



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

Y Pwyllgor Deisebau **The Petitions Committee**

Dydd Mawrth, 18 Chwefror 2014
Tuesday, 18 February 2014

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The proceedings are reported in the language in which they were spoken in the committee. In
addition, a transcription of the simultaneous interpretation is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Mike Hedges	Llafur (yn dirprwyo ar ran Joyce Watson ar gyfer yr eitem olaf) Labour (substitute for Joyce Watson for the final item)
Bethan Jenkins	Plaid Cymru The Party of Wales
William Powell	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Joyce Watson	Llafur Labour

Eraill yn bresennol
Others in attendance

Carl Sargeant	Aelod Cynulliad, Llafur, y Gweinidog Tai ac Adfywio Assembly Member, Labour, the Minister for Housing and Regeneration
Joanne Smith	Uwch Reolwr Cynllunio, Llywodraeth Cymru Senior Planning Manager, Welsh Government
Rosemary Thomas	Pennaeth Cynllunio, Llywodraeth Cymru Head of Planning, Welsh Government

Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol
National Assembly for Wales officials in attendance

Kayleigh Driscoll	Dirprwy Glerc Deputy Clerk
Steve George	Clerc Clerk
Helen Roberts	Cynghorydd Cyfreithiol Legal Adviser
Kath Thomas	Dirprwy Glerc Deputy Clerk

Dechreuodd y cyfarfod am 09:30.
The meeting began at 09:30.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **William Powell:** Bore da, bawb. **William Powell:** Good morning, all.

[2] Welcome to this meeting of the Petitions Committee—the last in this half of this Assembly term. Normal housekeeping arrangements apply. There are no fire drills planned, so, if the alarm goes off, it is the real thing, and we are in the hands of the ushers. We have no apologies; there is a full complement of Members, but I am advised that Joyce Watson has another commitment in the second half of this meeting, and I understand that Mike Hedges will substitute at that point.

Deisebau Newydd
New Petitions

[3] **William Powell:** Without further ado, we will go straight into the new petitions for consideration. The first is P-04-535, Save our Fire Stations, which was submitted by Jonathan

Edwards MP and has the support of 3,058 signatures. It reads:

[4] ‘We call upon the Welsh Government to ensure fire services throughout the country are protected from severe budget cuts which inevitably impact upon the service and response times.’

[5] This is in the context of the recent concern about the decisions of the Mid and West Wales Fire and Rescue Authority, as all of us will be aware. We had a substantial number of people at the presentation the week before last. We had the opportunity to speak to a number of firefighters and others concerned about these matters. So, it is our first consideration. I think that, at this stage, we should probably write to the Minister for Local Government and Government Business to seek her view on the petition.

[6] **Joyce Watson:** I agree.

[7] **Russell George:** Agreed.

[8] **Bethan Jenkins:** Rwy'n hapus gyda hynny, ond a allwn ni gyfeirio, fel rhan o'r llythyr hwnnw—nid wyf yn siŵr pa Weinidog sydd yn gyfrifol am hyn; efallai mai'r Prif Weinidog sy'n gyfrifol—at yr ymateb i adroddiad Williams? Yn yr adroddiad hwnnw, mae argymhellion o ran newid sgôp yr awdurdodau tân. Efallai y byddai'n ein helpu i ddeall pa fath o strwythur y gellid ei gael yng Nghymru yn y dyfodol. Ar hyn o bryd, mae'r awdurdodau tân ar wahân.

Bethan Jenkins: I am content with that, but could we refer, as part of that letter—I am not quite sure which Minister is responsible for this; it may be the First Minister—to the response to the Williams report? In that report, there are recommendations in terms of changing the scope of fire authorities. It could help us to understand what type of structure there could be in Wales in the future. At the moment, the fire authorities are separate.

[9] Hefyd, er mwyn arbed amser, roeddwn yn meddwl efallai y gallem ysgrifennu llythyr at Undeb y Brigadau Tân, achos rwy'n gwybod ei bod wedi bod yn rhan fawr o'r ymgyrchoedd hyn. Rwy'n credu ei bod yn cynrychioli staff ar draws Cymru, ac mae hon yn ddeiseb Cymru gyfan. Byddai'n gwneud synnwyr i ysgrifennu at yr undeb yn awr hefyd.

Also, in order to save time, I thought that maybe we could write a letter to the Fire Brigades Union, because I know that it has played a large part in these campaigns. I believe that it represents staff across Wales, and this is an all-Wales petition. It would make sense for us to write to the union now as well.

[10] **William Powell:** I think that there is quite a lot of merit in that suggestion, particularly in the context of the First Minister leading on the Williams commission proposals. Are colleagues happy with that approach?

[11] **Joyce Watson:** The only other urgent piece of writing that I would do would be to the fire authorities, which ultimately make the decisions and which, in this case, made the decision not to cut the budget in the way that was feared. That process will be ongoing for next year, as it always is—

[12] **William Powell:** Yes, next year's budget round will be under way before we know it.

[13] **Joyce Watson:** It will have started.

[14] **Mr George:** Is that to all fire authorities or just this fire authority?

[15] **William Powell:** I think that that would be to all—

[16] **Bethan Jenkins:** It would be to all, because the petition is all-encompassing.

[17] **William Powell:** Indeed, absolutely. I referenced the particular issues in the mid and west Wales authority, but, as you say, it is an all-Wales concern and the remit of the petition is all Wales. I think that that would be sensible. So, we have the First Minister, particularly on the implications of Williams, all fire authorities, the Minister for Local Government and Government Business and the FBU. Excellent.

[18] We move now to P-04-536, Stop Factory Dairy Farming in Wales. This petition was submitted by the World Society for the Protection of Animals—WSPA—and has the support of 9,246 signatures. The text reads:

[19] ‘We call upon the National Assembly for Wales to urge the Welsh Government to update Planning Policy Wales and other relevant planning documents such as Technical Advice Note 6: Planning for Sustainable Rural Communities, to ensure that large scale indoor factory dairy farms are not created in the pursuit of short-term economic gain and to the possible detriment of many small-scale run farms. The recent approval of the farm in Welshpool, Powys cited paragraph 7.2.2 of Planning Policy Wales specifically in saying that it “...recognise(d) that there will be occasions when the economic benefits will outweigh social and environmental considerations.” and we believe this must be urgently reviewed since the possible creation of a small number of new jobs should not outweigh the long term economic benefits afforded by the plentiful, efficient and sustainable asset of grazing which many Welsh dairy farmers fully recognise.’

[20] That gives a strong flavour of the petition. Colleagues, how do you wish to proceed with this? Joyce, I know that you have taken a leading role in these issues.

[21] **Joyce Watson:** I have, yes. Anyway, the decision on that particular one has been taken. This is a petition about a much wider move towards intensive dairy farming in particular. We are going through, as we speak, a new planning policy for Wales and, in terms of timing, it is good timing. We will definitely have to write to the Minister for Housing and Regeneration on this, because they cite a planning issue. It might also be worth having the views from the other Minister.

[22] **William Powell:** Yes, the Minister for Natural Resources and Food. That was my thought also. Are colleagues happy with that as a first stab?

