

Y Pwyllgor Deisebau

Petitions Committee



Cynulliad National
Cenedlaethol Assembly for
Cymru Wales

Mick Bates
Chair, Sustainability Committee
National Assembly for Wales
Cardiff Bay
Cardiff
CF99 1NA

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff CF99 1NA

Our ref: P-03-061

26 September 2007

Dear Mick,

Petition - Coal M TAN

As you will be aware, the Assembly now has a duty under Standing Order 28 to consider all admissible petitions it receives. The Petitions Committee has been established to consider these petitions. At its meeting on 21 September, the Committee considered a petition to request amending the Coal M TAN.

The Committee discussed the petition and we agreed to ask the Sustainability Committee to consider the petition and to provide us with further advice. A copy of the papers that the Petitions Committee considered is attached.

I would be grateful if you could arrange for this matter to be considered by the Members of the Sustainability Committee at an early stage and for its views, or any action that it takes on the petition, to be reported to us as soon as possible. The Petitions Committee will give further consideration to the petition in the light of the response.

Yours sincerely

Val Lloyd
Chair, Petitions Committee

Tel: 029 2089 8728

E-bost / E-mail: Valerie.Lloyd@wales.gov.uk



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Stephen George
Clerk to the Petitions Committee
National Assembly for Wales
CF99 1NA

11 July 2007

Dear Steve

PETITION PO61(GR): COAL M TAN

You may already be aware that the attached petition was presented to the Presiding Officer on 10 July 2007.

The Presiding Officer has determined that the petition is admissible, and as such has entered the formal petitions process. The petition has been logged, and the text of the petition, together with the number of signatories, has been published on the Assembly's web-site. This can be found on the following link: <http://www.assemblywales.org/bus-home/bus-guide-docs-pub/bus-business-documents/dogfennau-busnes-deisebau.htm>.

In accordance with Standing Order 28.8, the petition is now being formally referred to the Petitions Committee. It will be for the Committee to now determine what action to take in accordance with Standing Order 28.

The main petitioner has been informed that the petition has been referred to the committee. Contact details for the main petitioner are:

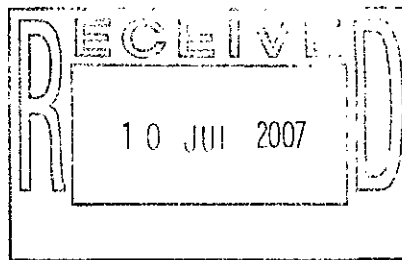
Gaynor M Ball, Hafod y Gân, 18 Swn yr Afon, Kenfig Hill, CF33 6AJ.

Yours sincerely

Gareth Rogers
Head of the Table Office



Val Lloyd AM,
Chair of the Petitions Committee,
National Assembly for Wales,
Cathays Park,
Cardiff.
CF10 3NQ



08/07/07

We would like to take the opportunity of using the petitions system under the new powers of the Welsh Assembly Government.

The petition wants a stronger Coal M TAN that provides:-

- A strict presumption against opencast coal mining in our communities for any new applications or extensions from now onwards.
- A 500 metre minimum separation distance that is 'absolute' should any future opencast go ahead. The 500m should only be flexible for increase and have no caveats to reduce it.
- The 500m should include all homes, even 1-9 dwellings (that are at present not protected at all by the 350m existing distance) These rural hamlets and the citizens in isolated dwellings have, at present, unequal status and protection.
- The public consultations that took place after the Draft coal M TAN was released showed public in favour of 500m which would, in effect, have a presumption against if implemented.
- Because the people of Wales are on and near the coal, further opencast mining should be discouraged as there are environmental, health and social studies that advocate its unsuitability as sustainable, acceptable or healthy development for the future.

