

Environment, Planning And Countryside Committee

Report To Plenary Under Standing Order 9.9: April 2005 To March 2006

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 2005 to March 2006.

2. MEMBERSHIP

2.1 The Committee's current membership is: Glyn Davies (Chair)¹, Lorraine Barrett, Mick Bates, Jocelyn Davies, Tamsin Dunwoody, Elin Jones², 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

During the reporting period the Committee held 16 formal meetings.

Policy development (SO 9.7 (i))

Inquiry into meeting landfill and recycling targets

The Committee completed its inquiry into meeting landfill and recycling targets in May 2005. The report, which was published in August, highlighted the substantial challenge facing Wales if it is to increase the amount of waste recycled and composted. It included a series of recommendations aimed at facilitating recycling which would assist in meeting landfill and recycling targets set by Europe and the Welsh Assembly Government.

¹ Glyn Davies replaced Alun Ffred Jones as Committee Chair on 30 November 2005.

² Jocelyn Davies, Tamsin Dunwoody and Elin Jones were elected to the Committee on 30 November 2005.

In November 2005 the Committee scrutinised the Welsh Assembly Government's response to its report. Members agreed to receive regular updates from the Minister on progress made in implementing the Committee's recommendations. In March 2006 the Committee considered an initial update and sought the views of the Welsh Local Government Association on progress made to date.

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. The Committee was particularly concerned at the introduction of pre-movement testing and the change to a tabular calculation of compensation. In light of its concerns, the Committee visited Ireland on 30-31 March to examine animal welfare issues, to discuss problems faced by the farming industry, and to hear from the Irish Government about its policies for eradicating the disease.

Rural Development Plan

In May 2005 the Committee began its consideration of support for rural development through the European Agricultural Fund for Rural Development for the programming year 2007-2013. In November 2005 and January 2006 the Committee took evidence from key stakeholders in order to inform its views on the draft strategic approach to underpin the detail contained in the successor Rural Development Plan for Wales 2007-2013. The Committee subsequently produced a report which was formally submitted to the Minister and laid before the Assembly. Work on the Rural Development Plan will continue into the summer term when the Committee will consider the draft successor Plan.

Biomass and bio-fuels

In March 2006 the Committee examined the potential of the biomass and bio-fuel industry in Wales. In order to inform its views it took evidence from scientists within the field as well as representatives from the farming unions. In the summer term the Committee will look at the impact of bioenergy on biodiversity and has invited the Countryside Council for Wales and RSPC Cymru to a future meeting.

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.

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

At its 4 May meeting the Committee agreed the terms of reference for scrutiny of Assembly Sponsored Public Bodies within its portfolio. Rapporteur groups were established which undertook visits to the Countryside Council for Wales and the Planning Inspectorate Wales on 9 June. The Committee received a

report on the visits, which made a number of recommendations to the Minister, at its meeting on 5 October 2005.

Legislation (SO 9.8(i))

Primary legislation

At its 22 September 2005 meeting the Committee agreed a protocol for handling primary legislation.

In June 2005, following a plenary debate on the Queen's Speech the subsequent Bills were remitted to the Committee:

- The Natural Environment and Rural Communities Bill
- The Commons Bill
- The Animal Welfare Bill
- The Marine Bill.³

- **The Natural Environment and Rural Communities Bill**
In July and September 2005 the Committee undertook detailed scrutiny of the Bill. The Committee's suggested amendment to Part 2, Clause 38 was accepted by the Department for Environment, Food and Rural Affairs and was later proposed as a UK Government amendment.

- **The Commons Bill**
In September and November 2005 the Committee scrutinised the Commons Bill. It took evidence from the National Sheep Association, Welsh Commons and RSPB Cymru.

- **The Animal Welfare Bill**
In January 2006 the Committee considered the Animal Welfare Bill, the draft of which it had scrutinised and reported on in February 2005. The Committee was content with the Bill as drafted and recorded its wish to scrutinise the subordinate legislation emanating from the Act.

In line with the agreed protocol, the Committee reports on the above legislation were laid before the Assembly.

Secondary legislation

The Committee received a detailed timetable of forthcoming legislation within the Minister's portfolio on a termly basis. During the reporting year the Committee considered 24 pieces of legislation, details of which are attached at **Annex 1**.

In line with the agreed protocol, the Committee reports on the above legislation were laid before the Assembly.

³ The Committee will consider the consultation on the Marine Bill in the summer term and undertake pre-legislative scrutiny in the autumn.

European legislation

- REACH Directive

At its 4 May 2005 meeting the Committee considered the European Commission REACH proposals for a new European Union chemical strategy. In the following months it received an update on the scoping study undertaken by the Welsh Assembly Government in relation to the REACH Regulation. In addition the Committee sought the views of Dow Corning, a member of the Chemical Industries Association, and from World Wildlife Fund Cymru. The Committee discussed its report and emerging conclusions of its discussions on 13 July. In January 2006 the Minister provided an update on developments in progressing the proposals.

