

Environment, Planning and Countryside Committee – 19th January 2006

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Report from the Minister for Environment, Planning and Countryside

A. Actions from Previous Meetings

1. National Fallen Stock Scheme

I agreed to update Members on the above.

Biodigestors

Officials have met with EU Officials earlier this year and one of the issues raised was the option of using biodigestors as a form of disposal for fallen stock. The views of the Scientific Steering Committee were reiterated, which are that biodigestors are not considered a safe system for disposing of fallen stock because of concerns about complete removal of Transmissible Spongiform Encephalopathies (TSEs).

Funding

The Welsh Assembly Government is committed to providing £10 million towards the cost of the National Fallen Stock Scheme over its first 3 years of operation. The agreed contribution from the Welsh Assembly Government is £1.5m in 2004/05; £1.5m in 2005/06 and £0.2m in 2006/07.

After this period Welsh Assembly Government funding will be withdrawn and the viability of the scheme will depend on attracting more farmers to the scheme.

2. New European Union Chemical Strategy – REACH (Registration, Evaluation Authorisation of Chemicals)

Committee members requested to be kept apprised of developments in progressing proposals for a new EU chemical strategy REACH at their meeting of 5th October 2005. An update is provided at Annex 1.

3. Planning measures with regard to micro-generation

At the last Committee meeting members asked me to report back on the position of planning measures within Private Members Bills with regard to micro-generation.

Two Westminster Parliament bills are relevant: the Management of Energy in Buildings Bill brought forward by Dr Alan Whitehead, MP, fell last November. The second is Mr Mark Lazarowicz MP's Climate Change and Sustainable Energy Bill which started the Committee stage this month. It is understood that that the latter may impose a duty on the Secretary of State to carry out a review of permitted development rights in England under the Town and Country Planning Act 1990, to determine whether they should be extended to cover development comprising the installation of plant for the micro-generation of electricity. The type of equipment which might be covered includes boilers, heat exchangers, windmills and solar panels (where the latter require planning permission, such as in conservation areas).

With regard to initiating similar action, I have indicated that we will be reviewing the Town and Country Planning (Use Classes) Order in Wales, which may have implications for permitted development rights, as part of the Planning: delivering for Wales work programme. I am mindful of the positive contribution which micro-generation could make to delivering sustainable energy, and any outcomes of the review should clarify the position for local planning authorities and others in the development sector.

B. Other Issues

4. Revision of Technical Advice Note 5, Nature Conservation and Planning (TAN 5)

The revised TAN 5 is scheduled to issue for public consultation in the week beginning 23 January for a 12 week consultation period ending on 21 April 2006. The revision was undertaken with advice from a Technical Advisory Group of representatives of key stakeholders from the public, private and voluntary sectors.

The TAN brings together advice on sources of legislation relevant to various nature conservation topics which may be encountered by local planning authorities. In summary, the draft revised TAN:

- sets out the key principles of planning for nature conservation;
- provides advice about the preparation and review of development plans, including the relevant statutory requirements;
- addresses nature conservation in development control procedures;
- deals with the conservation of internationally and nationally designated sites and habitats and also covers local sites; and
- deals with the conservation of protected and priority species.

5. Minerals Technical Advice Note 2, Coal (MTAN 2)

MTAN 2 is scheduled to issue for public consultation in the week beginning 30 January 2006 for a 12-week consultation period ending on 28 April 2006.

The draft was undertaken with advice from a Technical Advisory Group drawn from the public sector, coal industry and local representatives.

The MTAN provides guidance on the issues that land-use planning should address when considering applications and making provision for future coal extraction.

It addresses separation zones (around settlements), buffer zones (around coal sites), and the safeguarding of coal resources for the future.

6. Summary of the consultation on the revision of Technical Advice Notes 1 and 2 (Joint Housing Land Availability Studies and Planning and Affordable Housing) and draft Ministerial Interim Planning Policy Statement on 'Housing'

The Consultation Report for this consultation exercise is scheduled to be published on the Assembly's website in the week beginning 16 January 2006. The Report provides a summary of the responses to each of the consultation questions for both TANs 1 and 2 and summarises the responses to the Ministerial Interim Planning Policy Statement (MIPPS). It also contains details of the respondents.

The draft TANs and the MIPPS will now be amended taking account of all the responses received.

7. Single Payment Scheme - Payments

Members will be aware that 75% of Welsh claimants received an interim payment on the first day of the Single Payment Window. This means that around £110 m was issued to Welsh farmers on 1 December 2005. Members will know that we aimed to issue interim payments to 80% of farmers in Wales by Christmas. I am pleased to be able to announce that over 80% of Welsh farmers received payments roughly totalling £132m by 25 December 2005.

