

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

### **REPORT TO PLENARY UNDER STANDING ORDER 9.9: APRIL 2004 TO MARCH 2005**

#### **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 programme. It summarises the Committee's work from April 2004 to March 2005.

#### **2. MEMBERSHIP**

2.1 The Committee's current membership is: Alun Ffred Jones (Chair), Lorraine Barrett<sup>1</sup>, Mick Bates, Glyn Davies, Irene James, Carwyn Jones (Minister), Helen Mary Jones, Sandy Mewies<sup>2</sup>, Carl Sargeant 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 11 formal meetings and undertook three visits as part of its policy inquiries.

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

##### **Inquiry into affordable housing**

At its meeting on 5 May, the Committee received the Government's response to its first inquiry, 'Planning aspects associated with affordable housing and sustainable communities in the countryside'.

##### **Inquiry into Bovine tuberculosis**

The Committee completed the inquiry into Bovine Tuberculosis, discussing its conclusions at the meeting on 23 June and the draft report on 14 July. The

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<sup>1</sup> Lorraine Barrett was elected to the Committee in place of Jeff Cuthbert on 25 January 2005.

<sup>2</sup> Sandy Mewies was elected to the Committee in place of Tamsin Dunwoody-Kneafsey on 25 January 2005.

Committee received the Minister's response to the inquiry at the meeting on 24 November.

### **Inquiry into meeting landfill and recycling targets**

The inquiry began in the autumn of 2004, with the Committee agreeing its terms of reference at the October meeting. Itineraries for visits to waste facilities were discussed in the November meeting, the visits taking place in January. The Committee heard evidence from a wide range of witnesses with expertise in recycling, composting and research, including the Assembly Government, local government, industry, the community sector and Environment Agency Wales.

### **Reform of the Common Agricultural Policy**

4.6 The Committee considered an update on reform of the Common Agricultural Policy (CAP) and its implications for Wales at its meeting on 23 June, and continued to receive regular updates throughout the year via the Minister's reports.

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

4.7 The Committee received a report from the Minister at each meeting allowing regular scrutiny of policies and decisions for which he is accountable.

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

4.8 Committee Members visited the Environment Agency Wales on 14 June and Forestry Commission Wales on 8 July.

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

4.9 The Committee reported to plenary on the following items of legislation<sup>3</sup>:

#### **Primary legislation**

- Clean Neighbourhoods and Environment Bill
- Draft Animal Welfare Bill

#### **Secondary legislation**

- The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) (Wales) Regulations 2004
  - The Common Agricultural Policy Single Payment (Cross Compliance) (Wales) Regulations 2004
  - The Common Agricultural Policy Support Schemes (Modulation) (Amendment) (Wales) (Regulations) 2004
  - The Compulsory Purchase of Land (Prescribed Forms) (Wales) Regulations 2004
  - The Compulsory Purchase of Land (Written Representations Procedure) (Wales) Regulations 2004
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- The Single Farm Payment Scheme and Miscellaneous Direct Support Schemes (Appeals) (Wales) Regulations 2004
- Horse Passport Regulations (Wales) 2004
- The Welsh Local Flood Defence Scheme (1996) (Revocation) Order 2005
- The Genetically Modified Organisms (Transboundary Movements) (Wales) Regulations 2004
- Hazardous Waste (Wales) Regulations 2005
- CROW Act 2000 (Means of Access) (Wales) Regulations 2005

### **European legislation**

4.10 In February 2004 the Committee introduced a system for more proactive scrutiny of European legislation. European Commission documents related to the EPC portfolio deposited in the UK Parliament were considered at alternate meetings throughout 2004. Following agreement at the Panel of Chairs meeting on 7 December, it was decided that the European Commission's Annual Legislative and Work Programme would be the starting point for identifying priority policy issues for further monitoring and scrutiny over the course of the year. The Committee discussed its priorities at its meeting on 2 March 2005. The Committee identified six issues for further consideration and if possible, influence: thematic strategies on the urban environment, waste, the marine environment; a policy document on biodiversity, the EC Rural Development Regulation and the proposed REACH Directive. The Committee requested that the Welsh Assembly Government provide details of its discussions and input into the development of these policies/legislative issues.

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

4.11 The Committee set out its budget preferences at its meeting on 26 May and commented on the draft budget at its meeting on 3 November.

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

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

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

4.13 The Committee's public appointment nominees were consulted on numerous appointments to public bodies during the reporting year. Sandy Mewies was elected as the Committee's Public Appointments Nominee on 2 March 2005 in place of Tamsin Dunwoody-Kneafsey.

