

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 29 May 2002
Time: 2.00 to 4.45 pm
Venue: Committee Room 3, National Assembly Building

WELSH ASSEMBLY GOVERNMENT

CONSULTATION DOCUMENT – THE ENVIRONMENT AGENCY’S OBJECTIVES AND CONTRIBUTION TO SUSTAINABLE DEVELOPMENT IN WALES: DRAFT STATUTORY GUIDANCE FROM THE NATIONAL ASSEMBLY FOR WALES

Purpose

1. To consult the Committee about the draft statutory guidance to the Environment Agency from the National Assembly for Wales in relation to its objectives and contribution to sustainable development.

Summary

2. The consultation draft statutory guidance to the Environment Agency sets out the statutory objectives the Agency should pursue over the next few years; it identifies the Agency’s roles in contributing to the achievement of sustainable development; and sets out the principles the Agency should follow in deciding its priorities. The Committee is invited to comment on the draft guidance.

Timing

3. The draft guidance is being issued for public consultation on 23 May with a closing date for responses by 18 July. The final guidance is likely to be issued to the Agency in late summer or early autumn following consideration of the consultation responses.

Background

4. Section 4 of the Environment Act 1995 enables Ministers to give guidance to the

Environment Agency on the objectives which the Agency should pursue in the discharge of its functions and on the contribution it should make toward the objective of achieving sustainable development. The Ministerial functions under section 4 of the 1995 Act have transferred to the Assembly as respects to Wales.

5. The original 'section 4' guidance was issued to the Agency jointly by the Secretaries of State for Environment and Wales in 1996. The recent Financial Management and Policy Review (FMPR) of the Agency recommended that new statutory guidance should be produced; it also recommended that the guidance should include specific and separate objectives for Wales as appropriate.

6. The guidance is intended to be high level. The objectives highlight key areas of the Agency's work, rather than provide an exhaustive list of its responsibilities.

7. Against the background of the Assembly's own sustainable development scheme and other initiatives such as the Welsh waste strategy, it was considered appropriate to issue separate guidance in respect of Wales. Equally, though, it was recognised that the Agency is a corporate England and Wales body and there would clearly be difficulties if it was required to work to materially different objectives set by central Government (DEFRA) and the Assembly.

8. DEFRA issued its draft guidance for consultation earlier in the year; this concerned the Agency's activities in England. The draft guidance from the Assembly is based closely on the general model of the DEFRA draft, though adjustments have been made recognising that the guidance is being issued by the Assembly rather than from central Government, and that it applies to Wales. The draft refers to, and gives guidance based on the Assembly's sustainable development scheme (see in particular paragraph 1.8 and section 5 of the guidance). It also makes reference to the Welsh waste strategy (paragraph 3.2 (c)) and includes a specific objective relating to openness and transparency (paragraph 3.1 (e)) in recognition of one of the recommendations from the Nant-y-Gwyddon investigation.

Compliance, Financial Implications and Assembly Procedures

9. As noted in paragraph 4 above, the power to give guidance to the Environment Agency under section 4 of the Environment Act 1995 has been transferred to the Assembly. There are no direct financial implications for the Assembly or the Agency as a consequence of issuing the guidance.

10. As an item of subordinate legislation not required to be made by Statutory Instrument the statutory guidance is subject to procedures under Standing Order 27. This enables the Minister to decide whether the draft subordinate legislation shall be considered by a subject committee, Legislation Committee, by the Assembly in plenary, or that none of these procedures should apply.

Action for Environment, Planning and Transport Committee

11. The Committee is invited to consider and offer comments on the consultation draft guidance.

Contact Point

12. Philip Bishop, Environmental Protection Division, ext. 5204