

Julie James MS

Minister for Housing and Local Government

21 January 2021

Dear Minister,

Draft Hazardous Substances (Planning) Common Framework

Thank you for your letter, dated 17 December 2020, with further information in relation to the draft Hazardous Substances (Planning) Common Framework ('the draft Framework').

We note the document you provided to us on 15 October 2020 was referred to as the 'draft Framework'. We understand that an earlier draft was published in July 2020 and has since been amended. In order to avoid confusion, and for the sake of transparency, we believe it is important for Ministers to make clear the status of these documents when presenting them to the Senedd for scrutiny, and to ensure consistency of terminology at an intergovernmental level.

For the purpose of this letter, we will refer to the document you provided to us on 15 October 2020 as the 'draft Framework'. We trust that this document is the same as the Provisional Framework presented to the UK Parliament for scrutiny.

As previously indicated, the Committee is not in a position to undertake a substantive piece of work on the draft Framework. We have, however, considered its content and your responses to our questions. This letter sets out our views on the draft Framework and includes a number of recommendations.

While we are broadly content with the draft Framework, there are a number of issues we believe require further consideration.

Stakeholder engagement in the development of the Framework

In your letter, dated 17 November 2020, you told us that, "given the limited consequences of the framework proposals, engagement with stakeholders has been similarly limited". We acknowledge hazardous substances planning is a specialised topic, and the framework



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proposals themselves do not represent a change in policy. However, we believe more could have been done to engage with a wider range of stakeholders, including environmental groups. We note that, although engagement with key stakeholders took place in March 2019, you have only recently shared details of the draft Framework with other interested parties in Wales. We are disappointed you did not seek to engage these parties at an earlier stage of the Framework development.

Monitoring and review arrangements

The draft Framework suggests a review after two years of operation, with the potential for an earlier review, if the need arises. We believe this is a reasonable approach. However, we are concerned about the failure to acknowledge the importance of external and parliamentary scrutiny as part of the review process.

According to the draft Framework, involvement of stakeholders in any review will be “considered at the time”. You have, however, made clear to us that you intend to involve stakeholders when reviewing the Framework, while recognising the need for proportionality. While we welcome this, we do not believe the draft Framework adequately reflects your intention.

We recommend the draft Framework be amended to include an expectation for stakeholder involvement in the review process, while acknowledging the need for a proportionate approach to engagement.

In your letter, dated 18 December 2020, you told us that Members of the Senedd “would be able to engage [with the review process] in the same way as other stakeholders”. We are disappointed by this. Much emphasis has been placed by UK governments and legislatures on the key role of parliamentary scrutiny in the development of common frameworks. We believe this applies equally to the on-going operation and review of common frameworks following implementation. This should be reflected in the Framework. We understand the House of Lords Common Frameworks Scrutiny Committee and the House of Commons Housing, Communities and Local Government Committee have expressed similar views.

We recommend the draft Framework be amended to include suitable arrangements to facilitate parliamentary scrutiny as part of the review process. As a minimum, the UK administrations should notify parliaments of any review of the Framework, and report on the outcome of any such review.

International obligations

The draft Framework explains there are two international agreements relevant to the hazardous substances planning regime (‘the regime’): the Aarhus Convention and the Convention on the Transboundary Effects of Industrial Accidents. It is important for the



draft Framework to provide a comprehensive picture of all of the UK's international obligations relevant to the regime. We question whether this is the case.

We would like you to confirm that all international obligations applicable to the UK that are relevant to the regime have been included in the draft Framework. We would welcome a response as soon as practicable, and before the Framework is finalised.

I hope you will be able to accept our recommendations and pursue the necessary changes with your counterparts in the UK Government and other devolved administrations before finalising the Framework.

I am copying this letter to Chairs of the relevant committees of the UK Parliament and other devolved legislatures.

I look forward to receiving a response from you in due course.

Yours sincerely



Mike Hedges MS
Chair of Climate Change, Environment and Rural Affairs Committee

Croesewir gohebiaeth yn Gymraeg neu Saesneg
We welcome correspondence in Welsh or English.

