

Environment, Planning and Countryside Committee – 11 May 2006

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Report from the Minister for Environment, Planning and Countryside

A. Actions from Previous Meetings

1. The potential impact of avian influenza on racing pigeons, particularly that of legislation relating to the vaccination of birds.

During the last Committee meeting Members asked for an update on the above. An update is provided at Annex 1.

2. Sheep Scab

You have previously asked me to report back on the need for sheep dipping to treat sheep scab. An update is provided at Annex 2.

3. Conference on Co-Existence of Genetically Modified, Conventional and Organic Crops – Vienna, 4 - 6 April 2006

Members requested a report on the above. This is attached at Annex 3.

4. Environmental considerations of off-shore developments

I agreed to report on the above. Information is provided at Annex 4.

5. Sustainable Development

I previously told Committee that I expected work on a full set of sustainable development indicators to be completed by Easter. I am happy to confirm that I have received the Working Group's report. Once I have considered it, I shall make it available to Committee and place it in the public domain. I hope to reflect the recommendations in this year's Annual Report on progress with Sustainable Development.

B. Other Issues

6. Anthrax

Two cases of anthrax were confirmed in cattle in Wales on 23 April, 2006. The source of infection has not yet been identified. A full update will be issued at the Committee meeting.

7. National Fallen Stock

There have been very few reported complaints about the service of fallen stock collection in any part of Wales this lambing season. This is due, in part, to the updated software installed by the major collectors in Wales and the improved logistical processes adopted this year. Collectors in Wales have been addressing the issues that resulted in a 'less than adequate' service being provided last year and their efforts are evident by the relatively few complaints received this year.

8. Pre-Movement Testing

Pre-Movement Testing was introduced in Wales on 2 May 2006 following its introduction in England on 27 March 2006. Pre- (and Post-Movement) Testing was introduced in Scotland on 23 September 2005. The measure will mean that all cattle over 15 months of age and from 1 and 2 yearly testing herds moving to other herds, subject to a number of exemptions, will be required to be Pre-Movement Tested. Exemptions will include animals being moved direct to slaughter or to "Exempt Markets" and "Exempt Finishing Units". Pre-Movement Testing is an essential disease control, rather than a disease eradication measure.

9. Cattle Compensation

Officials have met with some Committee members to discuss the Cattle Compensation (Wales) Order 2006 that will implement a new cattle compensation system using table valuations. An outcome of that discussion is that officials have provided Committee members with some statistical information relating to livestock numbers for the Republic of Ireland and how data will be collected to populate the table valuation system.

Subject to approval by the Assembly in Plenary, the intention is that the new cattle compensation system using table valuations will be implemented in Wales on 1 June 2006 in respect of bovine TB, Brucellosis and Enzootic Bovine Leukosis

(EBL). Separate legislation is proposed to implement the new system for BSE which is due to come into force on 14 June 2006.

10. Badger Found Dead Survey

As at 3 April 2006, 362 found dead badgers had been collected and delivered to the Veterinary Laboratories Agency under the Badger Found Dead Survey which will initially operate for a year. The

large number of collections being made across Wales reflects the successful way in which local authorities are co-operating with the survey and the excellent level of publicity. There is also evidence of strong commitment to the survey from the general public, farming community, farming unions, Young Farmers' Clubs (YFC), Wildlife Trusts and Badger Trust Wales. Results from the post mortem and culture analysis are not being released until sufficient information is available to statistically evaluate them.

11. Environment Strategy

The Environment Strategy for Wales and its supporting Action Plan will be published on 17 May 2006.

The Environment Strategy will set out the Welsh Assembly Government's long term strategy for the environment of Wales, setting the strategic direction for the next 20 years. It will be supported by a series of regularly updated action plans; the first of which will be published alongside it.

The purpose of the Strategy is to provide the framework within which to achieve an environment which is clean, healthy, biologically diverse and valued by the people of Wales. By 2026, we want to see our distinctive Welsh environment thriving and contributing to the economic and social wellbeing and health of all of the people of Wales.