- EU Annual Work Programme 2006

At its 19 January 2006 meeting the Committee considered the European Commission's Annual Work Programme 2006 and in doing so identified, as its priorities, the Green Paper on adaptation to climate change, the Green Paper on a Future EU Maritime Policy; and the Review of the health rules on animal by-products. In addition, the Committee agreed to receive regular updates on issues it had previously identified within the 2005 Programme, as well as GMO co-existence, bio-fuels and energy crops.

Budget (SO 9.8 (ii))

The Committee set out its budget priorities at its meeting on 25 May 2005 and commented on the draft budget at its meeting on 3 November 2005.

Complaints (SO 9.8(iii))

At its 13 July 2005 meeting the Committee considered a report by the Welsh Administration Ombudsman relating to a complaint against the Welsh Assembly Government.

Public Appointments (SO 9.8(iv))

The Committee's public appointment nominees were involved in the appointment of 10 during the reporting year. Glyn Davies and Lorraine Barrett were elected as the Committee's Public Appointments Nominees on 19 January 2006 to replace Alun Ffred Jones and Sandy Mewies.

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

In June 2005, The Natural Environment and Rural Communities Bill, The Animal Welfare Bill, The Commons Bill and The Marine Bill were remitted to the Committee for scrutiny.

Planning Decision Committee (SO 17)

Four meetings were held during the reporting period. These dealt with a total of 11 cases. An annual report for the period April 2005 to March 2006 is attached at **Annex 2**.

5. CROSS-CUTTING ISSUES

Equality of Opportunity

When it considered the budget priorities for the Environment, Planning and Countryside Main Expenditure Group, the Committee requested greater transparency so that sums spent in promoting equality of opportunity could be more easily monitored. The Committee also requested that where equality issues were mainstreamed and funding allocated, this would be reflected in the Minister's papers to Committee.

On 9 June, during rapporteur visits to two Assembly sponsored public bodies, the Countryside Council for Wales and the Planning Inspectorate, Members of the Committee scrutinised how these bodies were promoting equality of opportunity. Both bodies were working with black and ethnic minority communities to increase representation amongst their staff and to raise awareness of their work.

On 23 March, the Committee held its meeting in Pembrokeshire County Council headquarters in Haverfordwest, thus increasing accessibility to the Committee's deliberations.

Sustainable development

The Committee noted that the sums allocated in the Minister's budget during 2004-05 had not been spent and sought assurance that no further underspends would occur.

During rapporteur visits to the Planning Inspectorate and the Countryside Council for Wales on 9 June, Members found that the Planning Inspectorate had not received direction from the Assembly Government on how to measure sustainability issues, however, the Countryside Council for Wales was found to be making regular use of the Government's policy integration tool.

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 3**.

Secondary legislation considered by the Environment, Planning and Countryside Committee

- *The Scallop Fishing (Wales) Order 2005*
- *North West Severn Trent and Welsh Regional Flood Defence Committees (Boundaries Alteration) Order 2005*
- *Genetically Modified Organisms (Traceability and Labelling) (Wales) Regulations 2005*
- *The Planning and Compulsory Purchase Act 2004 (Commencement No.4 and Consequential and Transitional Provisions) (Wales) Order 2005*
- *The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005*
- *The Cereal Seeds Regulations 2005*
- *Tir Cynnal regulations 2005*
- *The Abandoned Vehicles (Wales) Regulations 2005*
- *Food Hygiene (Wales) Regulations 2005*
- *Foot and Mouth Disease (Vaccination) (Wales) Regulations 2006*
- *Waste (Household Waste Duty of Care) (Wales) Regulations 2005*
- *Pesticides (Maximum Residue Levels in Crops, Food and Feeding Stuffs) Regulations 2005*
- *Single Payment Scheme Cross Compliance (Wales) (Amendment) Regulations 2005*
- *Feed (Hygiene and Enforcement) (Wales) Regulations 2005*
- *HASS (Wales) Directions*
- *Meat (Official Controls) (Charges) (Wales) Regulations 2005*
- *The Tuberculosis (Wales) Order 2006*
- *The Welsh Regional Flood Defence Committee (Composition) Order 2006*
- *The Official Feed and Food Controls (Wales) Regulations 2006*
- *The Sheep and Goat (Records, Identification and Movement) (Wales) Order 2006*
- *The Cattle Compensation (Wales) Order 2006*
- *The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendment) Regulations 2006*
- *The Town and Country Planning (Fees for Applications and Deemed Applications) (Amendments) (No.2) (Wales) Regulations 2006*
- *Tir Gofal (Amendment) (Wales) Regulations 2006*

