

Environment, Planning and Countryside Committee – 16th February 2006

Report from the Minister for Environment, Planning and Countryside

A. Actions from Previous Meetings

1. National Fallen Stock Scheme - On farm Incinerator update

I agreed to update Members on the above.

There has been an application for a mobile incinerator to be operated on Anglesey. This particular incinerator is to service six farms. The application is currently with the State Veterinary Service (SVS) to carry out inspections to ensure compliance with the Animal By Products Regulations; they are in the process of inspecting all six premises.

In addition to the above, a further application for an on farm incinerator on Anglesey has been submitted; this will service two other farms. This application is also with the SVS for inspection and recommendation.

Only carcasses originating from farms where the incinerators are sited can be disposed of.

The approvals process should take a few weeks.

Guidance on low capacity, on-farm incinerator requirements can currently be found on the DEFRA website <http://www.defra.gov.uk/animalh/by-prods/default.htm> A comprehensive review of all Animal By Products guidance will be undertaken and the EPC website will be updated.

In addition to the website the State Veterinary Service in Wales has a Lead Veterinary Officer, (Tricia Sutton – 01286 662178) based at the Welsh Assembly Government's offices in Caernarfon, available to offer guidance and advisory visits.

2. National Equine Database (NED)

I undertook to give a progress report on the National Equine Database. Initially it was intended to launch NED during 2005 but it has been delayed as it has proved more complex than expected. The implementation team in consultation with Passport Issuing Organisations (PIOs) have enhanced and improved NED and as a result a better system has emerged.

Concerns were also raised over the viability of NED, subsequently market research was undertaken which has indicated that there is a market for NED services.

The implementation team is currently completing the final testing of the database which contains records of over 600,000 horse passports. Once testing is complete

the database will then undergo a phased release to PIOs over a period of 9 weeks commencing during April 2006.

The third phase of the database providing an on-line service to the public to view and purchase pedigree, performance and evaluation data is planned for release late autumn 2006.

The benefits of NED will be to:

- provide, for the first time, information on the size and location of the equine population;
- facilitate improved disease control and surveillance;
- promote the image and viability of the equine industry particularly the breeding industry;
- aid in the improvement of British-bred horses and ponies;
- bring British breeding in line with Europe where databases are already established;
- address welfare issues by reducing the opportunity for poorer quality animals being used for breeding;
- access to information 24 hours a day;
- verify details of equines for purchasers and vendors; and
- underpin the 'Strategy for the Horse Industry in England and Wales' and the 'Health and Welfare Strategy for the Horse Pony & Donkey'

3. Lifting of the beef export ban

Legislation to lift the beef export ban was proposed at the TSE Working Group on 12 January 2006 and discussed by the Standing Committee on the Food Chain and Animal Health (SCoFAH) on 24 January 2006. There is support from many Member States to the proposals and technical concerns have been largely addressed. However, key Member States still have reservations and undecided positions and Defra has a lobbying strategy in place to counter this. It is expected that there will be a vote on the lifting of the ban on 7/8 March 2006 and if this is successful the ban could be lifted around mid April 2006.

Following my letter to MEPs in December, my officials have continued to brief Welsh MEPs so that they can lobby their respective political camps. The Director of Agriculture Markets at the Commission has also been briefed by an Assembly official. I have held meetings with National Farmers' Union (NFU) Cymru and Farmers Union of Wales (FUW) to discuss issues resulting from the delay.

4. Climate Change

I agreed to update Members on the Welsh Assembly Government's work with regard to addressing climate change.

The Assembly Cabinet recognises that climate change is one of the most important issues facing the world at the beginning of the 21st Century. Addressing climate

change - through reducing emissions of greenhouse gases and adapting to its impacts - is a key priority.

The Environment Strategy for Wales and its accompanying Action Plan will be published in the spring and provide details of actions to be taken to address climate change.

Scoping work has already been carried out in each Ministerial portfolio on how climate change mitigation and adaptation relates to current policies and programmes. The accompanying tables summarise this work, showing the links between Ministerial portfolios and emission sectors (**Annex 1**) and likely impacts (**Annex 2**). Additional research proposed as an action under the Environment Strategy, will assist in targeting action on the activities making the most significant contribution to emissions.

