

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 27 February 2002
 Time: 2:00 pm to 4:30 pm
 Venue: Committee Room 3, National Assembly for Wales

Attendance:***EPT Committee Members:***

Richard Edwards, Chair	Preseli Pembrokeshire
Eleanor Burnham	North Wales
David Davies	Monmouth
Sue Essex, Minister for Environment	Cardiff North
Christine Gwyther (substituting for Tom Middlehurst)	Carmarthen West and South Pembs
Helen Mary Jones	Llanelli
Val Lloyd	Swansea East
Karen Sinclair	Clwyd South
Rhodri Glyn Thomas	Carmarthen East and Dinefwr

Officials:

Martin Evans	Director of Transport, Planning and Environment Group
John Zukowski	Office of the Counsel General
Denzil Jones (item 2)	Head of Transport Policy Division
June Milligan (item 3)	Head of Countryside Division
Jill Thomas (item 3)	Countryside Division
Bob Macey (item 4)	Head of Environmental Protection Division

Peter Jones (item 4)

Environmental Protection Division

Secretariat:

Siwan Davies

Committee Clerk

Vaughan Watkin

Deputy Committee Clerk

Opening Remarks from Chair

0.1 The Chair welcomed members, officials and members of the public to the meeting, and advised the Committee of the following developments:

- Planning Decision Committee (PDC) – PDC 2002/2 had met on 13 February;
- Nantygwyddon investigation - plenary had endorsed the Committee's recommendations the previous day. The printed report would be distributed shortly together with a letter requesting feedback on the investigation process. The Minister would draw the attention of the relevant authorities to the recommendations, and would report back on progress before the summer recess.

Item 1: Apologies, substitutions and declaration of interests

1.1 Apologies had been received from Geraint Davies, and from Tom Middlehurst, for whom Christine Gwyther was substituting.

1.2 The Chair invited members to declare any interests under Standing Order 4.5, Val Lloyd declared an interest as a Member of Swansea City and County Council.

Item 2: Report from the Minister for the Environment – EPT-05-02 (p 1)

2.1 In addition to the items in her written report, the Minister advised the Committee of the following issues:

- Glas Cymru – the Minister would be meeting representatives of Glas Cymru on 1 March, and would raise any issues suggested by Members;
- EPT Budget - some minor changes were forthcoming, full details would be circulated to Members;
- Sustainable Development (SD) - a shadow SD forum had been established, membership details would be circulated to Members. The Minister proposed to make a statement to plenary on progress with implementing the Sustainable Development Scheme between November 2000 and March 2001, with a full debate on progress between April 2001 and March 2002.

2.2 The following points were raised in discussion:

Environmental Protection

- Import of plutonium – the Minister would write to Members regarding licence permission for the return of plutonium to the UK;
- Nitrates Directive – the Minister would raise the need for an integrated approach on the environment impact of improved farm practices with the Minister for Rural Affairs.

Planning

- Planning: Delivering for Wales – the Minister would report back to the Committee on the results of the consultation exercise, and again on draft proposals for change. Members suggested that this be followed by a plenary debate;
- Aggregates levy – the Minister would write to Members about the work undertaken by the UK Government on the impact of the proposed levy on businesses.

Transport

- Free local bus travel – publicity material would be sent to all Assembly Members, telephone contact numbers were given for individual local authorities although Gwent Passenger Unit would co-ordinate implementation in their area. Implementation costs would be revised, as agreed with the WLGA, in the light of a study of the first year's operation and adjustments in funding to individual authorities would be possible if it proved necessary.
- Community Transport – Members were keen that free travel be extended to community transport schemes. The Minister said the position would be reviewed following the experience gained in introducing free travel on buses but that the issue was not straightforward given the different forms of provision. The Minister would also report back to the Committee following the presentation of research into Community Transport to the Transport Forum on 24 June;
- Safe routes to Schools – the Minister would circulate a list of the schemes to Members.

Voluntary Sector Meeting

- Members welcomed the positive feedback from the Minister's meeting with the Voluntary Sector and would be interested in receiving progress reports from the Equal Opportunities Working Group.

Item 3: Subordinate Legislation - SSSI's Procedures Governing Appeals – EPT-05-02 (p 2)

3.1 The Committee noted the paper and agreed that the draft regulations should proceed without further consideration by the Committee.

3.2 The Committee agreed a procedure for dealing with subordinate legislation in future. The Minister would provide a forward look of draft subordinate legislation at the beginning of each term, so that the Committee could identify areas for scrutiny (a forward look to April 2002 had been circulated, copy attached at Annex 1). Discussion of proposed subordinate legislation would appear as substantive items on the Committee's agenda.

Item 4: Flooding – Consultation on Funding Review and General Update EPT-05-02 (p 3)

1. The Minister sought the Committee's views on proposed administrative arrangements and funding mechanisms for Flood and Coastal Defences. Bob Macey explained the background to the review and outlined briefly the current administrative and financial arrangements (see note at Annex 2).