[23] **Bethan Jenkins:** Yr unig beth roeddwn am ei ychwanegu yw y byddwn yn cymryd tystiolaeth gan y Gweinidog ar bethau cenedlaethol sy'n effeithio ar gynghorau o ran cynllunio. Mae sir Gâr, ac un sir arall, rwy'n credu, wedi cymeradwyo ffermydd fel hyn, ac efallai y gallem edrych ar sut y maent wedi dehongli paragraff 7.22, a sut y maent yn wahanol i'w gilydd, er mwyn inni ddeall beth sy'n digwydd ar lawr gwlad—nid er mwyn dweud ei fod yn anghywir, ond er mwyn dehongli'r gwahaniaeth barn neu wahaniaethau lleol ar y polisi cenedlaethol.

Bethan Jenkins: The only thing that I would add is that we will take evidence from the Minister on national issues that affect councils in terms of planning. Carmarthenshire, and one other county, I believe, have approved farms like this, and perhaps we could look at how they have interpreted paragraph 7.22, and how they differ, in order to understand what is happening at a grass-roots level—not to say that it is wrong, but just to interpret this difference of opinion, or the local differences in terms of the national policy.

[24] **William Powell:** That issue around consistency of application of TANs is one of the

areas of questioning that we will take forward later with Carl Sargeant—not in this connection, but it has broad application. That is a good point. For the moment, if we write to both Ministers and then pursue those in time, are colleagues happy with that approach? Good.

[25] The next petition is P-04-537, Planting Trees to Reduce Flooding. This petition was submitted by Coed Cadw, Woodland Trust, and has the support of 2,708 signatures. It reads:

[26] ‘We call on the Welsh Assembly to urge the Welsh Government to reduce flood risk to thousands of homes across the country by supporting the planting of at least 10 million trees over the next 5 years, creating hedges, tree belts and wooded areas targeted where they will best help soak up rainfall and slow down water runoff. This tree planting will count towards the 100,000 hectare tree planting target the Welsh Government has already set, to soak up CO₂ from the atmosphere.’

[27] In the first instance we need to write to Alun Davies, Minister for Natural Resources and Food. He is already engaged quite positively in another of Coed Cadw’s petitions, which we will consider later. Russell, you indicated, and then Joyce.

[28] **Russell George:** I was going to suggest, Chair, that we write to the Minister, Alun Davies. I think that this is a timely petition, obviously. I happened to meet with the Severn Rivers Trust on Friday, and had my knowledge increased on this particular issue of tree planting along the river. I just had my eyes opened to it, really. I agree with you that we should write to the Minister in the first instance.

[29] **William Powell:** Last week, I had the opportunity to meet with some of the farmers involved in the Pontbren scheme in Montgomeryshire. They are active in this same area of work, and as you say, it is obviously very timely.

[30] **Joyce Watson:** It is very timely, and I support it wholeheartedly, but I think that we also need to write to the Minister for planning, because in many cases you will find that houses replace trees, so it is about being consistent, and having a consistent approach. Surface water runoff is something that I am hugely interested in, and it needs to be looked at in a comprehensive way. So, just because of what I have said, I can give examples of huge oak trees being felled to put houses in their stead, and you need to be thinking much wider than just planting trees, which I fully support—

[31] **William Powell:** Yes, it is about preserving the ones we have as well—

[32] **Joyce Watson:** Yes, preserving what we have and also replacing trees where they are removed, and that happens for lots of reasons.

[33] **Bethan Jenkins:** If you want to widen it out, it comes back to what Dafydd Elis-Thomas said in Plenary last week—we can build walls and defences but Wales is a small country, so it is about how we can build in terms of the natural environment to protect us against flooding. So, I suppose, it is about looking beyond the trees in a sense to the wider climate change agenda.

[34] **William Powell:** Using the whole toolkit, effectively, of nature and—

[35] **Bethan Jenkins:** We can work something like that into the letter to focus on the future as well.

[36] **Joyce Watson:** I fully agree.

[37] **William Powell:** That is a good way forward. Thanks for that and for your

contributions. So, we have agreed on a strategy for that petition. That concludes the consideration of new petitions.

09:40

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[38] **William Powell:** Appropriately enough, under the natural resources and food section of our agenda, we have petition P-04-439, Ancient veteran and heritage trees of Wales to be given greater protection—as though it was meant to be. This petition, as we will recall, was submitted by Coed Cadw, the Woodland Trust, and was first considered by the committee in December 2012, having collected 5,320 signatures. Very much taking on board the points raised in our previous discussion, it is about the need to enhance and give specific protection to precious trees, many of which have suffered damage and some of which have been felled in the violent storms since we last met even.

[39] **Bethan Jenkins:** Horses have been eating them as well, I learnt.

[40] **William Powell:** Yes—

[41] **Bethan Jenkins:** That was new to me when we visited—

[42] **William Powell:** When we went to Gregynog.

[43] **Bethan Jenkins:** To Gregynog, yes. I never knew that that was an issue.

[44] **William Powell:** Absolutely, the barking of ancient trees by horses who are either hungry or who have a particular predilection for the bark. The Minister for Natural Resources and Food has written back to us in respect of this petition and in very positive terms really, which will be welcomed by the petitioners. I think it would probably be useful to try to gain a clear understanding of the structure and membership of the task and finish group that the Minister is proposing to put together to take these issues forward. I would be happy to write to him on that and to get an idea of the timeline for this work. It is something that he is seeking to give priority to, among his many other tasks.

[45] Are there any other issues that it would be useful to progress just now? If we can get a clear idea of the timescale and the make-up of the task and finish group, that would be useful. I very much hope that it would include experts in the field, such as some of the members of Coed Cadw, who have so much experience to bring to bear, as well as Rob the tree hunter, who is in touch with a number of us. He is one of the team we met at Gregynog, making that such a memorable visit last November. Okay, so I will write to Alun Davies in the terms agreed.

[46] **William Powell:** The next petition is P-04-514, A Welsh clean coal and/or renewable energy power station instead of the proposed Wylfa B nuclear plant at Anglesey. Now, this petition was submitted by Sovereign Wales and we first considered it in committee back in November last year. On this occasion, Sovereign Wales had gathered 104 signatures for this particular petition. As you can see and will recall from our previous consideration, it is urging the National Assembly for Wales to urge the Welsh Government to work with Hitachi, the new owners of Wylfa B, to encourage other forms of energy generation and capture rather than the proposed Wylfa B nuclear option that is currently on the table. We last considered it, as I said, on 26 November and we wrote to the Minister for Natural Resources and Food. I think that it is pretty clear where the Minister is coming from in his response to this matter. Colleagues, what do you think is the best way forwards on this one? As I said, there is a clear

message coming through in the letter from Alun Davies.

09:45

[47] **Joyce Watson:** I think that the issue here is that the nuclear power station at Wylfa B—I can never say that properly—is a reserved UK Government decision. It has made it clear that it supports that decision and that it is going ahead. Our job is to do what we can and, once we have reached that point, to be quite honest and to say that we cannot do any more. In my opinion—but I will wait for others—we have reached that point.