We are also working closely with the UK Government and the other devolved administrations on the review and revision of the UK Climate Change Programme. The revised programme will also be published this spring and will report on progress so far as well as setting out new policy packages aimed at reducing emissions further.

5. Progress of the proposed amendment to the Common Land Bill

On 23rd November 2005 members put forward a proposed amendment to clause 31 in relation to the functions of the Statutory Commons Associations (SCAs). The Committee proposed that an additional section should be added to Clause 31 to enable additional functions to be added to an individual SCA's remit at the discretion of the National Assembly. I agreed to consider the merits of this proposal.

The original purpose of SCAs, as set out in the Bill when it was first introduced to Parliament in June 2005, were quite narrow – i.e. they were restricted to ‘the management of agricultural activity on common land in order to promote sustainable agriculture’. However, following concerns raised by Peers and stakeholders that this was too restrictive, various amendments were made to widen the scope of the SCAs functions. The functions of an SCAs can now include the management of agricultural activities; the management of the vegetation; and the management of the rights of common. Additionally, the SCAs are able to do anything that will facilitate the carrying out of its function (clause 32 ancillary powers). This includes entering into agreements (e.g. Tir Gofal); preparing management plans; raising money and employing staff.

The position has been discussed with Department for Environment, Food and Rural Affairs (DEFRA) and with lawyers. On the basis of their advice, I have concluded that much of what the Committee is seeking has effectively already been provided for and without the need for further amendment to the Bill's provisions. Trying to go further than this could raise a number of problems. For example, making the SCAs responsible for issues like flytipping on commons or for tackling illegal ‘off-roading’ would duplicate the powers of the statutory enforcement agencies (the police and the local authorities). Also widening the functions of SCAs away from a focus on agricultural management could make the establishment of these new Associations unattractive to the key people we need involved – i.e. the landowners and

commoners themselves. With this in mind, I think the Bill as now amended provides a good degree of flexibility in the remit of individual SCAs while still retaining a focus on the agricultural management of the commons.

6. Sustainable Development Indicators

I gave an undertaking during the Committee meeting on 19th January 2006 to provide an update on the development of Sustainable Development indicators.

At its meeting in June 2005, the Indicators Group agreed the outline of its final report, and provisionally agreed on a number of indicators.

It also identified several issues that needed to be resolved to finalise the recommendations.

- Unfit dwellings
- Access to services
- Soil
- Fishstocks
- Water [consumption]
- Transport
- Upland birds
- Education & training

Work on those issues has been taken forward by officials, in order that the report can be completed. Most are now resolved, but there are a few remaining issues linked with the development of indicators for the Environment Strategy.

Officials will be reporting back to the Group on all these issues in March. Our hope is that the Group's final report and recommendations will be signed off by Easter and I should be in a position to consider it in the latter part of April. Only then shall I place the report in the public domain.

Consequently, I hope to be in a position to reflect the Group's recommendations, and to set out how they will be taken forward, in the next Sustainable Development Annual Report, which will be produced before the summer recess.

B. Other Issues

7. BSE: Cattle slaughtered under the testing regime - update.

Since the replacement of the Over Thirty Month (OTM) rule on 7 November 2005 with a BSE testing regime, the number of OTM cattle slaughtered for the human food chain in Wales is 1,109. There have been no positives to date but there has been one 'no-test', i.e. where the sample was not of a good enough quality to test.

Caernarfon Abattoir remains the only abattoir in Wales approved under the BSE testing regime. Officials have written to unions and abattoirs in Wales to remind them that it is an offence to consign cattle born before August 1996 to a fresh meat abattoir.

8. Hydatid Disease

I would like to alert members of the EPC Committee to the re-emergence of Hydatid Disease in Wales. In the past it has caused significant morbidity in Wales, with particular disease hot spots in the rural communities of Powys. Hydatid Disease is caused by a tapeworm which lives in the gut of infected dogs. A dog becomes infected when it eats a sheep carcass containing hydatid cysts. In the hydatid cyst are worm heads which mature in the gut of the dog to produce adult worms and these produce eggs. Humans can pick up tapeworm eggs when handling infected dogs or coming into contact with dog faeces. Cysts, in humans, can form in the major organs e.g. lungs, liver and brain. Surgery to remove cysts is very specialised and great care has to be taken to prevent the cysts from bursting. Children are of a higher risk due to lower hygiene standards and there is a particular concern for children who develop the disease as they may suffer years of illness and repeated surgery.