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

4.14 In December 2004, the Clean Neighbourhoods and Environment Bill and the Draft Animal Welfare Bill were remitted to the Committee for scrutiny (see above, para. 4.9).

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

4.15 Five meetings were held during the reporting period. These dealt with a total of eight cases. An annual report for the period April 2004 to March 2005 is attached at **Annex 1**.

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

### **Equality of Opportunity**

5.1 On behalf of the Committee, the Chair contributed factual information to reviews of mainstreaming equality in the Assembly undertaken by the Equality of Opportunity Committee. The Committee has ensured that gender-neutral language is used in papers and during inquiry visits.

### **Sustainable development**

5.2 The Committee considered the draft Welsh Assembly Government's Sustainable Development Action Plan at its meeting on 26 May.

## **6. FORWARD PROGRAMME**

6.1 The Committee's strategic work programme, which was agreed at the start of the period covered by this report, is attached at **Annex 2**.

**Environment, Planning and Countryside Committee  
May 2005**

## PLANNING DECISION COMMITTEES

### REPORT TO PLENARY UNDER STANDING ORDER 9.9: APRIL 2004 to MARCH 2005

#### 1. Introduction

1.1 This report summarises the activities of the Planning Decision Committees (PDC) from April 2004 to March 2005.

#### 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 Countryside 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 17.

#### 4. Meetings

4.1 The following cases were considered during the reporting period:

##### **PDC(2) 2004-03**

- Planning appeal by Walters Mining Ltd for the proposed reclamation of derelict land accompanied by extraction, processing and sale of coal and sandstone at Winch Fawr West, Winch Fawr Road, Heolgerrig, Merthyr Tydfil. **Decision: The Committee agreed with the Inspector's Report to refuse permission.**
- Scarweather Sands Order for the construction of an off-shore windfarm and associated works at Scarweather Sands in Swansea Bay off Port Talbot and Porthcawl. **Decision: The Committee disagreed with Inspector's Report and allowed the appeal.**

##### **PDC(2) 2004-04**

- Called in planning application by Celtic Energy Ltd for the proposed extension of an existing opencast coal site, with an on-site washery, followed by restoration and aftercare management at East Pit East, Gwaun-Cae-Gurwen, nr Ammanford. **Decision: The Committee were unanimously not willing to make a decision in respect of this case and asked that further information be provided.**

## **PDC(2) 2004-05**

- Called in planning application by Celtic Energy Ltd for the proposed extension of an existing opencast coal site, with an on-site washery, followed by restoration and aftercare management at East Pit East, Gwaun-Cae-Gurwen, nr Ammanford.  
**Decision: The Committee unanimously agreed to grant planning permission, subject to the conditions set out in the decision letter.**
- Planning appeal by Windjen Power Ltd for the construction and operation of 6 wind turbine generators and associated access tracks, construction of 1 control building; monitoring mast; temporary storage compound and borrow pits at Llethercynon Farm, Garthbrengy, Brecon, Powys.  
**Decision: The Committee agreed by majority decision to dismiss the appeal and not grant planning permission.**

## **PDC(2) 2005-01**

- Called in planning application under section 77 of the Town and Country Planning Act 1990 by Hanson Quarry Products Europe Ltd for the proposed extension of an existing quarry at St George Quarry, Nant ddu, St George, Abergele.  
**Decision: The Committee agreed to grant planning permission, subject to the conditions in the decision letter.**
- Planning appeal under section 78 of the Town and Country Planning Act 1990 by Mr J Phelps for the proposed erection of a residential dwelling on land off Bulwark Road, Chepstow and an appeal under section 208 of that Act by Mr G D Phelps against a tree replacement notice (trn) on land off Bulwark Road, Chepstow.  
**Decision: The Committee agreed with the Inspector's Report and allowed the appeal against the tree replacement notice and refused the appeal in respect of the proposed erection of a residential dwelling.**

## **PDC(2) 2005-02**

- Called in planning application under Section 77 of the Town and Country Planning Act 1990 by Miller Argent (South Wales) Ltd for the Ffos-y-fran Land Reclamation Scheme, incorporating the extraction of coal by opencast methods, and being the final phase of the East Merthyr Reclamation Scheme.  
**Decision: The Committee agreed with Inspector's Report to allow planning permission.**

4.2 Copies of the Inspector's Reports and decision letters relating to the above cases can be found on the Committee's website<sup>4</sup>.

