

## Answers to Questions not reached in Plenary 9 February 2000

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

### Questions to the Secretary for the Environment and Local Government

#### Waste Strategy for Wales

**Q6 Jocelyn Davies:** Could the Secretary for the Environment and Local Government state how the Assembly intends to deal with toxic and dangerous waste in the waste strategy for Wales? (OAQ3460)

**The Secretary for the Environment and Local Government (Peter Law):** The European Hazardous Waste Directive requires the UK to draw up a plan for the management of hazardous waste either separately, or as part of a general waste management plan. This obligation will be discharged for Wales in 'A Way With Waste', which is due to be published in the spring. In developing our more detailed waste strategy for Wales we shall take full account of the particular issues presented by hazardous wastes.

#### Air Pollution Monitoring Stations

**Q7 John Griffiths:** Will Peter Law review the siting of air pollution monitoring stations in Wales? (OAQ3450)

**Peter Law:** Air pollution monitoring sites in Wales form part of the national network across the United Kingdom. The location of monitoring sites in Wales is agreed between the Assembly and the Department of the Environment, Transport and the Regions. Current arrangements are being reviewed to ensure compliance with EC Directive 96/62/EC on ambient air quality assessment and management and subsequent daughter legislation. As a first step, member states have to identify any additional monitoring requirements necessary to fulfil their obligations under the directives.

#### Road Gritting

**Q8 Peter Rogers:** What action can be taken against local authorities that fail to grit roads? (OAQ3475)

**Peter Law:** Each highway authority determines its own winter maintenance policy and operating procedure and generally seeks to ensure that, as far as reasonable, delays and accidents caused by adverse weather are kept to a minimum. There is no specific statutory power enabling the Assembly to take action, but a local authority could be liable to challenge in the courts.

#### Councillors' Allowances

**Q9 David Melding:** What steps is Peter Law taking to limit councillors' allowances? (OAQ3473)

**Peter Law:** Under current regulations, it is for individual councils to set their own elected members' allowances. I have no proposals to change the position. I hope that councils, before setting their allowances, will consider the recommendations of the Members' allowances working group report 'Rewarding Community Service'. This provides a transparent

framework for councils in setting their allowances and it recommends levels of basic and special responsibility allowances that councils might wish to follow.

### **Pollution Standards**

**Q10 Brian Hancock:** Will the Assembly be setting higher pollution standards than those proposed in England? (OAQ3456) [R]

**Peter Law:** The Assembly has a wide range of environmental responsibilities. In setting standards to reduce pollution it will be necessary to take account of the costs and benefits to Wales of individual proposals and of relevant European requirements

### **Transport Grant Funds**

**Q11 Phil Williams:** Can Peter Law categorically state that no transport grant funds for this or the next financial year will be used to match European funding? (OAQ3463)

**Peter Law:** Under current arrangements, where local authorities receive transport grant support for projects, it is open to them to use those funds to lever in additional funding, from Europe or other sources.

### **Single Rail Franchise (Wales and the Marches)**

**Q12 Carwyn Jones:** What discussions has Peter Law had with a view to establishing a single rail franchise for Wales and the marches? (OAQ3476)

**Peter Law:** I discussed this with members of the Environment and Local Government Committee on 2 February when a representative of the shadow strategic rail authority was present. I have also discussed it with some of the train operating companies.

Proposals from operators that comprise an all-Wales franchise are welcome for the greater coherence of management and increased national identity that it would bring, provided they deliver better services. As nearly all services within Wales do not run on a commercially viable basis without subsidy, operators will need to demonstrate how they would achieve the necessary investment to support and improve services. The Environment and Local Government Committee also gave its support for an all-Wales franchise.

### **Transport Bids**

**Q13 Jane Davidson:** When will the outcome of the transport bids be known and will Peter Law make a statement? (OAQ3420)

**Peter Law:** I announced my decisions on the transport grant bids earlier today.

### **Applications for Opencast Mining**

**Q14 Huw Lewis:** During the consultation process on the 'Mineral Planning Guidance (Wales)' document, what consideration will be given to the effects of multiple applications for opencast mining within a particular locality? (OAQ3449)

**Peter Law:** The draft 'Minerals Planning Guidance (Wales)' policy document, which includes policies for coal, was issued for consultation on 25 November 1999, and was the subject of discussion at a seminar in Llandrindod Wells on 20 January.

When the consultation period ends on 11 February all the issues raised, by Assembly Members, organisations and individuals, either in writing or at the seminar—including what guidance is needed on dealing with multiple applications for opencast mining—will be considered carefully before new minerals planning guidance appropriate to the needs of Wales is published.

A series of technical advice notes will, in due course, accompany the main policy document. Priority is being given to those dealing with coal, and with aggregates.