A control scheme based on supervised dog dosing was set up in Powys in 1983 to eradicate infection in dogs. This was successful in controlling the levels of infection in dogs but following the end of funding in 1993 infection rates in dogs has again increased. An educational programme has continued to operate in Powys but this has not had the success of the dog dosing scheme. Recent studies following the FMD outbreak indicate a return to previous high levels of carriage in dogs. The dogs affected show no signs of disease. The principal risk is to man and failure to respond to these signs of dog carriage could lead to a return of Hydatid Disease to Wales.

The Interspecies Infection Group (IIG) comprising Welsh Assembly Government staff from the Offices of the Chief Veterinary Officer and the Chief Medical Officer, the State Veterinary Service, the University of Wales, the Veterinary Laboratories Agency and the National Public Health Service met in October 2005 and January 2006 to discuss Hydatid Disease. It was agreed that action needed to be taken to reduce the infection rate before there was a fatality through re-emergence in man. There has since been some publicity to raise awareness among stakeholders and the veterinary profession.

Cabinet considered a paper on Hydatid Disease on 23rd January 2006. Following this it was agreed that officials should scope the work involved in determining the extent of Hydatid Disease in Wales and produce a further Cabinet paper setting out costed proposals for tackling the disease. A public awareness campaign was also requested. The Health and Social Services Committee will also be informed of the re-emergence of the disease.

9. The Land in Care (Tir Gofal) (Wales) (Amendment) Regulations 2006

The Committee is invited to consider whether it wishes to scrutinise these regulations.

The objective is to enable the Welsh Assembly Government to assume responsibility for the administration of the Tir Gofal agri-environment scheme. The decision to transfer the Tir Gofal agri-environment scheme from the Countryside Council for Wales (CCW) to the Department for Environment, Planning and Countryside of the Welsh Assembly Government is part of the wider Welsh Assembly Government agenda (Making the Connections: Delivering Better Services to Wales).

In particular, it will help create a core of a Welsh public service which will:

- be more democratically accountable;
- have greater strategic capacity at the centre of Welsh Government;
- be simpler and more joined up;
- give more opportunity for staff to develop skills and careers;
- be more streamlined and efficient with more resources going in to front line services; and
- generate better value for money in the provision of shared services.

Integration of the Tir Gofal scheme with the other work of the Welsh Assembly Government's Rural Payment Division will enable our Welsh agri-environment schemes (Tir Cynnal, Tir Gofal and older schemes) to be run more coherently and efficiently and will offer farmers a single point of contact on all agri-environment issues.

The planned integration date for the transfer of Tir Gofal into the Welsh Assembly Government is 15 October 2006. From this date the Welsh Assembly Government will assume responsibility for controls, administration and processing of Tir Gofal payments.

The Statutory Instrument will:

- i. allow the Welsh Assembly Government to administer the Tir Gofal agri-environment scheme;
- ii. allow for Tir Gofal agreements entered into by CCW to taken over by the Welsh Assembly Government;
- iii. be in force on 16th October 2006.

10. Update on Section 15 Management Agreements

Officials and CCW are currently working together to agree future key objectives for 2006-07. The effective management of designated sites in Wales remains a priority and consequently will feature within CCW's key targets for 2006-07.

In the meantime CCW has considered its work programme for 2006-07 and is proposing to direct additional funds into the section 15 management agreement budget. In order to achieve the best use of the available funding and maximise the environmental gains for Wales, future management agreements may need to be carefully targeted. In addition Welsh Assembly Government officials are considering whether it is possible to target the Tir Gofal scheme where agri-environment action will contribute towards the long term continuity of designated sites in Wales.

11. New subordinate legislation

I would like to make you aware of two items of subordinate legislation that will be programmed shortly:

Code of Recommendation for the Welfare of Livestock – Cattle

Purpose: Publication of a Cattle Welfare Code to take account of changes in practise and bring Wales in line with England and Scotland.