[48] **William Powell:** Yes. I think that the issue of its status as a reserved matter must weigh heavily in our deliberations.

[49] **Bethan Jenkins:** Rydym ni'n gwybod hynny, ond rwy'n credu bod y ddeiseb yn galw ar Gynulliad Cenedlaethol Cymru i annog Llywodraeth Cymru i gydweithio â Hitachi er mwyn hyrwyddo'r defnydd o lo glân o Gymru. Nid wyf yn gweld unrhyw beth yn y ddeiseb sydd yn amharu ar ein gallu ni i ysgrifennu at Hitachi gan ofyn yn glir beth yw ymrwymiad y cwmni yn y maes hwnnw. Rydym yn cydnabod nad oes pŵer gyda ni, ond mae adnoddau naturiol Cymru yn cael eu defnyddio fel rhan o'r gorsafoedd hyn. Es i i Aberthaw yr wythnos diwethaf, ac mae glo o Gymru yn cael ei ddefnyddio yno. Mae'n bwysig, felly, ein bod ni'n rhoi *scrutiny* i'r hyn sy'n digwydd yn y gorsafoedd. Nid wyf yn credu ein bod ni mewn sefyllfa i gau'r ddeiseb eto, ond efallai y gallwn siarad gyda Hitachi am yr hyn sydd yn digwydd yno mewn ffordd gadarnhaol, bositif.

Bethan Jenkins: Yes, we know that, but I think that the petition calls on the National Assembly to urge the Welsh Government to work with Hitachi to encourage the use of clean coal from Wales. I do not see anything in the petition itself that affects our ability to maybe write to Hitachi to ask clearly about its commitment in this area. We acknowledge that we do not have power in this area, but Wales's natural resources are used within these power stations. I went to Aberthaw last week, and Welsh coal is used there. It is important that we scrutinise what is happening in these power stations. I do not think that we are in a position to close the petition yet, but maybe we are in a position to talk to Hitachi about what is happening there in a positive way.

[50] **William Powell:** As you say, it is not just a matter of powers, as we do have a significant degree of influence in the way that these things are shaped for the reasons that you have outlined. Russell, I would welcome your input on this.

[51] **Russell George:** I was not going to speak, Chair, but I agree with Bethan's comments. The First Minister has also made statements. Even though it is not a devolved issue, he has shown interest in this, so I would support Bethan's comments.

[52] **William Powell:** I am very happy to write to the management of Hitachi so that we can gain a closer understanding of its plans and what options it has considered—particularly in the context of what is going on at Aberthaw. We had some interesting evidence on these topics a little while ago in the Environment and Sustainability Committee—it may have been before you joined that committee, Joyce. We had several useful evidence sessions on clean coal and so on. I am happy to write to Hitachi in those terms. We could also write to the Minister to ask whether he would consider working with Hitachi. So, we could write not just to Hitachi, but to the Minister so that we have a two-pronged approach, to see whether Alun Davies is of an open mind in these matters.

[53] We will move on to P-04-452, Equal Rights for Tube-fed Youngsters. This petition was submitted by Dr Tymandra Blewett-Silcock. We first considered it in January 2013. Dr

Blewett-Silcock had secured 142 signatures in support of this petition, which reads:

[54] ‘We call on the National Assembly for Wales to urge the Welsh Government to ensure that funding is made available to ensure that the vital equipment and services required by tube-fed children and young people are made available to them.’

[55] **William Powell:** We last considered this petition on 26 November 2013. We wrote to the Minister requesting a full update following Stage 2 of the Social Care and Well-being (Wales) Bill on whether the changes made have resolved the situation. We also wrote to the petitioner seeking her views on the Minister’s letter. Both responses are available to us today.

[56] I think that it is a matter of real concern that matters are not resolved from the point of view of the petitioner and that she is experiencing ongoing difficulties in her own local authority of Caerphilly. So, I would like us to write to Caerphilly council to see whether we can drill down into the blockage there, if colleagues are happy that we do that. Are there any other useful actions at this time?

[57] **Bethan Jenkins:** There is still the issue of the direct payments, is there not? I know that the Minister has said that the social services Bill will not directly impact on this issue, but I suppose we could ask, having just gone through Stage 3 of the social services Bill, whether that would make any changes to the situation.

[58] **William Powell:** Since the most recent correspondence, we have obviously spent quite a lot of hours, I believe—

[59] **Bethan Jenkins:** The Minister needs to see the correspondence from the petitioner as well, because it is quite heartfelt and I do not think it is something that can be ignored.

[60] **William Powell:** Absolutely, as it is very poignant, and we had a full and valuable evidence session last year on these matters, did we not? So, yes, we could share the most recent correspondence from the petitioner with the Minister and, in a covering letter, restate some of those issues and seek some further clarity. I am happy to do that. Are colleagues happy? I see that you are.

[61] We now move to P-04-460, Lives not Airports. This petition was submitted by Jeremy Derl-Davis and was first considered by us back in March of last year. It has the support of 51 signatures. We recall that, despite the reference to airports in the title, this is particularly to do with the funding available to the Welsh Health Specialised Services Committee and how it goes about its business in assessing patient need and the accessibility and availability of specialist treatments. We last considered this on 11 November 2013 in our meeting in north Wales and we agreed to invite WHSSC, potentially, to give oral evidence on the issues that had been raised by the petitioner. We also agreed to write to the Minister asking for a time frame of the review of rare diseases and whether that will actually impact on the matters raised here. We have the Minister’s response. The most recent correspondence that we received from the petitioner states that he is of the view that there is probably not a great deal more that we can achieve through the petitions process because of the circumstances of his particular case. I would welcome your views on this one because, again, it is a very poignant case and we have already given quite a bit of consideration to the specifics of the matter.

[62] **Joyce Watson:** We have had a letter from the petitioner that says that he accepts that our work has to come to an end in this matter. Those are not our words; those are his words, and we are usually guided by what the petitioner says. If we check the Record, I am sure that that would be the case. It seems that what he is saying is that he accepts that we have done everything that we can and that there is no further action that we can take. That is my reading

and I think that it is right. In that case, if the petitioner thinks we have done all we can and thinks that we should close it, which he clearly suggests, then I think that we ought to respect what he is saying to us. He does say within that he would seek other avenues, and if that means another petition calling for different action, then of course we will take that as it comes.

[63] **Russell George:** I think that we have done all we can but, more importantly, the petitioner has recognised that. So, I would support Joyce's view and close the petition.

[64] **Bethan Jenkins:** The only thing I would say is that we have not had the detail yet on the outcome of the panel that the Minister initiated. I wonder whether we could close it, but also perhaps—

[65] **William Powell:** I think that we should be monitoring the outcome, and getting some more clarity on that, and then sharing that with Mr Derl-Davis.

[66] **Bethan Jenkins:** Because it could change the way that people apply for funding, and so on, so that may then, in the future, apply to this case, but now, as it stands, it does not. That is the only thing that I would caveat.

[67] **William Powell:** If we request that the clerking team monitors that, and how that develops, I would be very happy to write to Jeremy Derl-Davis, thanking him for bringing the petition forward, and for recognising that we have probably gone as far as we reasonably can on the matter, and also wishing him and his wife well, if colleagues are happy with that approach. I see that you are. Good.