4.2 Discussion covered the following topics:

- Funding – there was broad support for continued exchequer funding for flood and coast protection schemes;
- Insurance – the Association of British Insurers had guaranteed insurance for properties at risk of floods until December 2002. The Minister requested details of cases where continuing insurance had been refused;
- Cross border issues – responsibility for flood protection work in some areas of Powys resides with the English Flood Defence Committee, but with capital projects funded by the National Assembly;
- Main/Non-main rivers – the Environment Agency and local authorities worked together on flooding in areas where main and non-main rivers joined. The Flood Defence Committees had responsibility for reclassifying rivers as main or non-main. A map showing the rivers designated as main rivers would be sent to

members for information;

- Consultation document – Members were concerned that a Welsh language version of the document was not yet available given the importance of the issue.

4.3 The Minister would report back to the Committee following the consultation process. Some of the recommendations could be taken forward by the National Assembly with DEFRA, others would require primary legislation.

Item 5: Minutes of the meetings 9 January and 12 February - EPT-01-02 (min) and EPT-04-02 (min)

5.1 The committee adopted the minutes of the meetings held on 9 January and 12 February.

Date of next meeting

6.1 The next meeting of the Committee would be at 2.00 pm on Wednesday 13 March 2002 at the National Assembly for Wales.

Committee Secretariat February 2002

ANNEX 1

Subordinate Legislation Register: EPT Forward Look Schedule (January to April 2002)

Title	What the Regulations Will Do	Planned Action	Comment
The Service Subsidy Agreements (Tendering) (Amendment) (Wales) Regulations 2001	Revise to 40% of an authority's total bus support the limits above which authorities must invite tenders for local bus contracts	Plenary for Approval Coming into force April 2002	Previous consultation has received widespread support from both bus industry and local authorities
Statutory Quality Partnership Schemes Regulations – Existing Facilities	Regulations may require that existing bus facilities may not be included in a Quality Partnership scheme if they were provided before a certain date	Plenary for Approval	A statutory Quality Partnership scheme is aimed at improving local bus services
The Local Authorities (Contracting Out of Highway Functions) (Wales) Order	To allow for the contracting out to the private sector of the operation of the powers to charge utilities where street works overrun an agreed deadline	Consultation on draft	Statutory Instrument to be drafted

The Street Works (Charges for Prolonged Occupation of Highway) (Wales) Regulations	To allow street authorities to levy charges on contractors and utilities for street works which overrun their agreed deadlines	Consultation on draft	Statutory Instrument to be drafted
The Street Works (Sharing of Costs of Works) (Wales) Regulations	To reduce, from 18% to 7.5%, the proportion of the cost of works that a utility has to bear where their appliances beneath the road need to be disturbed as a result of a major public transport scheme	Consultation on draft	Statutory Instrument to be drafted
The Street Works (Records) (Wales) Regulations	To set out rules for utility undertakers to keep records of their apparatus in the highway	Consultation on draft	Assembly liaising with DTLR
Town & Country Planning General Permitted Development (Amendment) Order	Improve existing planning procedures for telecommunications development	Plenary for Approval	Proposals in response to Stewart Report on mobile phones, and following public consultation
Town & Country Planning General Development Procedure (Amendment) Order	A procedural amendment affecting applications for planning permission for telecommunication mast development	Plenary for Approval	Proposals in response to Stewart Report on mobile phones, and following public consultation
Planning Fees (Amendment) Regulations	Increase in planning fee for telecommunication developments	Plenary for Approval	Proposals in response to Stewart Report on mobile phones, and following public consultation
The Countryside Access (Provisional and Conclusive Maps) Regulations 2002	The production of provisional and conclusive maps of open country and registered common land & the handling of appeals against the showing of land on the provisional maps	Consultation on draft	
The Countryside Access (Exclusions and Restrictions) Regulations 2002	Proposals on the procedure for excluding or restricting access to open country and registered common land	Consultation on draft	
The Countryside Access (Voluntary Dedication of Land) Regulations 2002	Allows the owner of any land to irrevocably dedicate the land for public access. Regulations will cover the form and process of dedication	Consultation on draft	
Wildlife & Countryside Act (SSSI Appeals) (Wales) Regulations 2002	Place on statutory footing the procedures for Assembly handling of appeals relating to Sites of Special Scientific Interest	Report to EPT Committee	The right of appeal was introduced by the Countryside & Rights of Way Act 2000