Scope: No scope for distinct Welsh policy

Standing Order Number: 29

The Animal Health Act (Amendment) Regulations 2006

Purpose: To implement Directive 2005/94EC

Effect: To provide a duty to slaughter

Scope: No scope for distinct Welsh policy.

Standing Order Number: 25

The Committee is invited to consider whether it wishes to scrutinise these regulations. A draft timetable setting out target dates for the making of these Regulations will be circulated to Members as soon as it is available.

12. Waste (Household Waste Duty of Care) (Wales) Regulations 2006

The Regulations came into effect on 26 January 2006. At EPC Committee on 3 November 2005 I said I would let the Committee have sight of the publicity article we propose for informing people about the duty of care on householders.

The enclosed article (**Annex 3**) was produced jointly between the Environment Agency Wales, the Welsh Local Government Association and the Welsh Assembly Government and will be put onto our websites. The intention is to make it available to local newspapers and in particular those produced by the Local Authorities themselves.

In this way it is hoped that it will mean that the majority of the householders in Wales will have the information delivered to their properties directly and that this will result in an awareness of the new legislation and their particular responsibilities becoming more widespread. The article will also be used in any local awareness raising campaigns e.g. Keep Wales Tidy's Pride in the Communities campaign.

Emission sectors in Wales for 2003 and portfolios with an interest

Sector	% of total	Portfolio interest
Energy supply (emissions from power stations, petroleum refining and solid fuel manufacture)	37.0	<ul style="list-style-type: none"> • EDT – Assembly Government lead on energy, but majority of policy responsibility reserved to UK Government • HSC, ELL, SJR, LGPS & corporate – health, education, residential and public service sectors significant energy users • EPC – land use planning key role in siting energy generation
Business (emissions from industrial and commercial energy sources)	21.3	<ul style="list-style-type: none"> • EDT – Assembly Government lead of business issues • EPC – responsible for environmental regulation including the emissions trading scheme
Transport (road and rail transport, not air and marine)	13.5	<ul style="list-style-type: none"> • EDT – Assembly Government lead on transport • CWLS – culture and sport sectors significant generators of transport demand • ELL & HSC – education and health sectors both significant generators of transport demand • EPC – land use planning role in siting of transport infrastructure
Agriculture (emissions from livestock and manure management)	11.6	<ul style="list-style-type: none"> • EPC – Assembly Government lead on agriculture
Residential (direct emissions from oil, coal and gas)	9.7	<ul style="list-style-type: none"> • SJR – Assembly Government lead on housing issues • EPC – responsible for land use planning
Industrial processes (emissions from minerals processing, chemicals and metals production, and halocarbons and SF6)	5.04	<ul style="list-style-type: none"> • EDT – Assembly Government lead on business / industry issues • EPC – responsible for environmental regulation including the emissions trading scheme
Land use change	- 0.18 net	<ul style="list-style-type: none"> • EPC – Assembly Government lead on agriculture and forestry (over 90% of

Sector	% of total	Portfolio interest
(emissions from forestry and land management – net change including absorption)		Wales' land area is used for agriculture or forestry); also lead on land use planning
Waste management (emissions from landfills and wastewater treatment)	1.08	<ul style="list-style-type: none"> • EPC – Assembly Government lead on waste issues
Public (emissions from public sector)	0.98	<ul style="list-style-type: none"> • All portfolios

Key

CWS – Culture, Welsh Language and Sport

ELL – Education and Lifelong Learning

HSC – Health and Social Services

SJR – Social Justice and Regeneration

EDT – Economic Development and Transport

EPC – Environment, Planning and Countryside

LGPS – Local Government and Public Services

Corporate – HR, Finance and other central services

Likely impacts of climate change and how these will affect Assembly Government portfolios

There is uncertainty about the impacts of climate change, but the UK Climate Change Impact Programme (UKCIP) has modelled a number of scenarios based on different emission projections. In general terms, the model suggests that Wales can expect:

- Hotter average temperature
- Increase in the number of hot summers and dry summers and an increase in the number of extremely hot days
- Milder winters and a reduction of snowfall
- Increase in winter rainfall and in the frequency of intense rainfall
- Increase in the growing season

The UKCIP scenarios are based on a gradual change in the climate but a more sudden shift is possible, for example if the Gulf Stream was to reduce significantly or if large volumes of polar ice were to melt. Recent evidence, including research presented at the International Symposium on the Stabilisation of Greenhouse Gases - Exeter 2005, indicate that the risks of dangerous climate change are more serious than predicted previously.

