

## ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 29 May 2002

Time: 2:00 pm to 4:45 pm

Venue: Committee Room 3, National Assembly for Wales

### Attendance:

#### *EPT Committee Members:*

Tom Middlehurst, Chair Alyn and Deeside

Rosemary Butler Newport West

(substituting for Richard Edwards)

Eleanor Burnham North Wales

David Davies Monmouth

Janet Davies South Wales West

Sue Essex, Minister for Environment Cardiff North

Brian Hancock Islwyn

Ann Jones – also member HSS Vale of Clwyd

(substituting for Karen Sinclair)

Val Lloyd Swansea East

Phil Williams South Wales East

#### *HSS Committee Members (item 3):*

Geraint Davies Rhondda

**Officials:**

Martin Evans	Director of Transport, Planning and Environment Group
Bob Macey (items 2 and 4)	Head of Environmental Protection Division
Kay Powell (item 3)	Head of Planning Division
Cath Ranson (item 3)	Planning Division
Chris Burdett (item 3)	Head of Children and Families Division
David Worthington (item 3)	Deputy Chief Environmental Health Adviser
Phil Bishop (item 4)	Environmental Protection Division
June Milligan (item 5)	Head of Countryside Division
Neil Hemington (item 5)	Wales Spatial Plan Unit
Richard Spear (item 5)	Wales Spatial Plan Unit

**Secretariat:**

Siwan Davies	Committee Clerk
Vaughan Watkin	Deputy Committee Clerk

**Opening Remarks**

0. 1 The Chair welcomed Members, officials and the public to the meeting and informed the Committee that:

- Planning Decision Committee 2002-4 – the Committee had met on 23 May, the Chair thanked Val Lloyd and Janet Davies for making themselves available;
- Proposed new regulations under the Countryside and Rights of Way Act 2000 - a report of the outcome of the public consultation on provisional and conclusive map regulations and associated appeal procedure had been circulated. Any comments should be sent to the Secretariat by 30 May;
- Forward look of subordinate legislation – further information on certain elements of

proposed legislation in the EPT portfolio had been circulated. Should Members wish the Committee to consider any of these areas, they were invited to inform the Secretariat.

## **Item 1: Apologies, substitutions and declaration of interests**

1.1 Apologies had been received from Richard Edwards, for whom Rosemary Butler was substituting, and Karen Sinclair, for whom Ann Jones was substituting.

2. Val Lloyd declared an interest as a Member of Swansea City and County Council. Brian Hancock declared that prior to his election to the National Assembly he had worked as a Health and Safety and Environmental consultant.

## **Item 2: Nantygwyddon investigation: process review - EPT-10-02 (p 1)**

2.1 The Chair invited the Committee to comment on suggested lessons for future investigations, as set out in the paper, covering: the establishment and powers of investigation; agreement of scope of investigation; composition of investigation teams; support for the investigation; support for lay people; collecting evidence; guidance for investigators and participants; commenting on investigators' reports; and ways of monitoring the implementation of recommendations.

2.2 He had been asked to clarify that the comments on the process under the name "Friends of the Earth" were from "FoE Cymru Network", and were not an official response from Friends of the Earth Cymru. Since the paper had been circulated, comments had been received from the Food Standards Agency suggesting that in future consideration should be given to the impact of any contaminants on the food chain.

3. Members considered that the investigation had been a success and offered a model for future investigations by subject committees. The Committee endorsed the suggested areas of best practice identified in the paper, which would form a statement to the Panel of Subject Committee Chairs on suggested best practice for any future investigations by subject committees, subject to the following additions. A copy would also be sent to all those who had participated in the investigation.
  - Investigation team – desirability of support to test the evidence of expert witnesses;
  - Investigators' reports – consideration of need for impact assessment of recommendations;

- Work programme – new section addressing the need for committees to consider the impact of an investigation on their work programmes.

2.4 On 17 July the Committee would receive a report from the Minister outlining progress in implementing the recommendations of the Committee's report that were endorsed by plenary in February.

### **Item 3: Health and the Planning System - EPT-10-02 (p 2)**

1. The Minister sought the Committee's views on work underway jointly with the Minister for Health and Social Services to ensure that public health implications of proposed developments were addressed during the planning process. Implementation of any new procedures would be a matter for local planning authorities.