[68] The following two agenda items will be considered together, as we have previously agreed. These are petitions P-04-466, Medical Emergency—Preventing the introduction of a poorer Health Service for North Wales, and P-04-479, Tywyn Memorial Hospital X-ray & Minor Injuries Unit Petition.

[69] The first of these two petitions—P-04-466—was submitted by Mike Parry, was first considered by the committee in March 2013, and has the support of 306 signatures. We also have the Tywyn hospital petition, which was submitted by Brian Mintoft, and was first considered by us in May 2013, having collected 4,486 signatures. We took evidence on these petitions in our meeting in north Wales on 11 November. We agreed to write to the Betsi Cadwaladr University Local Health Board, asking whether it had done a traffic impact assessment, and what that might demonstrate about getting patients treatment within the oft-quoted golden hour, as well as asking it to consider the further written submissions that we have received from the petitioners. We have the response from Betsi Cadwaladr here in our public papers, and we also have further comments from the petitioner, Mr Mintoft, with regard to the Tywyn hospital petition. That is here in our public papers.

[70] I think that, given the comments of Mr Mintoft, there would be merit in writing to the acting chief executive of Betsi Cadwaladr, to seek some confirmation of how things stand now with regard to the minor injuries provision in Tywyn, which is currently through the GP practice. Would colleagues be happy for me to write in those terms, because that seems to be one of the most salient points that the petitioner makes in his response? Are there any other actions that would be useful for us to take?

[71] **Joyce Watson:** I think that the other thing that the petitioner raises is that, while they have this new facility in the making, they are looking for some sort of guarantees as to what will be in it in terms of service provision, which might answer these questions. I am sure that I read that—that he raises that as a question. It might be worth while if we can seek some clarification, because that seems to be one of the sticking points in all of this—they welcome

the fact that they have a new facility coming, but what exactly is that going to mean, and will it resolve, in practice, the issues that concern those people?

[72] **William Powell:** I am happy to do that.

[73] **Bethan Jenkins:** We need to clarify the transport issue as well. It would be interesting to hear what the petitioners feel about what Betsi Cadwaladr has said in terms of the fact that 99.6% of the population would be able to reach services within 40 minutes' drive time, if they were implemented. How do they feel that that would work in practice? Also, we had a statement from Edwina Hart yesterday that there were two pilot schemes of bus service provision to try to improve the situation across Wales. I know that we have a bus petition, which we would obviously want to refer to that with—

[74] **William Powell:** We also have the Barbara Snowball petition, which I know that Joyce has been very much the lead rapporteur on.

[75] **Bethan Jenkins:** I wonder whether this pilot scheme will look at health services, or will it just merely look at transport on its own, so perhaps we can—

[76] **William Powell:** Are you suggesting that we write to the Minister for Economy, Science and Transport in that connection?

[77] **Bethan Jenkins:** Yes, because, obviously, it is supposed to be in reaction to the report that your committee, the Environment and Sustainability Committee, did on—. I am sorry, but what was the name of the report?

[78] **Joyce Watson:** Integrated transport.

10:00

[79] **William Powell:** It was on integrated transport.

[80] **Bethan Jenkins:** So, in that sense it should be linked up.

[81] **William Powell:** I am happy to write to Mrs Edwina Hart on that matter. Russell, you have been very patient.

[82] **Russell George:** The Minister made an announcement about the mid Wales review at the end of January.

[83] **William Powell:** Indeed, that is right.

[84] **Russell George:** I would be interested in the petitioners' views on that. I think that we should write to the petitioners asking for their views on that.

[85] **William Powell:** Yes, so that we can see to what extent that is relevant, because those issues have been raised, as they were at the Machynlleth meeting that we both attended some time ago, which was a joint meeting of three health boards in fact. I know that Dr William Roberts, a health campaigner based in Aberystwyth, has been very keen to look north and east in terms of that overall mid Wales initiative that Mark Drakeford is looking into now. I would be very happy to write to Brian Mintoft to see whether he thinks that would be relevant to this particular case. Thank you for the very comprehensive treatment of that petition.

[86] We move now to P-04-454, Call to end Councillor and Assembly Member Dual Role. This is commonly known as double-jobbing. This petition was submitted by Nortridge

Perrott. It was first considered by the committee in January 2013 with the support of 52 signatures. It calls for the Welsh Government to bring forward legislation to bar the practice currently exhibited by seven currently serving Assembly Members. I think that figure has been subject to question as to whether in fact there are seven, but the principle stands on this matter. I need to restate the fact that I am one of the numbers referred to and I am not alone in this room.

[87] **Russell George:** I would like to come in here, Chair, and say that I think that I will stay out of this discussion and look to my colleagues to take this petition forward. I will remain silent on this petition.

[88] **William Powell:** On this one, less is more, from my point of view as well. So, I would be very happy to open to the floor of the innocents.

[89] **Bethan Jenkins:** That leaves two of us who are not doing it. [*Laughter.*] The only confusion that I have is that he is talking about legislation in his response to the petition and I am not aware if there is any legislation, apart from—

[90] **William Powell:** I think that it is a reference to the National Assembly for Wales (Disqualification) Order 2010, which preoccupied this Assembly in its opening weeks quite a lot, as we will recall. I think that it refers to that.

[91] **Bethan Jenkins:** Is that what it is referring to?

[92] **William Powell:** I will seek clarity from the clerk on this matter.

[93] **Mr George:** I do not know if that is what he is referring to, but what I can tell the committee is that the Constitutional and Legislative Affairs Committee has recently been asked, I believe by the First Minister, to review that Order and it has started doing it. It is, as I understand, one of the issues that it can consider within that Order. So, we could ask the committee to look at it if you wanted to.

[94] **Bethan Jenkins:** Yes, let us ask the Constitutional and Legislative Affairs Committee to look at it.

[95] **William Powell:** If colleagues are happy for me to write to David Melding as Chair of that committee, to ask him to be aware of this issue in his deliberations, I will do so. I see that you are. Excellent.

[96] **Bethan Jenkins:** I think that we should close it then because we have taken it as far as we can. I think that we should close the petition and pass it on.

[97] **William Powell:** I think that is the right vehicle. The Constitutional and Legislative Affairs Committee is, clearly, the appropriate avenue on this particular one.

[98] We now move to P-04-458, Keep Further Education in the Public Sector. This petition was submitted by the Crosskeys branch of the University and College Union and was first considered by our committee in February last year. It is supported by 246 signatures. It calls on,

[99] ‘the National Assembly for Wales to urge the Welsh Government to ensure:

1. Further education, along with publicly funded assets, is retained within the public sector.

2. Colleges continue to be bound by the national agreements in FE, such as the national pay scales.
3. The introduction of an all-Wales contract for FE lecturers.
4. Welsh Ministers do not dissolve colleges and give colleges the ability to transfer the property, rights and liabilities to another body.’