The impacts listed in the table are based on those suggested by the UKCIP work, as these are the most detailed impact models available for the UK currently.

Impact	Portfolio
Increased flood risk – in rivers due to increased intensity rainfall and in coastal areas due to sea-level rise	<ul style="list-style-type: none"> • EPC – Assembly Government lead on flood risk management • EDT, ELL, HSC, LGPS, SJR, CWLS, EPC and Corporate – all responsible for key assets for example, schools, hospitals, transport infrastructure and housing stock, which may be located in areas at risk of flooding • EDT – responsible for economic development and investment, flood risk impacts of this
Increased storminess – more frequent, more intense storms, causing damage to property and contributing to land instability	<ul style="list-style-type: none"> • EDT, ELL, HSC, LGPS, SJR, CWLS, EPC and Corporate – all responsible for key assets for example, schools, hospitals, transport infrastructure and housing stock, which may experience greater storm damage or subsidence risk
Warmer summers, with some very high temperatures	<ul style="list-style-type: none"> • HSC – Assembly Government lead on environmental health hazards

Impact	Portfolio
– health risk, including fatalities due to increased air pollution. Also possible increase in food poisoning, increased cancer risk and possible risk of new diseases	<ul style="list-style-type: none"> • EPC – Assembly Government lead on the regulation of air pollution
Warmer summers, with some very high temperatures – keeping buildings cool	<ul style="list-style-type: none"> • EDT, ELL, HSC, LGPS, SJR, CWLS & Corporate – all responsible for key assets for example, schools, hospitals, housing stock and businesses, which may experience thermal discomfort
Warmer and drier summers – increased pressure on water resources at certain times of the year	<ul style="list-style-type: none"> • EPC - Assembly Government lead for water resources, • EDT, HSC and SJR – availability of water vital in the health sector and to many industrial processes, also an key to social justice • EPC and HSC – low water levels can affect water quality, which may have health impacts
Warmer summers – general	<ul style="list-style-type: none"> • EDT – potential increase in tourism • EPC – Assembly Government lead on agriculture, where there may be potential to grow new crops or diversify • EPC – Assembly Government lead on biodiversity, which is likely to be negatively affected by changes in temperature
Milder winters	<ul style="list-style-type: none"> • EDT, ELL, HSC, LGPS, SJR, CWLS & Corporate – reduction on cold weather disruption and potential reduction in winter heating costs
Global impacts – global impacts could include increased migration within the UK and from other countries and changes in the availability of natural resources	<ul style="list-style-type: none"> • All – could be affected in some way by these pressures

Key

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Responsible disposal of household waste

The growing problem of fly-tipping has long been acknowledged by the Welsh Assembly Government, the Environment Agency, and Local Authorities in Wales. At the last count, there were more than 30,000 incidents of fly-tipping a year reported in Wales via Flycapture, the national fly-tipping database, costing over £1.6million to clear up.

An estimated 55 per cent of fly-tipped rubbish is thought to come from households. New regulations, designed to tackle this problem, will put more responsibility onto the individual householder for managing their waste appropriately. Everyone will now have to take responsibility for ensuring their waste is managed without harm to human health or the environment.

It has long been illegal to dispose of certain hazardous wastes at home by either burning or burying. These wastes are asbestos products, oily wastes such as used engine oil and clinical wastes such as diabetic needles and unused prescription medicines. Plastic wastes such as pvc sheets or plastic bottles should not be burnt on bonfires or open fires as they lead to the release of hazardous products such as dioxins into the atmosphere.

The Waste (Household Waste Duty of Care)(Wales) Regulations 2006, which came into effect on 26 January 2006, require a householder to take all reasonable available measures to ensure that any transfer of waste is only to an authorised person ¹ or to a person for authorised transfer purposes ², which should lead to better management of waste and contribute to a reduction in levels of fly-tipping.