The Strategy has been developed through an extensive consultation process and in partnership with key stakeholders. It reflects the results of the consultation "Our Environment - Our Future - Your Views" launched in July 2005, and the results of a pre-consultation held in summer 2004. The consultation process helped to identify the key environmental issues we need to address and the actions we need to take to address them.

The Strategy has five main environmental themes:

Addressing climate change – covers climate change mitigation and adaptation

Sustainable resource use – covers material consumption and waste; water; soils; minerals and aggregates

Distinctive biodiversity, landscapes and seascapes – covers biodiversity; the marine environment; landscapes and seascapes and their historic component

Our local environment – covers the built environment and access to green space; environmental nuisances; walkability in urban areas and access to the countryside and coast; and flood risk management

Environmental hazards – covers pollution and chemicals and radioactivity

For each of these subjects, the Strategy explains the issues and where we are now. It sets out the

environmental outcomes we want to achieve and the associated indicators and timelines for delivery.

The Environment Strategy Reference Group, which steered the development of the Strategy, will continue to meet on an annual basis to review progress on delivering the outcomes in the Strategy and to consider updates to the Action Plan.

12. Updated UK Climate Change Programme

The updated UK Climate Change Programme, Climate Change – the UK Programme 2006 was published on 28 March 2006.

It updates the programme that was introduced in 2000. The Welsh chapter to the Climate Change Programme sets out in broad terms the Welsh Assembly Government's contribution to the programme. The Environment Strategy for Wales, and its supporting Action Plan, reiterate the Welsh Assembly Government's commitment to tackling climate change and provides details of additional actions that will be undertaken.

13. EU Emissions Trading Scheme (EU ETS) - Consultation on the Draft UK National Allocation Plan for Phase II

The consultation on the draft National Allocation Plan (NAP) for Phase II of the EU ETS was also published by on 28 March 2006. The consultation closes on 23 May 2006.

The NAP and provisional allocations to installations must be submitted to the Commission in the summer. The Commission then has three months to assess the plan. The UK must make a final decision on its National Allocation Plan by 31 December 2006 in advance of Phase II of the scheme beginning on 1 January 2008.

As part of the consultation, a stakeholder event for installations covered by the scheme was held in Cardiff on 3 May 2006.

14. UK Air Quality Strategy

The Air Quality Strategy for England, Scotland, Wales and Northern Ireland - A consultation document on options for further improvements in air quality was published on 5 April 2006.

The detailed consultation documents set out a package of measures which will reduce average exposure to air pollutants for everyone and, if implemented, could see an increase in life expectancy of three months by 2020. The measures set out in the Strategy include:

new tighter European vehicle emissions standards (known as 'Euro-standards')

incentives for cleaner vehicles

further reductions in emissions from small combustion plants

further reductions in emissions from ships

The consultation closes on 11 July 2006.

15. F-gas regulation

An EU Regulation on certain fluorinated greenhouse gases is expected to come into force in autumn 2007.

The fluorinated gases are greenhouse gases included in the basket of greenhouse gases under the Kyoto Protocol and have a high global warming potential. They are hydrofluorocarbons, perfluorocarbons and sulphur hexafluoride and are used in a wide range of applications, such as refrigeration and air conditioning, fire protection equipment and solvents. They are used to replace ozone depleting substances banned under the Montreal Protocol.

The main areas that the European Regulation will cover are:

Containment through responsible handling during use, recycling and end of life recovery

Reporting on quantities produced, supplied, used and emitted

Measures to control and reduce emissions of F-gases from vehicle air conditioning

Certain application-specific bans on use and placing on the market, such as use of f-gases in car tyres, windows, training shoes, self-chilling drinks cans and novelty aerosols

UK Regulations will be made to come into force at the same time as the European Regulation becomes law. The UK Regulations will make provision in England, Scotland and Wales for the enforcement of the F-gas regulation and the introduction of sanctions and penalties in relation to the European Regulation. Discussions on an appropriate enforcement model are currently underway. The UK regulations and enforcement model will be subject to consultation towards the end of this year.

16. CoRWM recommendations

CoRWM (Committee on Radioactive Waste Management) announced its draft recommendations on the future management of radioactive waste on 27 April 2006. These recommendations will be subject to further public and stakeholder engagement before they are finalised in July.

17. Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006

I would like to draw your attention to the above.

The Department for Transport has prepared revised rules which govern the processing of applications under the Transport and Works Act 1992, and is seeking the Assembly's approval for the revisions, under Standing Order 26. The rules are the Transport and Works (Applications and Objections Procedure) (England and Wales) Rules 2006 and will revise the previous rules of 2000.

The Transport and Works Act 1992 enables Orders to be made authorising the construction and operation of railways, tramways, inland waterways, and the carrying out of certain works interfering with rights of navigation.

The purposes of the revised Rules of 2006 are to:-

make the process for considering order applications and objections more efficient and effective;

implement the amendments that have been made to the European Directive on Environmental Impact Assessments by Article 3 of Directive 2003/35/EC (known as "the Public Participation Directive"); and to

ensure that compulsory purchase procedures comply with the requirements of human rights legislation.

18. Single Payment Scheme (SPS)

Payments

Members may wish to note that around 94% of Welsh farmers received an interim payment (£167m). No further interim payments will be made as all remaining payments will be made in full.

SPS Balance Payments commenced on 24 February 2006. As at 26 April 2006, 79% of claimants have received their balance payment. We are aiming to complete balance payments by end of June 2006.

Tir Mynydd

Payments commenced 28 February 2006 - on 1 March 2006, £31.64m was in farmers' bank accounts. As at 25 April 2006, £33.64m (from a total budget of £35.72m) had been paid to Tir Mynydd applicants and 96.35% of applications had been processed.

2006 Single Payment Scheme Application Pack

Over 19,000 2006 packs were issued to farmers in Wales by the end of March 2006.

Annex 1

The potential impact of avian influenza on racing pigeons, particularly that of legislation relating to the vaccination of birds.

A statement by the European Commissions Standing Committee on the Food Chain and Animal Health (SCoFCAH) read that current information on the susceptibility of pigeons to avian influenza suggests that pigeons are relatively resistant to the infection. However it appears that if pigeons do contract infection the species is capable of shedding infective virus.

The General licence for bird gatherings has been amended to reflect the recommendations contained within the statement. The issue giving rise to concern covered by the veterinary risk assessment is not directly with human health. It is that free flying pigeons can potentially come into contact with diseased wild birds, which is more likely to apply if the birds are released from mainland Europe where disease has been confirmed where there is a risk, thereby introducing the virus into Wales and other disease free areas of the UK. This concern has been heightened following confirmed avian influenza in a wild swan in Scotland.

2.3 million doses of Intervet's Nobilis Avian Influenza H5N2 vaccine have been purchased and is intended for use in rare and endangered species of captive birds in UK zoos.

At the present level of risk, preventive vaccination of poultry is not the most effective defence against avian influenza, because currently available vaccines have a number of disadvantages.

Although currently available vaccines are able to reduce mortality, it is likely that some vaccinated birds would still be capable of transmitting the disease if they become infected, but might not display symptoms of disease. This would increase the time taken to detect and eradicate the virus.

Ongoing discussions with stakeholders have reached a broad consensus that preventive vaccination is not the best way to control avian influenza. A high standard of biosecurity, separation from wild birds and careful surveillance for signs of disease are the most effective means of prevention. We have issued extensive guidance to bird keepers on the measures they should take to protect their birds from avian influenza.

<http://www.defra.gov.uk/animalh/diseases/notifiable/disease/ai/keptbirds/index.htm>

Annex 2

Sheep Scab

Sheep scab is one of the ectoparasites that affect sheep in the UK by inhabiting their skin or fleece. Ectoparasites can have a significant effect on sheep productivity; by downgrading the wool clip, reducing reproductive potential, reducing meat and milk production and adversely affecting skin quality. Untreated infestations of scab can be fatal but, more importantly, can adversely affect the sheep's welfare. Scab mites (*Psoroptes ovis*) are permanent ectoparasites, spending their entire life cycle on the sheep. Reducing, or eliminating the disease will benefit the animals, the sheep industry and the environment.