[100] We last considered correspondence on this back in June of last year and we agreed a couple of actions. We agreed to share the correspondence that we had received from the Minister for Education and Skills and the petitioner with the Children and Young People Committee and also to await the Children and Young People Committee’s report on the Further and Higher Education (Governance and Information) (Wales) Bill. Clearly, we have the relevant documents in our pack. I just want to flag up the fact that the Bill received Royal Assent on 27 January this year, so things have moved on fairly significantly. I would like to ask colleagues for a view on this one. Bethan.

[101] **Bethan Jenkins:** I sat on the Children and Young People Committee and tried to put amendments forward that would safeguard a lot of the points that are mentioned, although my amendments were not carried. It will not be in the public sector anymore; it will be a not-for-profit company. In terms of the fact that they could create new bodies, that would be up to the colleges to decide for themselves. That could happen. The worry is the nature of those companies and the spin-offs and how staff are to be protected. I know that there should be a national FE contract out soon, from talks that I have had with UCU, but it does not yet know the full extent of that. However, that is separate to the Bill. I would say close, on the basis that we cannot help with points 1, 2 and 4, but point 3 is separate, so I suppose that we could keep it open until we have the culmination of the agreement on the national contract.

[102] **William Powell:** Do you have any idea on the timescale of that?

[103] **Bethan Jenkins:** No, but I suppose we could write. I do not know.

[104] **William Powell:** We could write to find out. As you say, we are moving towards closure, but there is that one point that maybe we could get some more clarity on.

[105] **Joyce Watson:** That is a very important point if you happen to be a lecturer in Wales. I agree completely that that is the issue that we want clarity on. I agree with asking for a timescale and feeding that back to the union and seeing how—

[106] **William Powell:** I am happy to write to Huw Lewis on these matters.

[107] **Joyce Watson:** While that is at a loose end, I am not prepared to close. I completely agree with what Bethan has said.

[108] **William Powell:** We have an emerging consensus on this one. Let us do that as agreed.

[109] The next petition is P-04-489, A National affordable and priority housing Act of Wales. The petition was submitted by Sovereign Wales and considered by the committee for the first time back in June of last year. It has the support of 28 signatures. We recall the sentiments underlying this petition; they reflect concerns that are widespread throughout Wales regarding the availability of affordable housing and issues around the local connection, which are very important. The petitioner references what he identifies as good practice within some of the national parks in England, notably the Peak district and the north York moors. We last considered this on 10 December and agreed to seek further clarity from the Minister

on the petitioner's most recent points. As you can see, we have a pretty robust statement on the position from Carl Sargeant in relation to those matters. We have a clear restatement of Government policy. We are probably looking at moving towards closure. I am grateful to the petitioner for having raised these concerns and promoted this debate. I would value colleagues' opinions.

[110] **Bethan Jenkins:** I think that we should close, but perhaps we could ask the petitioners whether they think that they could input into the planning Bill now.

[111] **William Powell:** We should urge—

[112] **Bethan Jenkins:** The committee is having a pre-consultation pre-scrutiny stage.

[113] **William Powell:** We are engaged in that at the moment with Rosemary Thomas and others.

[114] **Bethan Jenkins:** Everything should be on the table. I do not agree with the cynicism that things are not fit for purpose yet, because the door is open there at the moment.

[115] **William Powell:** Things are there to play for at the moment.

[116] **Bethan Jenkins:** I would say that that is the place for them now.

[117] **William Powell:** So, in that letter to Sovereign Wales, I would be happy to urge it to do what it frequently does in terms of sharing innovative thinking and so on. This is the right time to be doing that in the context of the current consultation.

[118] The next petition is P-04-510, Public inquiry into the Breckman case in Carmarthenshire. Carmarthenshire County Council is rarely out of the headlines at the moment, as you will be aware, along with the neighbouring authority. This petition was submitted by Alan Evans and was first considered by the committee in November 2013. It has the support of 63 signatures. It reads:

[119] 'We call upon the National Assembly for Wales to urge the Welsh Government to establish a public inquiry into the maladministration of Carmarthenshire County Council's planning department regarding the case of Mr. and Mrs Breckman of Maes Y Bont, Carmarthenshire.'

[120] We recall the context of this. In our previous consideration, we agreed to write to the Minister for Local Government and Government Business seeking her views, and also to the Public Services Ombudsman for Wales, to ask if he is content with the actions taken by Carmarthenshire County Council, and we wrote to the council. We have responses from all three and they are in the public papers. One thing that I would be minded to do is to write to Carmarthenshire County Council—admittedly, it has a busy agenda at the moment—on this important issue, flagging up the question that has been aired by the ombudsman as to how fulsome, how satisfactory and how genuine the apology is and whether it would reflect upon that. It is a matter of concern to the petitioners and, clearly, it is a matter that has been flagged up by the ombudsman. Would colleagues be happy for me to write along those lines to Carmarthenshire County Council? Hopefully we will elicit a response from it ahead of us even thinking of considering closing this petition, because clearly it is a matter of considerable concern to Mr Evans and, indeed, his fellow petitioners.

[121] **Joyce Watson:** All that is true and I do not dispute it for a minute. However, we have had a ruling here and I would like some legal advice before we proceed, in terms of whether we should proceed any further whatsoever. I have read the documents—they are pretty

lengthy and all the rest of it. My reading of the ombudsman's report was that an apology has been made; it might not have been in the style or the way that he might have expected, but if I remember what I read right, there is not much that he can do about making an individual make an apology in a way that suits another individual. That is my reading. He has ruled on this; that is the point that I am trying to get to.

[122] **William Powell:** I understand your point, Joyce.

[123] **Joyce Watson:** I need to be reassured—that is all I am saying at this point—as to whether we can do anything else. I am nervous about intervening, especially where we clearly cannot intervene. We cannot intervene on ombudsmen's decisions, and neither should we be able to, because they are fully independent. So, before we do what you have just said, I really want some legal advice.

[124] **William Powell:** Helen, I call you at this point.

[125] **Ms Roberts:** Thank you, Joyce, for raising the issue. I have to say that I have not been involved in this particular petition before. I am quite conscious that I may not have all the relevant information in front of me to give comprehensive and definitive legal advice. So, what I would like to do, Joyce, is, if possible, go away and consider all the paperwork, the issues and the Standing Orders et cetera and come back with some advice on this particular issue. As I say, I have not been involved in this particular petition before.

[126] **Joyce Watson:** Can I suggest that we do not do anything until we have the legal advice?

[127] **William Powell:** Indeed. I think that we should park this, await that legal advice and be guided by it.

[128] That concludes the review of previous petitions. I propose that we move to a short recess ahead of our evidence session on the Make the MTAN law petition, which is due to commence at 10:30. We will reconvene in 10 minutes or so. Diolch yn fawr.

*Gohiriwyd y cyfarfod rhwng 10:13 a 10:27.
The meeting adjourned between 10:13 and 10:27.*

**P-04-472 Gwnewch y Nodyn Cyngor Technegol Mwynau yn ddeddf: Sesiwn
Dystiolaeth gyda'r Gweinidog Tai ac Adfywio
P-04-472 Make the MTAN law: Evidence Session with the Minister for Housing
and Regeneration**

[129] **William Powell:** Bore da, Weinidog. **William Powell:** Good morning, Minister.