The householder needs to ensure that anyone they employ to carry waste from their home is registered as a carrier of waste with the Environment Agency or covered by an exemption from the need to register. Local Authorities and charities are the main groups that can benefit from the exemption. Anyone else has to be a registered carrier and should be able to provide the householder with details of their registration or provide a copy of their certificate of registration.

The Minister for Environment, Planning and Countryside Carwyn Jones said: "It is vital we tackle the anti-social practice of fly-tipping, which is a blight on our communities and countryside and a health hazard.

"Fly-tippers rely on people not checking that they are registered to dispose of waste or asking where they intend taking the waste to. New regulations mean that householders are responsible for asking questions and checking that whoever takes their rubbish is registered to do so.

"You can help by using a registered waste carrier. Remember, if your rubbish is found fly-tipped and traced back to you, you could be held responsible unless you have information which would help the Enforcing Authorities catch the actual offenders"

¹ The persons authorised to carry waste for the purposes of the duty of care are listed in section 34 (3) Environmental Protection Act 1990 (EPA 1990) and include: waste collection authorities and any person who is the holder of a waste management licence.

² "Authorised transport purposes" are defined in section 34(4) EPA 1990, constitute: the transfer of controlled waste within the same premises between different places within the same premises; the transport of controlled waste into Great Britain from outside Great Britain; and the transport by air or sea of controlled waste from a place in Great Britain to a place outside Great Britain.

What this means for householders

The proposed measure applies to all household waste which is produced on the property. Most of this waste is municipal waste and is collected by the waste collection authority in the normal manner and in many cases they will also arrange for the disposal of certain bulky or difficult wastes on request. In these cases the householders would be considered to have taken reasonable steps to dispose of the waste. Householders taking their household waste to a civic amenity site would also be considered as having taken reasonable steps to dispose of the waste.

Where a householder separately contracts for waste to be removed from the premises then they need to make the checks with their contractor that they are Registered Carriers. Further, householders can better protect themselves by making inquiries with the contractor into where they intend taking the waste

Examples of businesses you may use and which would require to be registered waste carriers are:

- Builders
- Carpenters & Joiners Waste
- Electricians
- Gardeners & Tree Fellers
- House Clearers
- Kitchen, Window & Carpet Fitters
- Oil Collectors
- Painters and Decorators
- Plumbers
- Roofers
- Scrap metal dealers
- Skip Hire

An example of where a householder separately arranges for waste to be removed from the premises would be where a householder was building an extension and contracted for a skip to remove the waste. The householder would be required to take reasonable steps to ensure that the skip operator is an authorised person. However, where a householder contracted with a builder to build an extension and the contract included waste disposal, it would be the builder who would be responsible for taking reasonable steps to ensure that the skip operator had the necessary licenses etc.

'Reasonable steps' could mean maintaining a record where waste is handed over to a waste carrier or where this forms part of a contract for the work which produced the waste. The record could just be a receipt or invoice, recording the address of the business concerned, and ideally the waste carrier registration number.

In addition it would be good practice to ask the prospective carrier (and record the reply), where they intend taking the waste and what authorisation the proposed site has.

Any site that waste is to be taken to has to either have a Waste Management permit (a licence or PPC (Pollution Prevention and Control) permit) or would benefit from an exemption. Most of these exemptions are required to be registered with the Environment Agency or, in a small number of cases, with the local authority. Both the Agency and Local

Authorities make these registers available to the public.

You can check the validity of the Waste Carrier registration online at: <http://www2.environment-agency.gov.uk/epr/?!lang=e>. Alternatively, you could contact the Environment Agency on 08708 506 506 and ask for a waste carrier validation check, or to check if the proposed disposal site has the necessary permissions.

What happens if fly-tipped waste is traced back to the householder

The change may result in some householders being prosecuted if they can't demonstrate that they have taken reasonable measures (such as those outlined above) to secure that that waste is transferred only to an authorised person or to a person for authorised transport purposes. The offence would incur penalties of a fine up to £5,000, on summary conviction, or an unlimited fine (on conviction on indictment).

The ultimate responsibility for determining whether reasonable steps have been taken would be left to the courts to decide in any particular case.