

**Gweinidog dros yr Amgylchedd, Cynllunio a Chefn Gwlad  
Minister for Environment, Planning and Countryside**



Your ref:

Our ref: **6F/CJ/330/05**

Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

Ms Janet Davies A.M.  
Chair  
National Assembly Audit Committee  
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10 May 2005

Dear *Janet*

**Environment Agency Wales: Regulation of Waste Management.**

As you know the Welsh Assembly Government's response to the Report of the National Assembly Audit Committee on "Environment Agency Wales: Regulation of Waste Management" was tabled on 8 April. Following subsequent discussion between Assembly Government and Wales Audit Office officials I thought that some additional clarification of the Assembly Government's approach to securing and the use of legislative functions in furthering the promotion of effective waste management would be helpful.

The Assembly Government is of the view that the most straightforward way of improving the standard and scope of waste planning and management is through close partnership working between the Assembly Government; the Environment Agency; local government in Wales; and private sector operators. The Assembly Government will, however, seek to secure and use legislative functions that would further this objective, if and when appropriate.

The Audit Committee were informed during the evidence taking session of 4 November that the Assembly Government is taking forward with the United Kingdom Government the recovery of statutory functions under the Pollution Prevention and Control Regulatory regime. I am also pleased that the Committee in its report made reference to the success of the Landfill Allowance Scheme, where statutory powers available to the Assembly Government have been used to divert waste away from landfill, in advance of action in England. For the future, as now, the Assembly Government will seek to ensure that appropriate devolved statutory functions are incorporated in relevant primary legislation brought forward by the United Kingdom Government. The Audit Committee report made specific reference to the need for the Assembly Government and the Agency to identify how best to improve data on landfill site capacity. The Assembly Government in its response



recognised the need to assess, in close co-operation with the Environment Agency, the data available and to address gaps in data provision. As part of this process the Assembly Government in liaison with the Agency and with DEFRA will give very careful consideration to the benefit of taking statutory powers to require operators to provide capacity data. This will be considered alongside non-statutory steps that are already being taken to improve the quality of information such as the Dataflow Wales Initiative: and within the wider context of implementing the DEFRA Strategy to improve data across all waste streams in the United Kingdom, also referred to in the Assembly Government response.

On a further point of clarification in relation to recommendation 8 in the Committee's report. The Environment Agency, whilst not accepting that excessive costs relating to public consultation exercises have, in the past, been passed on to waste operators, agrees fully that charges (which may include a reasonable element of consultation cost) should not act as a disincentive to the provision of additional facilities. It currently works to ensure this.

Yours sincerely

A handwritten signature in black ink, appearing to read 'Carwyn Jones', written over the printed name below.

**Carwyn Jones AM**