[130] Welcome also to your team. I also welcome Mike Hedges, who is acting as substitute for Joyce Watson for this section of the meeting. I also welcome colleagues from Westminster, who are joining us shortly in the public gallery. We are joined by the Right Honourable Andrew Lansley, who is the Leader of the House of Commons, and his deputy, the Right Honourable Tom Brake. We are very pleased that they are able to join us this morning for this section of the meeting.

[131] This agenda item is in respect of petition P-04-472, Make the MTAN law. Minister, I will give you the opportunity of making a short initial statement, if you would like to take that up. We are very grateful to you for joining us this morning. I know that, on a couple of previous occasions, you have been constrained by due process in terms of appearing before

the committee. The situation has moved on somewhat, and we very much look forward to this important evidence session. Over to you.

[132] **The Minister for Housing and Regeneration (Carl Sargeant):** Good morning, Chair, and good morning, committee. Thank you for the opportunity to come to speak to you this morning. I start by saying that it is a very important process, as you said, Chair. We have been constrained by the process, as I am formally the decision-making body, in that some of the applications may cross my desk. In terms of today's session, I will be guarded in some of my responses in terms of no trick questions—I am sure that there will be none, Chair—and in terms of any of the detail about any specific applications that may be attributed to a site previously or in the future. I will make my contributions purely on current policy around MTAN 2. I have brought part of my senior team here in terms of planning, and they will give me advice on the process, so that we do not get caught up inadvertently with some of the decisions or questions and responses that you may get from me today.

[133] **William Powell:** Excellent. Perhaps your team would like to briefly introduce themselves for sound levels, and for the Record.

[134] **Ms Thomas:** I am Rosemary Thomas, chief planner in the Welsh Government.

[135] **Ms Smith:** I am Joanne Smith. I work for Rosemary, particularly on minerals, waste and environmental issues in the planning division.

10:30

[136] **William Powell:** Let us kick off with an initial question, Minister, to seek your views on how a consistency of approach can be achieved in considering the application of national planning guidance, particularly through the technical advice notes. It is that area of consistency of approach and fair treatment that concerns all of us, particularly in the context of the Environment and Sustainability Committee, on which a couple of members of this committee sit. That is something that we hear very much from developers, but also from communities. Could you address that initial question, please?

[137] **Carl Sargeant:** Of course, Chair; thank you. I will take that question in two parts. Broadly, the issue around consistency of approach in planning terms is something that is important to me and my department. You will see, through the new planning Bill that we are bringing forward and the associated positive planning documents, that we are looking to ensure that we get a more consistent approach across the 25 local planning authorities that we currently have in Wales. We have some evidence of variability in terms of the decision-making processes—I say 'processes' as opposed to 'decisions'—and how they are delivered. It is something that I am looking at very closely to make sure that we have some consistency across planning authorities.

[138] In terms of the specific question around MTAN 2, I do not see this as being any different from any other mineral technical advice note that we have in place in terms of determination by local authorities. I believe that they are professional bodies that have the ability to observe what the technical advice notes say and put that into practice. The only thing that I would suggest is that, when we are talking about MTAN, particularly the minerals coal extraction element, the number of cases that we have, and applications, in Wales is very small. So, the ability to have consistency is there, in a smaller field, but the experience in that process is lower because there are fewer applications.

[139] **William Powell:** Just developing that point a little, do you think that there would be merit in building up greater expertise on some of these highly complex applications, and maybe having a central team that could assist planning authorities to deliver a more consistent

approach? You said there that it is an issue of capacity, but that it is also an issue of having sufficient practice in these rather more specific and technical areas. It is rather akin to what we often hear quoted in the health service, in terms of consultants and surgeons being in a position to deliver the best outcomes.

[140] **Carl Sargeant:** Let me be clear, Chair, if I was not clear in my first response: I do not think that there is an issue about determination in the skills base of this. Of course, there are issues about making sure that authorities are able to make the appropriate decisions on this, but it would be wrong for me or any other to suggest that they are incapable of doing that professionally in any of the determinations that they make.

[141] **Bethan Jenkins:** Minister, I hear what you are saying but there is ambiguity on the ground, and local authorities are making decisions on different bases. You say in your submission that

[142] ‘national planning policy and technical advice notes are not prescriptive documents but are among the ‘material considerations’ to which a planning authority should have regard when making a decision’.

[143] Do you believe that this has created confusion among many local authorities, which believed that the MTAN was supposed to be rigorously adhered to by including it in local development plans?

[144] **Carl Sargeant:** I do not recognise the issue of ambiguity. As I have tried to outline, Chair, I believe that all planning authorities are asked to act professionally in their determinations. I have not received information about any such cases; perhaps you would like to offer some evidence of where you think a determination has been made incorrectly or by a different method other than as prescribed by MTAN or the planning process.

[145] **Bethan Jenkins:** In the Court of Appeal ruling on the extension to Margam opencast mine issued in October 2001, Lord Justice Pill said that he was somewhat disturbed by the approach adopted on behalf of the Ministers. He went on to say that the impact of the 500m buffer zone in MTAN 2 and development plans presented problems for planning authorities and planning inspectors, and provided them with a dilemma. He said that that was exacerbated by evidence on behalf of the Ministers before the court, and he stated that MTAN 2 is not a source of relevant national policy. He also said that further guidance would have been useful.

[146] So, in spite of that ruling, your submission appeared to be asserting the same point or certainly one that is very similar.

[147] **Carl Sargeant:** I do not have anything to offer on that question, Chair.

[148] **William Powell:** Minister, we respect that—

[149] **Carl Sargeant:** It was case specific, Chair, and I hope that you understand the process.

[150] **Bethan Jenkins:** The problem is that it creates a precedent for the ambiguity that exists within the system in relation to the MTAN, Minister, and I would have thought that you would have an opinion on that.

[151] **Carl Sargeant:** If I may, in a broader context, Chair, offer some thoughts around process, as I said earlier, I do not recognise that there is ambiguity on the determination of this. I would welcome, if the committee has evidence specific to an application, past or

present, that would suggest that a planning authority is acting inappropriately in its determination of any application that is presented before it, that it shares it with me.

[152] **William Powell:** Thanks for restating that, Minister. Russell George has some issues to raise that relate to the—

[153] **Russell George:** They follow on from your questions, Chair. May I ask, Minister, what recourse is there within the planning system to deal with planning decisions by local authorities that are contrary or even consistently contrary to national planning guidance?

[154] **Carl Sargeant:** While the questioning is related to MTAN 2, I do not see MTAN 2 as being any different from the process that is delivered by the planning system across Wales. I think that we can attribute that question to the broader issue of planning. I believe that the determination of applications is best placed at a local level, and that is why we have planning authorities across Wales. Indeed, I know that members of this committee also have involvement in that process at a local level. Determination is important there. Subject to that process, whether an application is successful or otherwise, there is a planning process through the appeals system in order to test that mechanism. What I do not wish to do is be the arbiter of or to police a system that is actually a devolved function of local planning authorities. Again, we are looking closely at the system in terms of performance and how that performance operates, but I do not have any knowledge that a planning authority operating in Wales is breaching any conditions that are applied and given to it as a planning authority. It would be wrong for anybody to suggest otherwise without evidence.

