



**Cynulliad Cenedlaethol Cymru
The National Assembly for Wales**

**Y Pwyllgor Cynaliadwyedd
The Sustainability Committee**

**Dydd Iau, 8 Tachwedd 2007
Thursday, 8 November 2007**

Cynnwys
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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Lorraine Barrett	Llafur Labour
Mick Bates	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Alun Davies	Llafur Labour
Lesley Griffiths	Llafur Labour
Alun Ffred Jones	Plaid Cymru The Party of Wales
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Karen Sinclair	Llafur Labour
Brynle Williams	Ceidwadwyr Cymreig Welsh Conservatives

Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol
Assembly Parliamentary Service officials in attendance

Joanne Clinton	Dirprwy Glerc Deputy Clerk
Dr Virginia Hawkins	Clerc Clerk

Dechreuodd y cyfarfod am 9.05 a.m.
The meeting began at 9.05 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Mick Bates:** Thank you for your attendance this morning. As usual, there are a few housekeeping announcements. In the event of a fire alarm, leave the room by the marked exits, and follow the ushers' instructions. No test is planned for today. Please ensure that all mobile phones, pagers and BlackBerrys are switched off, as they interfere with the broadcasting equipment.

[2] The National Assembly for Wales operates through the media of Welsh and English. Headphones are provided, through which instantaneous translation may be received. For any that are hard of hearing, the headphones may also be used to amplify sound. Please do not touch any of the buttons on the microphones, as doing so could disable the system. Interpretation is available on channel 1, and the floor language is on channel 0.

[3] Are there any apologies or substitutions? I see that there are not.

9.06 a.m.

Ystyried Deiseb PO61(GR) ar yr MTAN Glo
Consideration of Petition PO61(GR) on the Coal MTAN

[4] **Mick Bates:** Members will recall that we considered this petition at the meeting on 11 October. The committee agreed to write to the Minister for Environment, Sustainability and Housing to seek publication dates of further research arising from the draft TAN and the final draft TAN itself. If you recall, we requested clarification as to whether the timescale would allow the committee to have an input into the content of the final TAN. We have a response from the Minister, which, as you can see, gives a proposed publication date and the possibility of an extended consultation. Do Members have any comments on the Minister's response, or any further action that they may wish to take?

[5] **Alun Ffred Jones:** There is nothing much that we can do about this, because this is what she is going to do. However, it is right to note that this has been a long time coming, and it seems that it is prolonging the agony by going out to further consultation, although that would no doubt please the petitioners, because otherwise they have missed the boat. The only other point is that this petition arises mainly from the situation in Ffos-y-frân in Merthyr, but, whatever changes are made, it cannot be retrospective in terms of that decision, whether we agree to it or not. However, I presume that we are now in the hands of the Minister, in terms of whether she decides to go for further consultation or not.

[6] **Mick Bates:** Absolutely. Are there any further points?

[7] **Darren Millar:** I agree with Alun Ffred. All that we can do is note the Minister's response and ensure that it is passed on to the petitioners in some way, shape or form, via the Petitions Committee.

[8] **Mick Bates:** Are there any further comments?

[9] **Brynle Williams:** Do the petitioners believe that we can possibly overturn this decision? Is that the thinking behind this? The petitioners have got their petition this far, fair play, and they are just hoping. As you said, Alun, we may be prolonging this and giving hope all this time. We cannot do anything about Ffos-y-frân—there is no way that that condition can be overturned. However, do the petitioners believe that that is what will happen—that, because we are listening to it, we can influence the Minister to overturn a decision that has already been made?

[10] **Mick Bates:** The process of petitions is an important step for the democratic process in the Assembly. However, that is a separate discussion, as are all the aspirations. We have the petition, and, as we said previously, our concern is about the process, to ensure that the consultation is completed and that we keep the process moving. That is one of the roles that we can play.

9.10 a.m.

[11] **Alun Ffred Jones:** The only thing that comes to mind is what Brynle said. Some of the petitions that have been presented so far seem to refer to things that have happened and that people want to complain about. However, the proper use of the petitions would be to ask for something to be done in the future. That is easy to say, and you cannot stop people from presenting a petition on anything at any time—we would not wish to do so—but to influence or change things, you have to think in terms of changing in the future rather than trying to change decisions already made, especially with regard to planning matters which, as we know, very difficult. If they have been done, that tends to be it. Appeals are fine, of course,

but the petitioners in this case have gone through the appeal procedure as well, as I understand it.