Since the suspension of the marketing authorisation of cypermethrin sheep dips in February by the Veterinary Medicines Directorate, Organophosphate (OP) is the only plunge dip option available to sheep farmers for the control and treatment of sheep scab. Whilst OP dips are a cost effective treatment and offer approximately four weeks protection against reinfection, there are still operator concerns about the effect of OP's on human health despite the direct link being unproven. Since 2001 these dips have only been used in a closed transfer system to prevent farmer contact.

Injectable products are also licensed for the treatment of scab but some products need injecting twice to be effective. Treated sheep should not be mixed with untreated sheep or returned to contaminated grazing or housing for at least three weeks because mites take between two and four days to be killed and can live off the sheep for at least 16 days. Injectable products tend to have longer meat withdrawal times. Their increased use for the control of sheep scab is, according to scientific advice, significantly increasing the selection pressure for roundworm resistance to Macro-cyclic lactones (ML), a valuable tool to the sheep industry in the sustainable control of roundworms.

Farmers are encouraged to increase their flock biosecurity to reduce the need for regular sheep scab control. Measures include using closed flocks wherever possible, isolation and quarantine of incoming sheep, co-operation with fellow commoners to dip/treat sheep at the same time and effective perimeter fencing.

On 3 April 2006 the Chief Veterinary Officer (CVO) for Wales attended a meeting of GB CVOs, with industry representatives from both the SCOPS Steering Group, the Sustainable Control of Parasites in Sheep, and the National Sheep Association. It was agreed that a GB wide Strategy was needed to eradicate the disease and that a partnership approach, in line with the GB Animal Health and Welfare Strategy should be adopted. Actions from the meeting included sheep scab being put on the agenda of the next Wales Implementation Steering Committee of the GB Animal Health and Welfare Strategy. Peter Baber, Chairman of the National Sheep Association and SCOPS agreed to write a strategic framework document on sheep scab.

I will report back to the Committee with any further developments

Conference on Co-Existence of Genetically Modified, Conventional and Organic Crops – Vienna, 4 - 6 April 2006

Background

The Conference brought together European politicians, senior civil servants, scientific experts, a broad range of stakeholders, Non-Governmental Organisations (NGOs) and a strong industry representation, to discuss future policies on the co-existence of GM crops with conventional and organic agriculture. It took place at an important time, as many EU Member States, including all the UK territories, are currently in the process of developing their respective national regulatory approaches to their co-existence measures. Mrs Norma Barry, Head of Food and Market Development Division, represented the Welsh Assembly Government at the event. A summary of the main points discussed at the Conference is provided below.

Chairman's introduction

The Austrian Chairman's introduction stressed the importance of choice and segregation in the food chain and considered that these factors were necessary to make co-existence work and provide producers and consumers with real control over what they grow and eat. The Chairman also recognised the challenge of reconciling the different demands of the 25 Member States through EU co-existence legislation and guidelines.

Views of European Commission

Agriculture and Rural Development Commissioner, Mrs Mariann Fischer Boel acknowledged that GM products were controversial and attracted considerable public attention. Nevertheless, she believed that the GM debate should be viewed in terms of overall EU policy on choice, trade and competition. She considered that access to GM technology was essential for the development of the agriculture industry and added that the list of crops approved for cultivation and marketing in the EU would increase over time. For this reason she urged Member States to develop tools such as co-existence measures to administer GM commercialisation. She argued that co-existence policy should be about how to give farmers the right to cultivate GM crops and consumers the right to buy products manufactured or processed using GM technologies.

Given the wide range of environmental conditions and legal systems prevailing within the EU, Mrs Fischer Boel felt that it would be difficult and probably unhelpful if the Commission provided standardised EU co-existence rules on segregation and liability. Overall, she considered that national best practice and technical knowledge on co-existence and liability would emerge over time and that it was too early to contemplate EU wide regulations.

Environment Commissioner, Mr Stavros Dimas, explained that farmers must be allowed to choose what

they grow and have confidence in the quality and purity of the harvested product. He believed that the best way to achieve this outcome was for Member States to develop their own proportionate co-existence measures in response to local conditions. He stressed that it was important to alleviate consumers concerns about the safety of GM products and considered that improving risk assessment and transparency in decision making was the way forward. He concluded by saying that the predicted low demand for GM products should encourage further development of conventional and organic varieties in Europe.