[155] **Ms Thomas:** Just to pick up and add to what the Minister has said, one of the mechanisms that we use to do exactly what you said, that is, to monitor how things are going, is, from time to time, to commission research to assess whether policies have been effectively delivered across Wales, and we have done that recently with the renewable energy consenting process and with the housing consenting process. That is the mechanism that we have for identifying whether things are appropriately interpreted and delivered by local authorities and other statutory agencies.

[156] **Russell George:** May I ask what is meant by the Welsh Government's intention to reduce

[157] 'reliance on national planning policy where more appropriate tools are available'?

[158] That is stated in 'Positive Planning'. Could you just expand on that?

[159] **Carl Sargeant:** 'Positive Planning' is a consultation document, and the consultation closes on 26 February, I believe, Chair. What we are trying to do is to get views from interested parties, professional bodies and other interested agencies, about what tools they think are the most appropriate to make a determination. For clarity, what I have tried to explain in the launch of the draft Bill and 'Positive Planning' is that that is a structured approach to change in the planning system. It is not a policy development change in terms of that; they are very separate, and I do not intend to put policy into structure position. I think that what we have to be able to do is to make sure, and I suppose that this relates to your very first question, Chair, and is not specific to MTAN2, but about the general principles of planning, that, wherever you are in Wales, there should be a consistent approach and an understanding that you are given a fair determination based upon the planning policy that is in place in Wales. At the moment, with 25 planning authorities, that is variable in terms of how that operates in terms of the timeline and other activities. What I am trying to do is to get a consistent approach to the delivery of policy, which is consistent wherever you are in Wales—it is just the way that it is implemented.

[160] **William Powell:** Minister, if I may just pick up on that last answer, to what extent do you feel that the schemes of delegation to planning officers are a valuable tool in achieving consistency, as opposed to major applications being considered by a designated planning committee, mainly of locally elected members, although, obviously, in the three national park authorities, you also have those appointed members, who play an important role?

[161] **Carl Sargeant:** Two points. On the issue around delegation, we did some research around that, and I will ask Rosemary to pick up the points on the research in just one second. If I may make a broader point, again, Chair, the difficulty with democracy is giving people a choice in terms of determination. The worst thing about planning systems is politics, wherever you are, and that is not party specific. However, it is a problem, and that is something that we are also trying to look at in terms of scoping. We have some planning authorities that are made up of the planning committees, which have every member of the council on, as a planning decision process. How they get agreement through that is interesting. However, there are some that have a more structured approach, and we are looking, within the planning Bill, to give some consistency around decision-making processes so that it is fair for the authority, as a planning authority, and for the people who are making applications, so that they know exactly what the system will be, ensuring that you will get fairness wherever you are in terms of that determination. That does not detract from the fact that the policy is the policy, and that should be applied wherever you are, whatever the situation that currently exists within the local planning authority.

[162] I will ask Rosemary to expand on determination.

[163] **Ms Thomas:** The Minister is referring to research that we asked the Royal Town Planning Institute to commission on our behalf. That was really interesting, and very revealing. There are 25 local planning authorities in Wales, and there are 25 different ways of organising your scheme of delegations, your committee arrangements, site visits, and the whole panoply of things that relate to planning. As the Minister said, through the planning (Wales) Bill, we will be tackling some of that.

[164] However, in terms of the issue of delegation, I think that we are proposing that we have a national scheme of delegations, so that we do eliminate some of the vagaries of the current system. We certainly encourage local authorities to have high levels of delegation. The vast majority of applications are of a local scale—small-scale applications—and those are quite appropriate for professional officers to deal with. Where you are into the level at which applications should be referred to the committee, that is where there is a range of different approaches in Wales, and we think that there should be a more consistent approach. So, we will see what we get back in terms of the consultation responses, and that will be an area where we will be taking action in future.

[165] **William Powell:** That is very helpful. Thanks. Bethan Jenkins is next.

[166] **Bethan Jenkins:** I just wondered whether we could see that research, because I think that it would be useful for those who are living in areas where open-cast mining is a scar on their lives to be able to understand who makes the decision and when. In many instances, when it is a council officer deciding on it, they feel that they are even more removed from the process democratically. I know that you will not speak about certain instances, but we have an instance in East Pit, in Cwmllynfell, where 14 months have gone by without planning consent, and they are still continuing to open cast, and that is unacceptable. So, I think that we need to have a consistent approach across Wales, so that we can fully understand what people's rights are in the planning process.

[167] **Carl Sargeant:** I listened carefully to the Member's questioning. On the determination, the research is available on the Welsh Government website, but we will give

that some further thought, in making sure that you have a web link or something posted to committee, if that is helpful. I agree with the Member that determination is important, and transparency around that process and understanding that for the citizen is an important process, which we need to make sure is effective in terms of communicating that to the broader public.

[168] **William Powell:** I believe that you have some questions on the LDP process, Mike. As a former leader of Swansea council, I know that you have seen that from a number of different angles.

[169] **Mike Hedges:** Yes. Do you consider the LDP process to be well understood and accessible to communities and the general public? May I also just pick up a point that was made about delegation? I have called in planning applications twice, as a local councillor, because the planners said, 'This is not in keeping with the area.' When we have gone on the site visit, we have seen that exactly what was in the application has been done to the house next door. So, will you also accept that there are dangers in delegation, because planners seem to work from maps rather than from the street scene?

10:45

[170] **Carl Sargeant:** There were two questions. I will take the latter on delegation first. Of course there are risks involved in what is determined by a professional planner in an office-based situation to the local member. That is why we have local members, so that we have the facility to ask for a call-in process, because, generally, they would know and understand the people and the area better. There is a professional context that all planners operate in and I would again urge you, if you are suggesting that that is not happening in terms of a particular planner or system, to let me know about that in more detail. That would be important for me.

[171] In terms of the LDP process, engagement is always difficult, is it not? People tend to engage when there is a direct effect on them, most of the time. The only time when anybody is interested in planning is when there is a direct impact, and then everybody becomes a professional planner in their own right. If I had a magic wand in order to get engagement on planning, there are many other things that I would use that for too in terms of community engagement. I think it is a challenge, but I think that, on balance, local authorities do have a process where there is community engagement. However, as I said, trying to get people excited about planning is a challenge.

[172] **William Powell:** Bethan Jenkins is next.

[173] **Bethan Jenkins:** I must be an anorak then. *[Laughter.]* I have the questions on exceptional circumstances. I remember, when Jane Davidson was passing this through the Assembly initially, that we had a debate about the exceptional circumstances and the potential loopholes that these would allow for. I am sure that you would disagree with my thinking that it would be a loophole, but I do think that.

[174] In your submission, I thought that it was interesting that you said that:

[175] 'An exception is not about allowing unacceptable impacts on communities as any impact must always be acceptable.'

[176] Does that mean that you think that the impact on communities from sites given permission to come within the 500m buffer zone is in fact acceptable? Is that what you are saying in that particular sentence?