### **Planning Consents**

**Q15 Jocelyn Davies:** Given that there is no one body looking at the long term implications of planning consents, what assurances can Peter Law give that sufficient resources are allocated to the planning department to deal with applications? (OAQ3459)

**Peter Law:** Planning matters are primarily the responsibility of local planning authorities. Their development plans set out the policies on which their day to day planning decisions are based, and it is for them to ensure that decisions are consistent with those policies. Development plan policies, in turn, must be consistent with national planning policy as set out in 'Planning Guidance (Wales) Planning Policy'.

While the Assembly does not look at the implications of all planning consents, it does monitor the time taken by local planning authorities to deal with the applications before them. The Assembly can become aware of individual applications in many ways; as a result of planning appeals, requests for applications to be 'called in' for the Assembly's decision or by reference from local planning authorities, as significant departures from the development plan, or under the requirements of the shopping direction. Most appeals are determined on behalf of the Assembly by the Planning Inspectorate although a small number are recovered for the Assembly's own decision. With regard to other applications, we do not interfere with local planning authorities' jurisdiction unless it is necessary to do so. For example, where an application for planning permission raises planning issues of more than local significance.

I do not anticipate that the Assembly will intervene in more than a few cases a year for such reasons and I am content that the Assembly's Planning Division is adequately resourced for this task.

### **Cardiff Bay Barrage**

**Q16 Jenny Randerson:** What discussions has Peter Law had with the Secretary for Economic Development about the environmental impact of Cardiff Bay Barrage now that the impounded water is to remain as a saline lake until next year? (OAQ3428)

**Peter Law:** We maintain regular contact on this matter, given my environmental responsibilities which include sponsorship of Environment Agency Wales, with the Economic Development Secretary leading for other matters. Operational responsibility for compliance with the environmental requirements of the Cardiff Bay Barrage Act 1993 rests with the owner and operator of the barrage, with the agreement of the Environment Agency as appropriate. This responsibility rests with Cardiff Bay Development Corporation until 31 March 2000 and will then pass to a successor body. An agreement is being drawn up between the Corporation and Cardiff City and County Council to cover the succession arrangements and the Environment Agency is being consulted about the terms of this agreement.

### Standard Spending Assessments (Local Authorities)

**Q17 David Davies:** What steps is Peter Law taking to prevent local authorities spending above their standard spending assessments? (OAQ3477)

**Peter Law:** In line with the Assembly's new powers, no capping principles were announced in advance of the settlement. In the unlikely event that local authorities across Wales were to set higher budgets than those assumed, which would result in a financial penalty being imposed on the Assembly, the Assembly may need to consider using its reserve capping powers.

### Control of Cardiff Bay Barrage and Lake

**Q18 Owen John Thomas:** Will Peter Law be assuming responsibility within the Assembly for the Cardiff Bay Barrage and lake when control passes from Cardiff Bay Development Corporation to Cardiff City and County Council? (OAQ3469)

**Peter Law:** The allocation of portfolios to Assembly Secretaries is a matter for the First Secretary. Under the current arrangements overall responsibility for the Cardiff Bay development will remain with the Secretary for Economic Development

### Regulation of Councillors' Allowances

**Q19 Jonathan Morgan:** Will Peter Law make a statement on the regulation of councillors' allowances? (OAQ3481)

**Peter Law:** Under the Local Authorities Members Allowances Regulations 1991 the setting of councillors' allowances is a matter for individual councils. The power to amend these regulations has been devolved to the Assembly. It is right that councils should be allowed to take responsibility for setting their own allowances and for ensuring that what they pay is considered fair by their local electorates.

### Llanelly Community Council

**Q20 David Davies:** Does Peter Law have any plans to attend the public meeting organised by Llanelly Community Council on the subject of council tax increases which will take place on 2 February? (OAQ3478)

**Peter Law:** I had no such plans. My diary commitments for that day were full.

### Llanelli Sand Dredging Company

**Q21 Peter Black:** When will Peter Law make a decision on the application to remove 300,000 tonnes of sand off the Helwick Bank in the Bristol Channel lodged by the Llanelli Sand Dredging Company? (OAQ3421)

**Peter Law:** The company has an existing licence to dredge sand at Helwick Bank, and is seeking to vary the condition limiting extraction to 150,000 tonnes a year. The activity is subject to a stringent monitoring regime.

We have consulted widely to establish the views of interested parties, and we are expecting a technical report from the company in support of the variation in the next month or so. When it is received we shall evaluate all the data and information available, including independent research findings, and weigh up any potential environmental consequences against the

demand for sand by industry in south-west Wales. At this juncture it is not possible to be definite about the timing of the decision.

### **Increases in Council Tax**

**Q22 Glyn Davies:** Has Peter Law made any estimate of any expected average increases in council tax for 2000-01? (OAQ3479)

**Peter Law:** If councils increase spending by 5.8 per cent and police authorities by 5 per cent, the average increase at band D would be about £1.17 per week excluding community council precepts and discretionary non-domestic rate relief. Actual increases will depend on decisions taken by the individual authorities themselves.