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<sup>4</sup> <http://www.wales.gov.uk/keypubassemblandecision2/index-e.htm>





## ENVIRONMENT, PLANNING & COUNTRYSIDE COMMITTEE

### FORWARD WORK PROGRAMME 2004-05

#### PART 1: STRATEGIC FORWARD WORK PROGRAMME

May 2004 to December 2005

#### Introduction

1. The Environment, Planning and Countryside Committee is one of the Assembly's seven subject committees. Standing order 9.9 requires subject committees to maintain a rolling programme of work covering periods of at least 12 months. The Strategic Forward Work Programme sets out the Committee's priorities for the coming 18 months. It is complemented by detailed programmes covering each term.

#### Remit and responsibilities

2. The Committee's remit is based on the portfolio of the Minister for Environment, Planning and Countryside, 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. The responsibilities of subject committees as set out in Standing Orders 9.7 and 9.8 are principally: policy development; scrutiny of Ministers and relevant bodies; and scrutiny of legislation.

#### Aims

4. With such a broad remit, the Committee will develop a strategic approach to its work and aim to balance consideration of subjects across the portfolio and its range of responsibilities.

#### Priorities

5. Priorities for the coming period will be:

- *Policy development (SO 9.7(i))* – the Committee will focus on those areas of policy development where it can make the greatest impact. In the coming period the Committee proposes to undertake inquiries in the following policy areas:
  - bovine tuberculosis;
  - progress towards meeting the 2003-04 targets of the waste strategy *Wise About Waste*;
  - the marine environment.

- *Scrutiny of the Minister (SO 9.7(i))* - the Minister will report to the Committee at each meeting on current developments within the portfolio. The Committee may also undertake inquiries into topics in greater depth.
- *Scrutiny of relevant bodies (SO 9.7 (iii))* – the Committee will scrutinise the work of the Countryside Council for Wales, Forestry Commission Wales, Environment Agency, Welsh National Parks, Welsh Development Agency and other relevant bodies undertaking activities within the EPC portfolio. Rather than undertake scrutiny of performance against the full range of targets, the Committee will concentrate on scrutinising particular aspects of relevant bodies’ work, or joint delivery of services. The Committee will also advise on any quinquennial or other reviews of the public bodies.
- *Scrutiny of proposed legislation affecting Wales (SO 9.8(i) and 24)* – the Minister will regularly outline forthcoming secondary legislation and the Committee will be informed of relevant proposed primary legislation. The Committee will identify for scrutiny those items of legislation where there is scope to influence content, and will also consider draft secondary legislation referred by the Deputy Presiding Officer, as appropriate. A summary of EU documents related to the EPC portfolio deposited in the UK Parliament will be considered at alternate meetings, where there is scope to influence, the Committee may identify items for future scrutiny.
- *Other items (SO 9.8)* – the Committee will consider the following items as they arise:
  - *proposals for the Assembly's budget (SO 9.8(ii) and 21)* – the Committee will indicate its budget priorities in the summer term and comment on the draft budget in the autumn term;
  - *complaints (SO 9.8(iii) and 23)* – the Committee will consider any complaints referred to it under Standing Order 23;
  - *public appointments (SO 9.8(iv) and 22)* – the Committee’s two public appointment nominees will take part in the process of appointments to public bodies as vacancies arise;
  - *other matters referred by the Assembly (SO 9.8 (v))* – the Committee will consider other matters referred to it by the National Assembly, but would ask Assembly Members to consult the Committee Chair before tabling motions inviting plenary to remit work to the Committee.

### **The Assembly’s Statutory Duties**

6. The Government of Wales Act 1998 places certain duties on the National Assembly, the Committee’s work will be guided by the following:

- *Equality of Opportunity (s.48 and s.120)* – Committee meetings will be held in public and on occasion away from the National Assembly building to

increase the accessibility of its business to people across Wales. Over the range of issues within its portfolio, the Committee will have regard to equality of opportunity

- *Sustainable Development (s.121)* – the Committee will scrutinise the relevant parts of annual progress reports on meeting the commitments of the Assembly’s Sustainable Development Scheme and Welsh Assembly Government Action Plan, and the extent to which sustainable development is integrated in the work of ASPBs. As part of the budget planning round, the Committee will consider whether budget decisions support sustainable policy making. The Committee’s own policy review recommendations will be consistent with the principles of sustainable development. As co-ordination for sustainable development forms part of the Minister’s responsibilities, the Committee will undertake detailed policy development and scrutiny work in this area, such as scrutiny of the draft Welsh Assembly Government Action Plan and development of sustainability indicators.

#### **Environment, Planning and Countryside Committee**

May 2004