[177] **Carl Sargeant:** Well, I do not believe that you can take a single issue on a planning

application as read. You have to take it as a part of a process. Planning, as you fully understand, is site specific, and it varies with every application. There are many factors that apply to an application, including exceptions, which may give or detract from the ability to have a positive planning approval process. However, it would be wrong of me to suggest that just one single issue around an exception was the only factor in determining whether it is acceptable or not.

[178] **Bethan Jenkins:** Do you think that the exceptions within paragraph 49 of the MTAN are detailed enough? What we find is that, once an open-cast mine has started, the company will put in for an extension and could use that criterion for enhancing their works. I am just curious as to whether you think that it is strong enough, because we have had this MTAN for a few years now, and whether there would be a need to review any of the exceptions at any given time or whether you are happy with the current situation.

[179] **Carl Sargeant:** I think the Member poses a fair point in terms of what our policies do or do not say across the whole raft of technical advice notes and MTANs. We constantly review our MTANs to ensure that we believe that they are most appropriate for the delivery of the policy through advice. I would like to put this into context in terms of open cast and mineral applications. Since 2009, we have had approximately 100,000 planning applications submitted to planning authorities. In terms of open cast, we have had fewer than half a dozen. So, this, in context, is small—high impact, I accept—but a smaller number.

[180] Do I think that MTAN 2 is the appropriate tool and gives the right advice for determination? Yes, I do. Is it prohibitive for me to say that I am not constantly looking at MTAN 2 and all of the others? No, because we are constantly reviewing to see whether there are other circumstances that may give us a different policy outcome to benefit our communities. At the moment, I am not conducting a review of MTAN 2.

[181] **William Powell:** Minister, to round off, the positive planning consultation that is currently under way, which you said ends on 26 February, proposes that ‘Minerals Planning Policy Wales’ and the overall ‘Planning Policy Wales’ should be merged. Do you feel that that could potentially have an impact on the buffer-zone approach and that it will be of merit? Secondly, how frequently do you believe that technical advice notes need to be revisited and refreshed in the light of emerging evidence and other circumstances for them to remain valid?

[182] **Carl Sargeant:** As regards the first point about the merger of the two documents—‘Minerals Planning Policy Wales’ and ‘Planning Policy Wales’—it is my intention to do that. Will that have an effect on buffer zones? No. That is not the reason why I am doing that. It is just to make a document that is easier to read and more relevant today in terms of planning policy. As regards your second point—sorry, what was it?

[183] **William Powell:** It was on how frequently the technical advice notes should be revisited.

[184] **Carl Sargeant:** The point that I was hoping to make in responding to Bethan Jenkins’s last question was that we constantly review how relevant our policy is. My officials advise me on whether, at a place in time, they think that there is something changing in systems, the environment or otherwise that means that we need to make amendments to our technical advice notes. We do not have a timeline on this, but they are constantly under review because we are using them on a regular basis. There is no fixed timeline noting that MTAN 2 or any other technical advice note will be reviewed at a certain time, because it may be required beforehand or maybe it would be more appropriate to do so at a later time.

[185] **Bethan Jenkins:** I appreciate what you are saying but a Minister in the UK Parliament has said that coal will not be needed in the near future. I wonder whether that is

true, for a start, and whether you can say with any substance that you will just review on a regular basis, when we might know sooner than that whether we need coal for the future or whether we will be looking at alternatives. For example, I visited Aberthaw last week and they are looking at potential challenges and how they can change for the future. All I would ask of you is this: if you are looking at it in a broader, strategic way, how can we understand what your reviews will mean to wider Government policy?

[186] **Carl Sargeant:** I will give you an example of how we would determine this, if I may. I pay tribute to the Member, who I know is a vociferous campaigner on this issue and has been very balanced in her questioning this morning in terms of not putting me in a difficult place in responding to her questions.

[187] **Bethan Jenkins:** You would just ignore me anyway.

[188] **Carl Sargeant:** Yes. [*Laughter.*] One example is that we know that coal pricing has changed significantly because of economics and what is happening in the United States. That is one factor that we consider. We also look at issues around site refurbishment: so, after the extraction, what does that mean for the ability to re-establish a site in a place that the community would find acceptable? These are things that we have to consider when the application comes forward. We believe that, through a process of consistent monitoring of technical advice notes and planning policy, we are in the right place to determine whether we need to refresh completely or whether we have to make amendments. However, that is not something that I would like to apply a timeline to in case there was an event that meant that we had to make adjustments. It would be foolish to rely on a time capsule, as opposed to being nimble enough and having the flexibility to be able to make policy changes should we wish to do so.

[189] **Bethan Jenkins:** You will know that in many areas, the bond is not sufficient to redevelop the area, and that in many areas the company will not reclaim the land. That is something that you, as Minister, have to be looking at across the board in Wales, because we know for a fact that communities are still being blighted by opencast, when they have been told that the void would be filled, but the void is still not being filled. That is something that, really, you as Minister should be looking to review in the very near future.

[190] **Carl Sargeant:** We have commissioned a report specifically on site refurbishment, and what that means in the long term for sites that are already active and others. However, it is not site-specific, Chair. I take this into consideration, subject to it being a determining factor, if I have to make a determination on an application in the future.

[191] **Bethan Jenkins:** When you say that you have commissioned a report, what does that mean?

[192] **Carl Sargeant:** We have commissioned a report to look at the implications of bonds and other methods to refurbish sites.

[193] **Bethan Jenkins:** Will you be publicising that?

[194] **Carl Sargeant:** That will be available at some point. I cannot give the committee a timeline right now, but I will—

[195] **William Powell:** Minister, we would be very grateful if you could alert us, as a committee, to the publication date of that report, because it is highly relevant to the consideration of this petition and other related petitions.

[196] **Carl Sargeant:** Yes. Respectfully, Chair, I do not think that this will be available for

your determination in this committee, but I am sure that we will be able to apply a timeline of when we think that we will get that report back, which might give you an opportunity to review it in the future.

[197] **William Powell:** I appreciate that. I have the final question; I am conscious that time is pressing this morning. Minister, have you considered strengthening the wording of the Town and Country Planning (Notification) (Wales) Direction 2012, which would specifically require local planning authorities across Wales to notify Welsh Ministers of any minerals application that they are minded to approve that falls within a designated buffer zone?

[198] **Carl Sargeant:** We believe that there is enough scope within the guidance issued to local planning authorities in order for them to make that determination, apply the actions and inform us, subject to a planning application not being in accordance with one of the provisions of the development plan. So, we already believe that that is in place.

[199] **William Powell:** Diolch yn fawr am **William Powell:** Thank you for the y sesiwn diddorol y bore yma, Weinidog. interesting session this morning, Minister.

[200] Thank you very much indeed for the candour of your answers, given that you were constrained by the considerations that you outlined at the start of the meeting. We are grateful for your time this morning.

[201] I remind Members that this is the final committee of this half term. Our next session is on Tuesday, 11 March. I wish staff and Members a restful recess and look forward to seeing you at the next meeting on 11 March. Diolch yn fawr.

*Daeth y cyfarfod i ben am 10:57.
The meeting ended at 10:57.*