8. BSE: Persistence of the BSE agent in Farm Feed Bins

I would like to update the Committee about the investigations into the 2001 and 2002 "born after the reinforced ban", or BARB, cases in West Wales. The investigations into these cases and others in the UK suggest the persistence of the BSE agent inside farm feed bins as a possible source of infection. Whilst the risk is extremely low, the Advisory Committee on Animal Feedstuffs (ACAF) has recommended that livestock keepers undertake regular cleaning of feed to remove residues of earlier feeds.

9. Older Cattle Disposal Scheme (OCDS) and Over Thirty Months Scheme (OTMS)

The OCDS is being introduced to provide a disposal route with compensation for cattle born before 1 August 1996. The scheme is a voluntary three-year scheme with flat rate compensation tapered by 10% per annum. There will be one approved OCDS abattoir in Wales, TWM Ltd, Dafen, Llanelli.

The new scheme is expected to commence on 23 January 2006. From that date the Over Thirty Months Scheme (OTMS) will cease and all marketed OTM cattle born after 1 August 1996 will need to be tested for BSE before entering the food chain.

10. New measures to control Bovine TB, Balance Wildlife and Cattle Management

On 15 December 2005 I announced a package of measures to control bovine TB (bTB) in Wales that has been developed in order to balance agricultural and wildlife management issues. A copy of the Cabinet Written Statement on these measures sent to all Assembly Members is attached at Annex 2. The package includes introducing a survey of badgers found dead in Wales, a requirement to test cattle before they are moved, and a new system of valuing cattle slaughtered under the TB scheme. These measures were announced in response to the initial report of the Wales TB Action Group that was established to advise me on the feasibility of implementing the recommendations of the EPC Committee report on bTB. I am considering further measures in response to that report, including Government-funded research into biosecurity.

11. Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005.

A recent consultation sought views on proposed amendments to the Products of Animal Origin (Third Country Imports) (Wales) Regulations 2005. These regulations set out rules for veterinary checks on imports of animal products (including meat, dairy products and fish). The regulations also require all imported products to meet the import requirements set out in a substantial amount of Community legislation.

The amendments are to:

- strengthen the enforcement provisions to bring them more into line with provisions in food legislation;
- properly implement community law;
- allow the part suspension of Border Inspection Posts (BIPs), not the whole as at present; and
- dispense with the time requirements for pre-notification of imported consignments to BIPs in line with community legislation.

Most responses to the proposed amendments were positive.

12. Rural Development Plan for Wales 2007 – 2013

The consultation on the draft "Rural Development Plan for Wales 2007 – 2013: The Strategic Approach" was launched on 11th January 2006. The consultation will close on 8th March 2006. Copies of the consultation papers were circulated to EPC Committee Members on 11th January 2006 as the basis for discussion at a future meeting

13) Tir Mynydd

The consultation on the "Options for Tir Mynydd in 2007 and 2008 only" also commenced on 11 January 2006: the closing date for comments is Friday 10 March 2006. A copy of the consultation paper has been sent to members of the EPC Committee as the basis for discussion at a future meeting.

Annex 1

New European Union Chemical Strategy –

REACH (Registration, Evaluation Authorisation of Chemicals)

The co-decision procedure, involving negotiations in the European Parliament and the Council of Ministers is underway and a working group of officials from Member States are considering the Regulation in detail. Following nearly 4000 amendments proposed by the ten Parliamentary subject committees, the proposals received their first reading in the European Parliament on 17th November 2005.

The UK played a key role in facilitating the negotiations, MEP's voting to maintain the cornerstone principle of REACH which places the responsibility, 'burden of proof', on companies to prove their products are safe before they are allowed onto European markets. The UK's proposal to ensure mandatory data sharing through "one substance, one registration" (OSOR) was also formally adopted

On December 13th 2005 a special meeting, with vote, of the Competitiveness Council took place where Council Ministers came to a 1st reading common agreement. The key changes agreed by the Council are:

Registration

- Reduced information requirements on 1-10 tonne substances, except for substances presenting clear risks;
- Increased scope for waiving of tests for 10-100 tonne substances on grounds of minimal exposure;
- Requirement for registrants of same substance to share core data, allowing costs to be spread and duplicate testing avoided.

Evaluation

- New EU chemicals Agency given responsibility for co-ordinating and driving forward dossier and substance evaluation.

Authorisation

- All authorisations to be subject to review;
- Greater encouragement for companies to seek safer alternatives.

Scope

- Waste exempted entirely from REACH;
- Minerals, ores, concentrates and several other substances and categories of substance exempted from registration and evaluation;
- Commission to review scope of registration and evaluation (annexes II and III) within 12 months of REACH implementation.

Downstream users

- Potential requirement to produce a chemical safety report limited to substances used by a downstream user above 1 tonne per year.