Views from represented countries

It was clear that the various countries participating in the conference held a diverse range of views on GM crop co-existence. Key issues raised included:

- the importance of farmers and breeders discussing the opportunities presented by GM technologies;
- the need for clarity from the Commission on the development of common co-existence rules, including advice on separation distances and the associated matter of liability and compensation;
- the potential development of EU framework legislation that allows sufficient flexibility for Member States to adopt their own policies
- the prohibition of GMOs in Environmentally Sensitive Areas;
- the agreement of a threshold for GM contamination of non GM seeds, which is based on scientific evidence rather than political considerations, and the tightening of GM labelling thresholds;
- a call for clarity from the Commission about cross border issues and the provision of buffer zones and isolation distances, and
- the need for EU institutions to consider the socio-economic impacts of GMO cultivation.

Conclusion

There can be little doubt that the ongoing World Trade Organisation (WTO) dispute with the USA, Canada, and Argentina is augmenting the Commissions commitment to the commercialisation of GM crops across the EU. There is also a concern at the Commission that the EU will miss out on any economic gains associated with GM technology if Europe continues to drag its feet on the introduction of GM technologies. On the other hand it is clear that the development of co-existence measures remains a complex issue with real concerns expressed about cross border responsibilities and compensation and liability for crops affected by unwanted GM contamination. It appears that the Commission has not yet formed a clear view on co-existence and wants Member States to explore strategies to make coexistence work before it considers further regulation in this area.

Implications for Welsh Assembly Government Policy

The Welsh Assembly Government is currently carefully considering the outcomes and implications arising from the Vienna Conference. Co-existence is a complex issue and there are still a number of issues raised by Member States, which the Commission has yet to tackle. These include thresholds for adventitious GM presence in seed; and a threshold for adventitious GM presence in organic products (although the Commission recently proposed a 0.9% threshold for GM presence in organic products); separation distances; liability/redress; and cross border issues. GM crops suitable for cultivation in UK conditions are not expected until 2008, at the earliest. This allows us a little time in which to address these uncertainties and develop a regime for Wales that is as restrictive as practically possible within the current Commission guidelines. The views expressed during the Vienna Conference will assist us in formulating our proposals. In common with the other UK administrations we are aiming to publish a consultation paper on co-existence proposals later this year.

Annex 4

Environmental considerations of offshore developments

The environmental considerations for offshore developments in Wales are framed by The Environmental Assessment of Plans and Programmes (Wales) Regulations 2004 (The SEA Regulations). Environmental Impact Assessment (EIA), which has similar requirements, applies to individual projects.

The SEA Regulations and EIA legislation require assessments to be made for certain types of project before they can be given development consent. In summary, these require authorities who prepare and/or adopt a plan or programme which is subject to the Regulations to produce a report on its likely significant environmental effects. There must be consultation with the Consultation Bodies (who will have been consulted on the contents of plan), and the public on both the draft plan and the environmental report. The environmental report includes assessing alternative options, carrying out consultation on the draft plan or programme, taking into account the report and the results of the consultation in decision-making, and monitoring the actual environmental effects. At project level, it is the project promoter/developer who is required to prepare an environmental statement detailing the likely significant environmental effects.

The report should include information on:-

The current state of the environment

The environmental characteristics of areas likely to be significantly affected and their future condition if the development were to not go ahead

Existing environmental problems and environmental protection objectives.

The impact on Natura 2000 and other designations

Biodiversity

Human health

Flood risk

Air and water quality

Cultural heritage

Seascape

Interrelationship of the above issues

Severn Barrage proposal

A desk-top feasibility study has been proposed in relation to proposals for renewable energy from the Severn Estuary, as part of the Welsh Assembly Government's response to the UK Energy Review.

The Welsh Assembly Government considers that the possibility of a Severn Barrage should be re-examined, in the context of the UK Energy Review, given the need for diverse and reliable future sources of energy. We also believe that the environmental implications will need to be fully considered, at an early stage, in the light of the existing European Directives and the processes and considerations that need to be taken into account given the multiple environmental designations relating to the Severn Estuary.