3.2 Geraint Davies, attending as a member of the Health and Social Services Committee, declared an interest as a Pharmacist and Member of Rhondda Cynon Taf County Borough Council.

3.3 Members asked that the following areas be addressed as part of the ongoing work:

- Information – the need for robust scientific information, including medical, to form an evidence base for assessing the public health implications of proposed developments, and for this to be produced independently of the local planning authority. Health Impact Assessments could form a key part of this assessment, as could health profiles of communities near proposed developments;
- Guidance – the need to ensure that local planning authorities followed the latest advice issued by the National Assembly on assessing public health implications of developments, in advance of the publication of further guidance following the completion of the current research;
- Accountability – the importance of transparency of decision making and the need to ensure that land use planning decisions are soundly based.

3.3 Officials would be presenting interim proposals to the Cabinet in December. It was anticipated that there would be a report to EPT and HSS Committees on the way forward in the New Year.

### **Item 4: Draft statutory guidance to Environment Agency Wales -**

EPT-10-02 (p 3)

1. The Minister sought the Committee's views on draft statutory guidance to the Environment Agency in relation to its objectives and contribution to sustainable development. This was intended as strategic guidance, with detailed objectives being agreed as part of the budget planning process.

4.2 Members suggested that the following issues be taken into account:

- Accountability – the need for the Agency to be accountable to the public, as well as the National Assembly, and to maintain public confidence in its work, particularly in the area of regulation;
- Sustainable development – guidance for the Agency on balancing the tensions between economic, environmental and social sustainability;
- Flood defence – support for predictive modelling in flood defence planning to take account of the effects of climate change on historical climate data;
- Waste – the need for the Agency to support those promoting markets for re-used materials as part of their work in support of the Wales Waste Strategy;
- EU Directives – reflection of the Agency's responsibility for implementing EU Directives, particularly those relating to biodiversity, air quality and waste objectives.

4.3 The draft guidance would be revised in light of the comments of the Committee and responses from the public consultation, and was expected to issue by the autumn.

#### **Item 5: Wales Spatial Plan - EPT-10-02 (p 4)**

5.1 The Minister advised the Committee of progress in preparing the Wales Spatial Plan (WSP). The Plan would have the status of national planning guidance, but the Minister suggested that a statutory duty be introduced for the National Assembly to prepare a spatial plan. There followed a visual presentation of how the spatial plan might work (see Annex 1).

5.2 Members commended the presentation as an excellent means of explaining the concept of spatial planning. Coloured copies of the maps used would be circulated to the Committee.

5.3 Discussion focused on the following areas:

- Purpose – the role of the WSP as a framework for understanding the impact of development (without becoming a prescriptive development plan), balancing bottom up

and top down approaches and agreeing criteria for assessing the sustainability of development;

- Boundaries – the need to reflect cross-border service provision in England and Wales, possibly by mapping along the lines of the Dutch spatial plan, or learning from the Irish model for selecting location of key service areas;
- Access to data – the need to share information to build up a comprehensive picture, and suggestions for additional data sets to assess the impact of development on climate, the environment, public health and the Welsh language. Members were keen that Assembly Members have access to the data supporting the WSP, possibly via a CD-ROM or access to a Geographical Information System.

5.4 A further report would be made to the Committee following completion of the research that would provide an evidence base to underpin the WSP. The final draft Wales Spatial Plan would be presented to Plenary in due course.

#### **Item 6: Minutes of the meeting 15 May 2002 - EPT-09-02 (min)**

6.1 The Committee adopted the minutes of the meeting held on 15 May subject to the following addition to paragraph 3.2 bullet point 3:

- Funding – there was a need to increase funding for the maintenance of cycling and walking routes and also for promoting the health benefits of walking and cycling, and attention should be directed to the grants available to promote cycling under various measures of the present programme of European Structural funds.

#### **Date of next meeting**

7.1 The next meeting of the Committee would be at 2.00 pm on Wednesday 19 June 2002 at the National Assembly for Wales.

#### **Committee Secretariat May 2002**