Future consideration

The process now moves towards the Parliament and Council now undertaking a second reading of the Bill in 2006 and then a possible final approval in early 2007.



CABINET WRITTEN STATEMENT

TITLE: Written Statement on bovine TB measures

DATE: 15 December 2005

BY: Carwyn Jones AM, Minister for Environment, Planning and Countryside

I am today announcing a number of measures in response to the most serious and urgent animal health problem that we currently face in Wales. Despite existing cattle surveillance and control measures already in place, there is increasing incidence of bovine TB (bTB), which has resulted in significant and increasing costs for both industry and Government. In considering a way forward, I have consulted and received the views of the Wales TB Action Group. I am particularly grateful to the Group for its progress report and recommendations. My prime concern is to introduce positive measures that are practical, proportional, sustainable and in partnership with farmers, animal welfare organisations, vets and others with an interest in this difficult and complex problem.

Pre-movement testing

Our aim, as set out in the Government strategic framework for the sustainable control of bTB in GB, published on 1 March 2005, is to slow down and prevent the geographic spread of bTB to areas currently free of the disease, and achieve a sustained reduction in disease incidence in cattle in high incidence areas. There has been extensive consultation on the introduction of pre-movement testing. The main message from respondents was the importance of protecting areas of low incidence of bovine TB and reducing incidence of disease in high incidence areas. There has been Welsh representation on the stakeholder group which developed a detailed proposal to implement pre-movement testing in April this year. I intend that there will be a phased introduction of pre-movement testing of cattle from 1 and 2 yearly testing parishes from Spring 2006, with the intention of reducing the risk of spread of bovine TB through movements of cattle. However, in line with the principles of the Animal Health and Welfare Strategy, it is not for Government alone to incur all the costs of tackling this disease. Farmers will be required to arrange and pay for the tests and Government will provide the tuberculin. I believe that farmers will benefit from the introduction of measures to reduce the spread of disease and so should share the overall costs.

I have decided not to increase minimum testing frequencies alongside the introduction of pre-movement testing. Moving to a minimum of two-yearly testing across Wales, would require all cattle (other than those covered by proposed exemptions) to be pre-movement tested. A Regulatory Assessment (RA) has been carried out, which concluded that the net benefit of the proposed measure would be negative. In the light of this advice, I have decided that an increase to minimum testing frequencies should not be taken forward.

Rationalisation of compensation arrangements

The current compensation scheme for animals slaughtered to control TB needs replacing. It relies on valuations of individual animals before slaughter, a system which has been criticised by auditors. Evidence suggests that this often results in compensation payments that exceed the market value of the animals. The National Audit Office Wales concluded in 2003 that compensation paid was at least 50% higher than underlying market prices for both commercial and pedigree animals in 2002 and that the Assembly had paid some £2.6m more in compensation payments, than it would have done had valuations been consistent with market values. In Wales, compensation for farmers with cattle affected by bovine TB amounted to some £9.8m in 2004/05. The consultation exercise, which ended in December 2004, on proposals for a new cattle compensation system using table valuations was extremely useful and a number of stakeholders raised significant concerns in relation to the proposed cattle categories. In the light of these concerns, I have decided to introduce from Spring 2006 a new table valuation system, increasing the number of categories populated with GB sales data from 29, as originally proposed, to 47. We will therefore be moving to a system which will use table valuations for all cattle, with compensation rates for commercial and pedigree cattle to be published monthly. This system will be the first stage of the longer term objective to rationalise compensation for all notifiable animal diseases. It will also help to speed up the removal of diseased animals from farms and so enhance disease control efforts.

Wildlife

In response to the recommendations of the Wales TB Action Group, I am pleased to confirm that a project manager is in post to take forward measures to enhance and inform bovine TB preventative measures. I recognise the need to consider the role of badgers in the epidemiology of bovine TB.

Government continues to fund, a considerable amount of research, to inform policy. While we have no immediate plans to start culling badgers, it is something we need to consider based on further investigations and taking account of further advice from the Wales TB Action Group. In response to the work of the Action Group and recognising a gap in our knowledge of the disease in badgers in Wales, arrangements are now in place to start a survey of badgers found dead to establish whether they are carrying bovine TB. Government has not tested badgers in Wales for bovine TB since 1998. I expect the found dead survey to operate throughout Wales, to cover both hotspot and clean areas, and to be supported by surveying and mapping of badger populations in Wales.

The Welsh Assembly Government is continually monitoring and evaluating, to improve, where possible, existing control measures. I am considering further measures in response to the report and recommendations of the Wales TB Action Group including Government funded research into biosecurity. I may, if appropriate, initiate a further complementary research projects. In the meantime consideration will be given to emerging proven practical applications with a view to using these in Wales.