

**ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE**

Date: Wednesday 3 July 2002

Time: 2:00 pm to 5:00 pm

Venue: Committee Room 3, National Assembly for Wales

**Attendance:**

*Committee Members:*

Richard Edwards, Chair	Preseli Pembrokeshire
Eleanor Burnham	North Wales
David Davies	Monmouth
Janet Davies	South Wales West
Brian Hancock	Islwyn
Sue Essex, Minister for Environment	Cardiff North
Val Lloyd	Swansea East
Tom Middlehurst	Alyn and Deeside
Karen Sinclair	Clwyd South
Phil Williams	South Wales East

*Officials:*

Martin Evans	Director of Transport, Planning and Environment Department
Denzil Jones (items 2 and 5)	Head of Transport Policy Division
Peter Jones (items 2 and 6)	Environmental Protection Division

Dr Ruth Hall (item 3)	Chief Medical Officer
Robert Williams (item 3)	Environmental Protection Division
Kay Powell (item 4)	Head of Planning Division
Jeff Spear (item 4)	Planning Division

***Secretariat:***

Siwan Davies	Committee Clerk
Vaughan Watkin	Deputy Committee Clerk

**Opening Remarks from Chair**

0.1 The Chair welcomed Members and attendees to the last meeting of the term and advised the Committee that:

- discussion of the Nordic Council Environment and Natural Resources Committee's call for support of its stance regarding emissions from the Sellafield nuclear processing plant would now be discussed in the Autumn term;
- the Committee's formal response on budget priorities had been sent to the Minister (see copy at Annex 1).

**Item 1: Apologies, substitutions and declarations of interest**

1.1 The following interests were declared under Standing Order 4.5:

- Brian Hancock - prior to election to the National Assembly worked as a Health, Safety and Environmental consultant;
- Val Lloyd - Member of Swansea City and County Council.

**Item 2: Report from the Minister for Environment - EPT-13-02 (p 1)**

2.1 In addition to the items in her written report the Minister informed the Committee that local authorities were to receive an increase in financial assistance to speed up flood defence works, with the grant rate increasing from 45% to 85%.

2.2 The following were the main points covered in discussion:

## **Countryside**

- Countryside and Rights of Way Act – the importance of making draft access maps accessible so that landowners and other interested parties could respond to the consultation.
- Restricted use of lead shot – the commercial implications for lead shot replacement manufacturers when the Regulations came into force.

## **Environmental Protection**

- Meeting with OFWAT – there would be continuing contact with OFWAT over investment and water prices , with the Minister making a key input into the process of determining the investment programme. In response to concerns expressed, the Minister confirmed that there were no plans for the construction of any new reservoirs in Wales;
- Flood defences – the Minister would seek advice on a request for access to feasibility studies, currently being assessed by officials, as the information ‘belonged’ to the local authorities who had commissioned the studies. The Committee welcomed the increased funding for flood defence works;
- Visit to Montgomery Canal – the need to harness the benefits of all waterways in Wales;
- Meeting with the Environment Agency– concerns about the Agency’s approach to openness and transparency.
- Landfill Regulations – the Minister would advise Members of the measures taken to prevent disposal of waste liquids on agricultural land now that they could not be sent to landfill.

## **Planning**

- Sustainability fund – the Minister had written jointly with Edwina Hart to Stephen Timms MP the Financial Secretary at the Treasury about the equitable distribution of the aggregates levy in Wales as there was a deficit between the funds distributed and collected;

## **Transport**

- Bus Service Operators Grant – the Committee endorsed the Minister's proposal to use executive procedure to introduce secondary legislation to extend eligibility to include a wider range of community transport operators;
- Transport Meetings – the nature of discussions at the Transport Forum, which had set up working

groups to examine specific issues and report back to the Forum.

### **Item 3: Nantygwyddon: Report from the Minister - EPT-13-02 (p 2)**

3.1 The Minister introduced her report. Since its circulation, the Chief Medical Officer had written to the Chair setting out in more detail the work undertaken to address the health related recommendations (see copy at Annex 2).

2. Discussion focused on progress with the following areas of the report:

- Remediation of site – the timescales for implementing the recommendations relating to capping, treating leachate on site and making monitoring data accessible to local residents, and scope for using landfill gas as an energy source;
- Health studies – the roles of the (shadow) Wales Centre for Health and US Agency for Toxic Substances and Disease Registry (ATSDR) who would be working together to advise on taking forward the health related recommendations. Consideration of the difficulties in assimilating population health data in small populations and the scope for overcoming technical and legal constraints if individuals consented to personal data being made available;
- Openness and transparency – the role of the Environment Council in supporting the Environment Agency to communicate with local residents, and progress in pressing for the removal of ‘commercial confidentiality’ as a barrier to access to records of publicly funded companies;
- Impact assessments – the need for integrated health, environmental and financial impact assessments;
- Public records – the procedures in place to ensure that health authority files are retained and made available to successor bodies during the reorganisation of the NHS in Wales.