Conservation (Natural Habitats etc) (Amendment) (Wales) Regulations 2002	Place a specific obligation on local planning authorities to satisfy the requirements of the Habitats Directive with respect to European protected species as part of the planning process	Consultation on draft	Outline proposals were announced in National Assembly for Wales Circular 23/2001
Advisory Committee for Wales (Winding-Up) Order	Abolish the Assembly's (Environment Agency) Advisory Committee for Wales	Plenary for approval.	EPT has already accepted the recommendation to abolish the Committee.
Water Industry (inset appointments) Regulations	Encourage competition in the water industry for large volume users.	Plenary for approval.	As a cross-border issue this will need UK Parliamentary approval.
Water Industry (Guaranteed Standards Scheme) Order	Amend customer service standards of water companies.	Plenary for approval.	As a cross-border issue this will need UK Parliamentary approval.
Statutory Guidance to Environment Agency on its aims/ objectives	Guidance to the Agency on the discharge of its functions in Wales.	Consultation on draft	Takes forward a recommendation from the EA FMPR.
Special Waste Amendment Regulations	Amend hazardous waste regulations to comply with EC requirements	Consultation on draft.	EU requirement. Regulations planned to be introduced in summer 2002, but assembly timing dependent on DEFRA .
Packaging Waste Amendment Regulations	Sets new levels of recycling for packaging.	Executive procedure.	Executive procedure likely to be necessary to keep in line with the rest of the UK and to meet EU requirement.
Waste Management Licensing Amendment Technical Competence Regulations	Amends requirements for the technical competence of operators of waste facilities.	Consultation on draft.	
Waste Management Licensing Amendment Regulations	Technical amendments for mobile plant and public registers.	Consultation on draft.	
Fixed penalty notices	Increases fixed penalty notices for litter and dog waste.	Consultation on draft.	

Statutory Guidance on the regulation of Radioactive Discharges into the Environment from Nuclear Licensed Sites	Guidance in the granting of authorisations to discharge liquid and gaseous radioactive materials into the environment.	Consultation on draft	Section 4 of the Environment Act 1995 requires Ministers periodically to give the Environment Agency guidance on objectives that they consider it appropriate for the Agency to pursue. The guidance deals with the granting of authorisations to discharge liquid and gaseous radioactive materials into the environment
The Protection of Water Against Agricultural Nitrate Pollution Regulations	Extend coverage of Nitrate Vulnerable Zones (NVZs) in Wales	Consultation on draft.	Executive procedure likely to be necessary because of advanced EC infraction proceedings, and to keep in line with the rest of the UK.
The Environmental Protection Act (Solvent Emissions Directive) (Wales) Direction 2002	The Direction aims to prevent or reduce the direct and indirect effects of emissions of volatile organic compounds into the environment and the potential risks to human health	Direction to issue	Direction to be issued to Environment Agency and local authorities requiring them to ensure that the requirements are met for the industries they regulate
Local Authority Pollution Control (LAPC) Regulation of Industrial Plant - Fees and Charges Scheme for 2002 - 2003	LAPC fees and charges recover the costs to local authorities of undertaking their industrial regulatory responsibilities	New charges to be issued	
BS5228 - The Control of Noise (Codes of Practice for Construction and Open Sites)	Specifies codes of practice for minimising noise	Plenary for approval	
The Air Quality Limit Values 2002	Replacement of the Air Quality Limit Values (2001) Regulations that contain standards for sulphur dioxide, nitrogen dioxide, oxides of nitrogen, particulate matter and lead	Plenary for approval	Replacement in response to comments made by Legislation Committee
The Air Quality (Wales) (Amendment) Regulations 2002.	Tighten air quality objectives for the pollutants PM10, Benzene, carbon monoxide and introduce an objective for polycyclic aromatic hydrocarbons.	Plenary for approval	Research being undertaken with possibility of tighter standards for particles. Timing depends on DEFRA progress

BACKGROUND ON FLOOD AND COASTAL DEFENCES

1 FLOOD DEFENCE

Rivers are categorised as either main or non-main (ordinary) rivers.

a) Main rivers

Local Flood Defence Committees have statutory responsibility (i.e. permissive powers but not a statutory duty) for main rivers. There are six Local Flood Defence Committees in Wales, with an overarching Regional Flood Defence Committee, all of which are advised by the Environment Agency, who undertake work on their behalf. Two of the Local Flood Defence Committees in Wales have responsibilities for rivers in England. The English Flood Defence Committee has responsibility for some rivers in Mid Wales.

Members of the Regional Flood Defence Committee for Wales are nominated by Local Authorities, the Environment Agency and National Assembly for Wales.

Capital and revenue work is financed via levies on Local Authorities, funded via Revenue Support Grant. The National Assembly offers financial support to Flood Defence Committees for capital schemes via its Flood Defence Scheme.

b) Non-main rivers

Local Authorities have statutory responsibility (i.e. permissive powers but not a statutory duty) for non-main rivers within their geographic area. Capital and revenue work is financed by the Local Authorities, via unhypothecated General Capital Funding and by unhypothecated Revenue Support Grant. The National Assembly offers financial support to Local Authorities for capital schemes via its Flood Defence Scheme.

2 COASTAL PROTECTION

Local Authorities have statutory responsibility (i.e. permissive powers but not a statutory duty) for coastal protection. The Environment Agency and Local Flood Defence Committees do not have a locus. Coast Protection revenue work is financed by the Local Authorities, via unhypothecated Revenue Support Grant. National Assembly may finance eligible Coast Protection capital work via hypothecated capital grant and Supplementary Credit Approval. Where Supplementary Credit Approval is not appropriate then Local Authorities would fund the net of grant costs from unhypothecated General Capital Funding or from its own budgets.