Names of petition members:-

Name:-

Address:

Gaynor M. Ball
Suzanne Peletis
H. EDWARDS
S. Nelson
L. Flye

'Hafod y Gân', 18, Swn yr Afon, Kenfig Hill
CF33 6AJ
'Green Here', Heol y Glo, Brynddu Pyle,
Margam.
'CABRAW UCHAF', TREFIN, PEMB.S.
136 High Street, Kenfig Hill, Bridgend
73, Cefn Road, Cefn Cribbwr.

Name:-

Address:

ANGELA HARVEY

SUSAN BRES

Jeff Brothers

Alan Jones

Kiburnell

D.S. EDWARDS

CHARLES LEWIS

R. Morgan

J. Kingston

C. Holloway

J. Howells

D. Masly

J. Taylor

~~J. Taylor~~

~~B. Taylor~~

C. Hart

C. Turner

L. LESTER

A. Water

D. FEDYSZYN

M. WILCOX

Adrian Jones

R. Moore

R. Underhill

36, HEOL SHOM, CEFN CRIBWR, BRIDGEND

44, HEOL SHOM, CEFN CRIBWR, BRIDGEND

'CRANBROS' CROWN RD, K. Hill

46, Maubant Rd, K Hill, Bridgend.

46, Heol Shom, CEFN CRIBWR

10, FENDALE RD, HELEFORD

24, Victoria Road, Kenfig Hill

36, Maes-ty-Cornal, Baglan, P. Tabbot
Riverdell, 9 Heol Pont George, Lyle.

35 BRIDGE ST, K. HILL

15 CROWN ROAD, KENFIG HILL.

88 BEACH P.P. PLAZA

54 COMMERCIAL ST

15 PICTON STREET

8. NEW ROAD

9 High St. Kenfig Hill

4 MASON CLOSE

72 HIGH STREET.

17 GARTH STREET,

16 School Rd, K. Hill

4, High St. K. Hill.

7, PICTON STREET

8. KENFIG K. Hill

67, Park Row K. Hill

Name:-

JAMES TRAHAR

S. JAMES

B. James

Helen Humphreys

Loetun Braunsell

Gareth Jenkins

K. WILLMOTT

CAROL JAMES

KEITH JAMES

MATT Willcox

HANNAH Willcox

PAULINE JAMES

M. JAMES

Eric Jones

M. JAMES

JULIANA FERRO-TONES

SIMON Gillett

GARY BRENNAN

A. Ayres

DAVID Woods

STEPHEN DAVIES

DAVID Humphreys

Dawn Miles

Carl Strom

Address:

8^a Bedford RD CEFN CRIBWORTH

4 WAINBANT RD, K. HILL.

51 Commercial St CEFN CRIBWORTH

19 yr - Hendra, K. Hill

20 The Newydd K Hill

13 Park Street, K. Hill.

15 VIC ROAD, K. HILL

4 HIGH ST K. Hill

4 HIGH ST K. Hill

4 HIGH ST K. Hill

4 HIGH ST K. Hill

4 HIGH ST K. Hill

4 HIGH ST K. Hill

3/4 JOHN ST CEFN CRIBWORTH

5/6 Commercial St Kenfig Hill

9, BRYN LLAWEN Kenfig Hill

17 STATION ROAD.

9 Pentra Place, K. Hill.

53 Ewenay Road Maesteg

13 Llanwr Hengo Kenfig Hill

15 Commercial St. K. Hill.

12 yr - Hendra, K. Hill.

7 Two Stones Crescent K Hill

7 Two Stones Crescent K Hill

Name:-

L. Bennett
 G. Timley
 S. ~~Evans~~
 G. Bartup
 L. Evans
 A. S. Jeffreys
 S. W. H. Williams
 A. Williams
 J. Williams
 K. Williams
 M. Nicholls
 M. Nicholls
 M. Ewing
 C. Ewing
 T. Luxton
 S. Wiltan
 Lisa Jeffreys
 Tom Jeffreys
 C. Prie
 K. Davie's
 G. Prie
 S. Thomas
 P. Thomas
 J. Adamsen

Address:

24 BRYNDY RD KENFIG 1
 3 TRE-NEWDD KENFIG HILL
 9. Station Road Kenfig Hill
 5 Victoria Road
 28 YR HENDRE
 4 Commercial St ^{HILL} Kenfig
 9 PwllgARTH ST.
 " " "
 " " "
 " " "
 619 BRIDGE ST KENFIG HILL
 " " "
 50 YR Hendre
 " " "
 4 Park St
 25 EVANS ST
 26 Craft Goch rd
 26 craft Goch rd
 49 YR-HENDRE, K. Hill.
 6 yr Hendre, K. Hill
 63 South View K Hill
 7 Pentre Place Hill
 19, Sun Hr Afon K. Hill
 New Yrwm, Stakin Rd, K. Hill

Contact address, telephone and E Mail:-

Mrs Gaynor Ball,
'Hafod Y Gan',
18, Swn Yr Afon,
Kenfig Hill,
Bridgend.
CF336AJ

Tel. 01656 742405

E Mail gballuk@yahoo.co.uk

Dear Mrs. Lloyd,

If you require more signatures, please let me know, I understood that only 20 were needed, but I have had to stop people from adding their names, as I wanted to send the form on to you.

Mrs. G.M. Ball

Petitions Committee

PET(3)02-07 (p6): 20 September 2007

Coal M TAN

Purpose

The Committee is asked to consider the attached petition, submitted by Mrs Gaynor M Ball.

Background

This petition requests a stronger Coal M TAN that provides:

- A strict presumption against opencast coal mining in our communities for any new applications or extensions from now onwards.
- A 500metre minimum separation distance that is 'absolute' should any future opencast go ahead. The 500m should only be flexible for increase and have no caveats to reduce it.
- The 500m should include all homes, even 1-9 dwellings (that are at present not protected at all by the 350m existing distance). These rural hamlets and the citizens in isolated dwellings have, at present, unequal status and protection.
- The public consultations that took place after the draft Coal M TAN was released showed public in favour of 500m which would, in effect, have a presumption against if implemented.
- Because the people of Wales are on and near the coal, further opencast mining should be discouraged as there are environmental, health and social studies that advocate its unsuitability as sustainable, acceptable or healthy development for the future.

The petition has received 77 signatures of support.

Action for the Committee

The Committee is asked to consider the petition and to decide upon the course of action it wishes to undertake.

Committee Service
September 2007

**Pwyllgor Deisebau
Petitions Committee**

Bae Caerdydd / Cardiff Bay
Caerdydd / Cardiff
CF99 1NA

Mrs Gaynor M. Ball
Hafod y Gân
18 Swn yr Afon
Kenfig Hill
CF33 6AJ

Eich cyf / Your Ref
Ein cyf / Our Ref P-03-061

24 September 2007

Dear Mrs Ball,

PETITION: COAL M TAN

At the meeting of the National Assembly for Wales' Petitions Committee held on 20 September, Members considered the above petition and agreed that it should be passed on to the Sustainability Scrutiny Committee, who have planning issues within their remit, for their consideration.

We will inform you of any action that follows from this referral in due course.

Yours sincerely

Catherine Lewis
Deputy Committee Clerk

Llinell Union / Direct Line: 029 2089 8026
Ffacs / Fax: 029 2089 8021

E-bost / E-mail: Catherine.Lewis2 @ Wales.gsi.gov.uk

authority, but, in this instance, the permission was actually granted by the Assembly, as constituted under the Government of Wales Act 1998. Any powers that the Secretary of State had, given the workings of the Government of Wales Act 2006, are now to be exercised by Welsh Ministers. That is where the sensitivity arises, because they may be considering their own actions.

[160] **Val Lloyd:** What are the committee's wishes on this?

[161] **Michael German:** It seems that the only thing that you can do here is to refer it to Welsh Ministers to consider whether they will pursue the action that the petitioners want.

[162] **Andrew R.T. Davies:** If they were so minded.

[163] **Val Lloyd:** It seems to me that it had a pretty thorough hearing, but we can certainly put it to the Minister.