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 2005 to MARCH 2006

Introduction

1. This report summarises the activities of the Planning Decision Committees (PDC) from April 2005 to March 2006.

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) 2005-03

- Called in planning application under section 77 of the Town and Country Planning Act 1990 by Mr W Davies of Davmor Developments for the development of a residential bungalow at Maes yr Eglwys, Llandovery (plot 4);
- Called in planning application under section 77 of the Town and Country Planning Act 1990 by Mr W Davies of Davmor Developments for the development of a residential bungalow at Maes yr Eglwys, Llandovery (plot 3);
- Called in application under section 77 of the Town and Country Planning Act 1990 by Mr W Davies of Davmor Developments for the development of a residential road at Maes yr Eglwys, Llandovery;
- Called in planning application under section 77 of the Town and Country Planning Act 1990 by Carmarthenshire County Council for the development of a residential site of 0.75 hectares at land at Heol Pluguffan, Llandovery; and

- Planning appeal under section 78 of the Town and Country Planning Act 1990 by Mr and Mrs Berry against the refusal of retrospective planning permission for the siting of 1 residential caravan, 1 touring caravan and associated sheds for one gypsy family at land at Berryland, Homestead Lane, Wrexham and an appeal made under section 174 of that act by Mr and Mrs Berry against an enforcement notice issued alleging the change of use of land for the provision of residential caravan accommodation with associated sheds and parking of vehicles at land at Berryland, Homestead Lane, Wrexham.

PDC(2) 2005-04

- Called in planning application under section 77 of the Town and Country Planning Act 1990 by Holts Holdings for the demolition of existing buildings and erection of new dwellings at Bank Farm, Lower Mountain Road, Penyffordd, Flintshire; and
- Planning appeal under section 78 of the Town and Country Planning Act 1990 by the Welsh Development Agency for proposed residential development (approximately 150 houses) at land at Ty Draw Farm, Pyle, Bridgend.

PDC(2) 2006-01

- Called in planning application by Mrs R C Sullivan for residential development on land formerly known as the Botanical Beer Bottling Store, East of the Paddocks, Aberaman, Aberdare application no. 04/1749; and
- the Pontypool and Blaenavon (phase 1) railway order for the transfer to the Pontypool and Blaenavon railway company (1983) Ltd of the statutory powers to maintain and operate the existing railway in the Borough of Torfaen, and make other provisions as to the railway.

PDC(2) 2006-03

- Town and Country Planning Act 1990 (as amended):
section 78
Appeal by the National Assembly for Wales - proposed residential development following the demolition of existing buildings at Meadowslea Hospital, Penyffordd, Flintshire; and
- Planning appeal and listed building consent appeal by T-Mobile (UK) Ltd for the replacement of existing louvres with grp louvres to facilitate the internal installation of a mobile phone base station at St Thomas' Church, Bath Street, Rhyl.

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 & COUNTRYSIDE COMMITTEE

FORWARD WORK PROGRAMME 2005-06

PART 1: STRATEGIC FORWARD WORK PROGRAMME May 2005 to December 2006

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. In accordance with s57(4) of the Government of Wales Act 1998, 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, which are:

9.7: Each Subject Committee shall:

(i) contribute to the development of the Assembly's policies within the fields for which the relevant Minister is accountable to the Assembly and in the areas for which that Minister has been allocated other responsibilities (with the exception of the management of the Assembly's business and its finances and matters within the terms of reference of the Committees on Equality of Opportunity and on European and External Affairs);

(ii) keep under review the expenditure and administration connected with their implementation; and

(iii) keep under review the discharge of public functions in those fields and areas of responsibility by public, voluntary and private bodies.

9.8 Each Subject Committee shall also, within the relevant fields and areas of responsibility,

- (i) advise on proposed primary, secondary and European legislation affecting Wales, including performing its functions under Standing Order 24;
- (ii) provide advice to the Assembly Cabinet on matters relating to the allocation of the Assembly's budget in accordance with Standing Order 21;
- (iii) perform its functions under Standing Order 23 (complaints);
- (iv) perform any functions assigned to it under the Code of Practice on Public Appointments Procedure made by the Assembly under Standing Order 22; and
- (v) consider matters referred to it by the Assembly within its fields and areas of responsibility.

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 will:
 - complete its inquiry on meeting landfill and recycling targets
 - will begin taking evidence on its fourth inquiry in autumn 2005
 - continue to monitor the work of the Welsh Assembly Government with regard to the management and control of bovine tuberculosis
 - undertake work on the marine environment
- *Scrutiny of the Minister (SO 9.7(ii))* - 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 and the Planning Inspectorate 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. The Committee will be informed of relevant proposed primary legislation and scrutinise and report on primary legislation remitted to it by Plenary. 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. With regard to EU legislation, the Committee, in line with the method of working and protocol agreed by the Panel of Chairs, has identified a number of thematic strategies it wishes to influence and will seek to do so in a timely and appropriate way.

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. It will monitor the Assembly Government's progress in the areas that the Committee will identify as priorities in the 2005-06 budget;
- *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 2005