[12] **Mick Bates:** I do not feel that we can go much further with the discussion on the process of petitions. Lorraine, did you wish to say something on that?

[13] **Lorraine Barrett:** I just want to make the point that Members have mentioned Ffos-y-frân in Merthyr. These petitioners are all from Kenfig Hill, Bridgend and Port Talbot way. May I just check that where they call for a stronger coal MTAN, they are actually calling for the discouragement of further opencast mining? Does that go further than what the Minister is talking about in the final research report? I thought that the main issue was the buffer zone with regard to Merthyr, but this petition is actually calling for it to go further. I agree, however, that, at this stage, all we can do is pass on the Minister's letter, await further developments and make a decision then maybe.

[14] **Brynle Williams:** I read it in the same way as you, Lorraine—they basically want to stop opencast wherever it is.

[15] **Mick Bates:** I think there is a strong presumption.

[16] Does anybody have any proposals regarding actions that we need to take arising from this discussion? Is there any further response to the Minister?

[17] **Lorraine Barrett:** I ask that we are just kept informed, and maybe we can look at the issue again in the light of the research findings.

[18] **Alun Davies:** We might wish to take part in the consultation process when that begins. Until that does begin, however, it appears that there is no opportunity at the moment to influence or change policy.

[19] **Alun Ffred Jones:** Just to make this clear, as far as I am aware, the consultation has finished. However, the Minister may be minded to reopen it if the research suggests that she should.

[20] **Mick Bates:** It might be useful, in the light of those comments, for us to write to the Minister to thank her and to say that we would be interested in being informed of any further consultation that may take place as a result of the geological surveys and so on. Is that in order?

[21] **Alun Davies:** I would ask that we see the research when it is published.

[22] **Mick Bates:** Actually, is the research available now? I am told that it is not.

[23] **Darren Millar:** [*Inaudible.*]—we could influence the Minister's decision to take further evidence if necessary, could we not? So, I think that we do need to see the research and ask whether that can be made available to the committee for consideration or to help the Minister to make her decision as to whether to enter a further consultation period on the coal MTAN.

[24] **Mick Bates:** Are there any further points?

[25] **Karen Sinclair:** I do not have a copy of the letter; I am sorry, but it was not printed out for me. Is the Minister saying that she is considering another consultation? If so, when we write back, we could say, 'In the light of the petition, it seems that, generally, further consultation is something that is wanted'.

[26] **Mick Bates:** I agree with that. I think that that is the first point of our letter. Secondly, as Darren stated, we want to see the evidence as well, as soon as possible, because it is not on the web yet. As before, we need to say that we are concerned by the length of time that this has taken. We can reiterate that point.

[27] **Lesley Griffiths:** The Minister says in the letter,

[28] ‘Once my officials have considered the research reports’.

[29] Are we able to see those reports? Is that the research that we need to see?

[30] **Mick Bates:** That is the research that we were referring to. Are there any other points on that? I see that there are not. The letter will be circulated to Members.

[31] The date of the next meeting will be Thursday, 15 November. Of course, Members will be aware that we were meant to be scrutinising the Deputy Minister for Housing this morning about carbon reduction, after our residential evidence gathering. That has been rescheduled for next Thursday.

[32] In addition, at 9.30 a.m. next Thursday, we will look at budget changes in this new ministerial portfolio. That will be the first item. I hope that there will be a briefing session next week, so that we can put forward our recommendations about any budget changes that have occurred in this portfolio to the Finance Committee by letter on the Friday. I apologise for the tight timescale; however, we had some discussion on the new portfolio and the complexities of the issues, and I believe that we need to respond after our discussions next Thursday. Members will receive a paper from the Members’ research service about the portfolio budget and we will discuss that in the next meeting on Thursday.

[33] **Darren Millar:** Will that be exclusive?

[34] **Mick Bates:** Yes. Finally, the committee will also consider a scoping paper on the transport section of the inquiry into carbon reduction, and we will scrutinise the Deputy Minister, Jocelyn Davies, next week—sorry, I have just told you that. Are there any further points? I see that there are none, and, in that case, I declare this meeting closed.

*Daeth y cyfarfod i ben am 9.16 a.m.
The meeting ended at 9.16 a.m.*