued wellbeing.

Part 2 of the Bill creates the new social housing regulator: the office for tenants and social landlords. The new regulator will regulate social housing in England provided by registered providers. The new regulator will take on the regulation functions of the Housing Corporation. The Bill also abolishes the Housing Corporation; only consequential amendments apply in Wales.

The powers and functions of the new organisations are largely already held within the Welsh Assembly Government. The Bill abolishes the Commission for New Towns. Functions of the Commission for New Towns in England are transferring to the HCA. Functions of the Commission for New Towns in Wales are to transfer to the Welsh Ministers and any residual assets of the Commission for New Towns in Wales are also to transfer to Welsh Ministers.

Part 3 of the Bill applies to England and Wales. It addresses a range of miscellaneous provisions as follows:-

Sustainability certificates: The Bill provides for the introduction of a mandatory sustainability rating for new homes in England and Wales by requiring that a rating system be specified in home information packs. It will also provide powers to specify the sustainability rating that will be applied.

Tenant empowerment: The Bill extends the list of matters that can be included in the requirements imposed on a local authority when considering entering into an agreement with a tenant management organisation. There are currently no TMOs in Wales. The Bill also enables regulations to be developed to require local authorities to conduct a ballot regarding transfer of its stock if requested to do so by tenants

Right to buy: The Bill extends the scope of existing ministerial powers to make regulations in relation to loans in respect of service charges on former right to buy flats and other local authority flats. These clauses do not cover the same ground as is addressed by the legislative competence Order on the right to buy currently being pursued by the Assembly Government.

Housing revenue account subsidy: This provides that an ‘appropriate person’ may agree with a local authority that the housing revenue account subsidy system shall not apply to the authority or to specified property of the authority. Authorities seeking to opt out of the subsidy system altogether would pay no surpluses and would retain all rents and sales receipts from all HRA properties. There would be a one-off adjustment payable to Treasury. For most Welsh authorities, this would be substantial.

An agreement could also allow any new housing provided by an authority using its own resources to be exempted from the HRA subsidy system. No subsidy would be paid in respect of the property and the authority would need to service any prudential borrowing from surpluses generated by the property.

The Deputy Minister for Housing has agreed that in Wales, the ‘appropriate person’ shall be the Welsh Ministers.

Local connection for armed forces: The Bill will amend homelessness legislation to allow the period of time members of the armed forces have lived in an area while in service to be taken into account in establishing a local connection. It is understood that a Government amendment will be introduced during the passage of the Bill to make similar provisions in respect to the allocation of social housing.

Extending tenancy rights for Gypsies and Travellers: The Bill will require landlords of Gypsy and Traveller sites to offer the same type of occupancy agreement currently available to residents of Park Homes caravan sites. This increases the rights of Gypsies and Travellers, who currently reside under licence; for example, there will be greater protection from eviction.

Family intervention tenancies: The Bill will enable local authorities and housing associations to offer tenancies linked with behavioural support to tenants at risk of losing their tenancy due to anti-social behaviour.

Financial assistance for information and other services: The Bill widens the existing power for Ministers to provide financial assistance for the giving of general advice in respect of tenant and landlord law including advice about estate management schemes.

Extensive discussions have taken place to agree the scope of these provisions and in particular the arrangements for any commencement in Wales. Given the nature of the Bills’ provisions, I have not made any wider representation.