[164] **Andrew R.T. Davies:** Likewise, it would be for the Minister to come back and say that it has had a good hearing, and that x, y and z has been said.

[165] **Val Lloyd:** Of course it would; I am not denying that.

[166] **Andrew R.T. Davies:** The petitioners are simply asking us, as a committee, whether we would be good enough to pass the petition on to the Ministers, for them to say whether they would be prepared to look into it, using their discretionary powers.

[167] **Bethan Jenkins:** If they have new evidence that they would like to release—

[168] **Val Lloyd:** They have not said that though, have they?

[169] **Ms Jackson:** I am not aware of any new evidence.

[170] **Andrew R.T. Davies:** They are requesting the use of discretionary powers. If the Minister turns around and says, 'Well, no, I am not minded to do it', that is fair enough.

[171] **Val Lloyd:** It is actually saying to use 'any discretionary powers'; it does not say that they necessarily have or do not have them. It just says 'any discretionary powers'. That is why I asked you.

[172] **Michael German:** What we are looking for is an opportunity for the Government to consider this issue and, if it feels that it cannot proceed, for it to identify the grounds and reasons why it cannot proceed and to tell us in some detail why that is the case.

[173] **Val Lloyd:** We will take it forward on that basis.

[174] **Andrew R.T. Davies:** It is giving the petitioners an outcome, is it not?

[175] **Val Lloyd:** Yes; at least we are following it through. Thank you. I am glad that we reached a consensus.

[176] The petition on the coal MTAN is slightly different, is it not? I believe that, for the first TAN, there was no guidance, but the second one came up with a 350m buffer zone, but only for safety reasons. That is only from memory.

[177] **Michael German:** I think that this petition is much easier to deal with: this is one that should go to the committee. The committee needs to look at whether the coal TAN, as it

currently exists, is satisfactory in this respect. As we do with other things, we could ask the committee if it would mind looking at the coal TAN, to see whether it feels that it should be amended. You can obviously send it to the Minister, but it requires more detailed investigation. I think that that is something that we could do.

[178] **Val Lloyd:** I am not averse to that, but I am saying that the TAN has been amended—you can now have a 350m buffer zone.

[179] **Michael German:** The petitioners are requesting something more stringent than that. I support that, but—

[180] **Andrew R.T. Davies:** The coal TAN needs to be looked at by the committee.

[181] **Michael German:** It is not us who have the job of scrutinising the TAN.

[182] **Val Lloyd:** No, I am not claiming any expertise in that area.

[183] **Michael German:** That is why all you would be doing is passing it to the committee to ask it to consider the revision.

[184] **Val Lloyd:** Bethan, do you have a comment on that one?

[185] **Bethan Jenkins:** Yes. I do not see why we cannot pass it on to the committee and for the committee to then pass it back to us, for us to consider.

[186] **Val Lloyd:** Do we really need that?

[187] **Mr George:** Sorry, I am just a little unclear. Are we talking about—

[188] **Michael German:** We are passing it to the relevant Assembly committee.

[189] **Mr George:** I see; you are passing it to the relevant Assembly committee. I misunderstood.

[190] **Michael German:** We will ask the committee if it would consider the petition and let us know what its views are on revising the coal TAN.

[191] **Andrew R.T. Davies:** It will be the same as the way we dealt with the petition on Carno railway station.

[192] **Bethan Jenkins:** Because there is a vital—[Inaudible]

[193] **Val Lloyd:** We are talking at once and I think that we may be confusing the clerk. I include myself in that. That shows that we are interested and engaged in the process, but perhaps we should try to speak one at a time.

2.00 p.m.

[194] The Petitions Committee is now asked to look at the banning of plastic bags. If you remember, this was the petition that won the BBC competition. I unearthed some literature, for your information. The Scottish Parliament's Environment and Rural Development Committee undertook a review on the use of plastic bags only a year ago, in 2006. It is very current and in a similar environment to ours, so it might be pertinent for us to access that. Do you agree?