3.3 As the Committee’s investigation was now complete, the investigation Resource Centre would be closed and electronic copies of evidence removed from the National Assembly website. The Chair would ensure that evidence would remain publicly accessible on request and would be writing to participants setting out the arrangements.

### **Item 4: Planning: delivering for Wales - way forward - EPT-13-02 (p 3)**

4.1 The Minister sought the Committee’s views on proposals to reform the planning system in Wales. Discussion focused on:

- Decision making process – the need for the system to be open and transparent and be seen to be fair. Pressure for speedy decisions should be balanced against the importance of good decision making, with the process and timescales set out in initial discussions between prospective applicants and planning officers;
- Local Development Plans (LDPs) – agreement that LDPs should form the basis for local decision making, with development only permitted in line with the plan, and applications in clear contravention discouraged. There was some support for the National Assembly to determine applications from local authorities relating to development on their own land, and a suggestion that other local authorities could be involved;
- Resources – support for adequate resources for the planning process, in particular in undertaking health and other impact assessments;
- Third party right of appeal – support needed for third parties particularly where proposed development was contrary to the local development plan or on a protected site;
- Compulsory Purchase Orders – the need for sensitivity in dealing with home owners whose properties were to be purchased and flexibility in determining the offer price;
- Spatial Plan – support for placing the plan on a statutory basis and a suggestion that data be shared between the National Assembly, local planning authorities and other organisations;

4.2 The Minister would make a statement setting out the reforms in the autumn. The majority of the changes could be delivered through secondary legislation or guidance, but some would require primary legislation, which would be taken forward on an England and Wales basis. The Committee asked the Minister for details of proposed primary legislation across the EPT portfolio, for consideration in the autumn term.

#### **Item 5: Community Transport Review - EPT-13-02 (p 4)**

5.1 The Minister sought the Committee's views on priorities for community transport. Discussion focused on:

- Recommendations - a general welcome for the development of community transport as part of mainstream public transport provision, which would promote social inclusion in both rural and urban areas. Members flagged up the need to adequately resource increased service provision;
- Regional strategies - the need for local authorities to include passengers, transport operators and other local groups in drawing up regional public transport strategies;
- Private cars – the potential of the private car as a form of community transport in rural areas, and

suggested use of ‘smartcards’ as a means of co-ordinating passenger contribution and compensation for car owners;

- Service provision – details of the availability and take up of community transport services across Wales would be made available to Members.

**Item 6: Flood and Coastal Defence Review: Responses to Consultation - EPT-13-02 (p 5)**

6.1 The Committee noted progress with the review of the flood and coastal defence funding mechanisms and administrative arrangements. A report on the way forward would be presented to the Committee later in the year.

**Item 7: Minutes of the meeting 3 July 2002 - EPT-12-02 (min)**

7.1 The Committee adopted the minutes of the meeting held on 3 July.

**Date of next meeting**

4.1 The next meeting of the Committee would be at 9.30 am on Wednesday 23 October at the National Assembly for Wales.

**Committee Secretariat July 2002**

**Pwyllgor yr Amgylchedd, Cynllunio a Thrafnidiaeth**

**Environment, Planning and Transport Committee**

Bae Caerdydd / Cardiff Bay

Caerdydd / Cardiff CF99 1NA

Sue Essex AM

Minister for Environment

16 July 2002

Dear Sue,

**BUDGET PLANNING ROUND 2002**

Following consideration of your budget issues paper on 19 June I am writing to formally set out the budget priorities of the Environment, Planning and Transport Committee for the period 2002-03 to 2005-06.

The Committee supports the proposal to target investment towards an integrated transport system (including the trunk road programme), implementing the waste strategy and progressing flood and coast defence schemes. We note the intention to support further sustainable development activities, subject to availability of funds, and call for resources to be made available to support the final definition of sustainable development indicators.

We particularly welcome the commitment to make available sufficient provisions to deliver the National Assembly's obligations for biodiversity, and ask that adequate resources be made available for the management of Sites of Special Scientific Interest and Special Areas of Conservation. We would also wish to flag up the potential for resource issues arising from recommendations of the Committee's review of Local Biodiversity Action Plans later in the year.