### **Waste Management (Effect on Health)**

**Q23 Pauline Jarman:** The strategic plan for Wales acknowledges the link between health and the environment. What measures are to be put in place to prevent poor waste management procedures from having an adverse effect on health? (OAQ3461)

**Peter Law:** In regulating waste management activities, the Environment Agency is required to ensure that they do not cause harm to human health. A number of studies are currently under way examining alleged links between landfill sites and the health of people living near them. When the results of these are available I shall consider whether any further action is required.

### **Finances of Denbighshire County Council**

**Q24 Janet Ryder:** In light of the latest Audit Commission report into the finances of Denbighshire County Council, what action is Peter Law planning on taking to help them? (OAQ3452)

**Peter Law:** I am unaware of a recent Audit Commission Report into the finances of Denbighshire County Council. I understand that the District Auditor has issued a management letter to the Council on its finances but this is strictly a matter between those parties. The Council has accepted my offer to assist them by waiving a reduction of basic credit approval by £2.5 million which was due to be made to 'repay' a supplementary credit approval issued in 1997. This will assist with any repayment of grant to the European Commission that the Council may have to make in respect of capital programmes inherited from Rhuddlan Town Council. If it should prove necessary for the Council to make a higher than average increase in council tax next year, I have indicated that I would be prepared to consider their position sympathetically.

### **Improving Air Quality**

**Q25 Janet Davies:** What action does Peter Law intend to take to improve air quality in Wales' pollution blackspots? (OAQ3455)

**Peter Law:** The details are contained in my answer to Jenny Randerson's question (OAQ3427) earlier today.

### **Air Quality (Worst Affected Areas of Wales)**

**Q26 David Lloyd:** What are the long-term proposals for tackling air quality in the worst affected areas of Wales? (OAQ3458)

**Peter Law:** The details are contained in my answer to Jenny Randerson's question (OAQ3427) earlier today.

### **Rising Sea and River Levels**

**Q27 Alison Halford:** Would Peter Law provide me with his current working projections for the likely riparian impact of rising sea and river levels on Wales for the next 50 years? (OAQ3471)

**Peter Law:** There is still much uncertainty about the scale of the effects of climate change on sea and river levels. As a working assumption an allowance of 5mm per year is made for coastal defences designed for the next 50 years. Predictions about the change in frequency of river floods are only now becoming available, but suggest they could increase by a factor of 2 to 3 over the next 50 years. The potential impact of such events is demonstrated by the indicative flood plain maps prepared by the Environment Agency, with funding assistance from the Assembly, and provided to every local authority. The impact will depend on the preparedness of the various authorities to deal with these rises. The Assembly has issued guidance to assist authorities through such documents as the guidance on high level targets for flood and coastal defence, and is preparing with others updated guidance on shoreline management planning which will address this issue. Shoreline management plans are being prepared for the whole Welsh coastline.

### **Regional Guidance for Planning Purposes**

**Q28 Elin Jones:** Does the Assembly intend to issue regional guidance for planning purposes? (OAQ3465)

**Peter Law:** The Assembly intends to review and revise a range of planning guidance. In particular work has been put in hand to review 'Planning Guidance (Wales) Planning Policy' and 'Planning Guidance (Wales) Unitary Development Plans'. These reviews will be carried out in an open and inclusive way. A planning forum has been established to contribute to the revision of 'Planning Guidance (Wales) Planning Policy' and a seminar is to be held this month to discuss the revision of 'Planning Guidance (Wales) Unitary Development Plans'.

In a report to the Environment and Local Government Committee on 20 October 1999 I set out the arrangements proposed for considering planning issues at a regional level in Wales. Present planning guidance encourages groupings of local planning authorities to consider planning issues of joint concern, and to develop strategies that can be reflected through their unitary development plans. I am pleased that four such groupings are making progress with this work, including undertaking consultations with interested bodies. As part of the revision of 'Planning Guidance (Wales) Unitary Development Plans' consideration will be given to whether further guidance for the voluntary groups of local planning authorities would be useful.

### **Welsh Waste Strategy**

**Q29 Pauline Jarman:** What practical plans does the Assembly intend to pursue if waste minimisation is to be the central tenet of the forthcoming Welsh waste strategy? (OAQ3462)

**Peter Law:** Proposals to encourage further waste minimisation will be developed in light of the outcome of the waste management scoping study currently under way. It is due to report in June. As part of this process, I shall consider whether it would be appropriate to provide guidance to local authorities on the powers available to them under the Waste Minimisation Act 1998. I shall also consider what measures should be aimed at householders and businesses.

### **Road Network in Pembrokeshire**

**Q30 Nick Bourne:** Will Peter Law make a statement about the quality of the road network maintenance in Pembrokeshire? (OAQ3434)

**Peter Law:** The trunk roads in Pembrokeshire, Carmarthenshire and Ceredigion are managed by the West Wales Trunk Road Agency. The current condition of trunk roads in west Wales complies with the Assembly's set criteria although some heavily trafficked sections are in need of reconstruction. The maintenance of non-trunk roads in Pembrokeshire is a matter for Pembrokeshire County Council although there is close liaison between all highway authorities in west Wales. I will write to you in detail on this issue.