I also draw your attention to the strong support of the Education and Lifelong Learning Committee for the continuing investment in 'safe routes to school' to promote safety and healthy exercise.

**Copies of this letter go to members of the Committee and the Chair of the Education and Life Long Learning Committee.**

Yours sincerely,

**Richard Edwards AM**

**Chair of the Environment, Planning and Transport Committee**

Annex 2

**Dr Ruth Hall FFPHM FRCPCH FRCP**

**Chief Medical Officer**

Dr Richard Edwards

Chair

Environment Planning and Transport Committee

National Assembly for Wales

Cardiff Bay

CARDIFF 16 July 2002



Dear Dr Edwards

**Environment, Planning and Transport Committee Meeting 17 July:**

### **Nant-y-Gwyddon Investigation**

I thought it might be helpful if I set out in more detail the work we have undertaken in taking forward the recommendations of the Nantygwyddon Investigation where my office has a leading role.

When I was in Atlanta in April, I met Dr Georgi Jones, Director of Policy and External Affairs, US Agency for Toxic Substances and Disease Registry (ATSDR). We discussed the possibility of their involvement to assist us to take forward the health related recommendations of the Nant-y-gwyddon Investigation. ATSDR is an agency of the US Department of Health and Human Services and serves the public by using the best science, taking responsive public health actions, and providing trusted health information to prevent harmful exposures and disease related to toxic substances. ATSDR confirmed that it has done work on similar sites in the United States and in Europe. ATSDR believe it is vital to establish a two-way interaction with communities when handling such cases and this ties in with the Assembly's guiding principles of working in partnership and being open and accessible.

ATSDR first had to clear internally their proposed engagement with the National Assembly for Wales. On 21 June, Dr Georgi Jones responded that ATSDR were pleased to assist us and provided some initial views on how we might take this forward. I explained that I wanted to obtain RANT's views and, if possible, support to ATSDR involvement. This was discussed at a meeting with RANT on 2 July 2002 and RANT, who have been in touch with ATSDR over the past 6 years, are supportive of the proposal.

I have asked the shadow Wales Centre for Health to act as a focus for this international collaboration. I hope to have ATSDR's guidance in relation to an expert event we plan for the autumn.

Also, I have asked the shadow Wales Centre for Health to appoint a liaison officer to work with the community. RANT concurs with this proposal.

To summarise our progress:-

## **a. Recommendation 16.6**

*16.6 I recommend that specific health studies related to person/dose/substance(s) be commissioned involving blood, urine and fat sampling/testing and analysis. Results should be published with independent expert commentary as soon as possible. These tests and analyses need to be undertaken in the context of ambient and site specific pollution data. Attempts should be made to plot low birth weights in the vicinity of the Nantygwyddon site as soon as possible.*

### **Progress**

I have met RANT on two occasions to ensure community engagement in the process and I believe that these have been constructive meetings. The first meeting was held on 18 April and I updated RANT on latest progress at our meeting on 2 July 2002. The following actions were agreed at this meeting:-

- The Congenital Anomaly Register and Information Service (CARIS) would be asked to produce a discussion paper for our next meeting to look at surveillance and data collection systems now in operation particularly regarding gastrochisis.
- My office would facilitate a meeting between RANT and the Chairman designate of Rhondda Cynon Taf Local Health Board that will assume responsibility for health care on 1 April 2003.
- The shadow Wales Centre for Health was asked to appoint a liaison officer to work with the community.
- The shadow Wales Centre for Health would be the focus for an emerging collaboration with ATSDR, whose considerable expertise would assist follow-up on the health recommendations of the Nantygwyddon investigation.

We continue to consider specific local concerns about health in collaboration with Bro Taf Health Authority. For example, RANT has suggested that there is a cluster of cases of Non Hodgkin's Lymphoma in the area. I have asked the Wales Cancer Intelligence and Surveillance Unit (WCISU) to investigate this claim and their work is proceeding.

## ***Recommendation 16.15***

*16.15 I recommend that the National Assembly consider how communities may seek independent research and health risk appraisal to allay their fears and respond to inactivity*

*or failure by the regulatory/health protection bodies.*

Progress

The agreement with the Velindre NHS Trust to establish the Wales Centre for Health in shadow form from 1 June 2002 provides a vehicle for addressing this recommendation. Statutory provision for the Wales Centre for Health was contained in the draft NHS Wales Bill which was published for consultation on 17 May 2002.

Yours sincerely

A red rectangular box, likely a placeholder for a signature or stamp.

***RUTH HALL***

Chief Medical Officer