

## ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

**Date:** Wednesday 23 October 2002  
**Time:** 9.00 am to 12.00 pm  
**Venue:** Committee Room 2, National Assembly Building

## LEGISLATION FORWARD LOOK

### Purpose

1. To invite the Committee to identify draft legislation for future scrutiny.

### Background

2. The Minister has provided a forward look of **forthcoming secondary legislation** in the EPT portfolio, this is attached at **Annex A**.
3. The Queen's Speech to the UK Parliament at the beginning of the new Parliamentary session, in which she will announce the UK Government's programme of **primary legislation**, is expected to contain reference to a new England and Wales Planning Bill. The Bill is likely to contain provisions which will have a significant impact upon planning legislation insofar as it applies to Wales.
4. Given its potential significance for Wales, I propose at this stage that rather than scheduling consideration of draft secondary legislation, the Committee leaves space in its work programme to accommodate scrutiny of any new Planning Bill. Once further details on the content of the Bill and Parliamentary timetable are known, a Committee discussion can be scheduled.

### Recommendation

5. The Committee is invited to leave space in its work programme to accommodate scrutiny of any new Planning Bill, rather than scheduling consideration of draft secondary legislation at this stage.

**Richard Edwards AM, Committee Chair**

**ENVIRONMENT, PLANNING AND TRANSPORT PORTFOLIO****SUBORDINATE LEGISLATION PROGRAMME 2002/03**

**Projected Month Legislation To Be Made** – Is the month that the Legislation is likely to come before Plenary for approval. Members are notified of draft instruments under Standing Order 22.1, and notification usually occurs at least 6 weeks in advance of proposed instruments coming forward to Plenary. Upon notification, Members will be invited to make representations as to whether a proposed instrument merits formal consideration by a Subject Committee. The Deputy Presiding Officer is required to make a determination as to whether a proposed instrument is to be considered formally by a Subject Committee under the ‘extended’ procedure (see below), having regard to any advice the Business Committee may provide and any representations received from Members.

**Recommended Procedure** - Is the Standing Order procedure that the Welsh Assembly Government is likely to recommend should be adopted having regard to the nature of the proposed instrument and judgement as to how much scrutiny AMs may want to exercise. The procedures are ‘Standard’ (Legislation Committee scrutiny and voted in Plenary with debate); ‘Accelerated’ (Legislation Committee scrutiny and voted in Plenary without debate); ‘Extended’ (formal Subject Committee scrutiny, Legislation Committee Scrutiny and voted in Plenary with or without debate).

**This forward programme remains subject to Ministerial confirmation, change, addition or withdrawal of items listed.**

**October to December 2002**

<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
Rights of Way Improvement Plans – Commencement Order under CROW Act and Guidance	CROW Act 2000 requires local highway authorities to prepare, consult on, and publish strategic rights of way improvement plans for their areas	15 October 2002 – Commencement Order  December 2002 – Statutory Guidance	Accelerated
Fees for Inquiries (Standard Daily Amount) (Wales) Regulations 2002	Increase in the daily fee for Inspectors conducting a Local Plan Inquiry to achieve full cost recovery.	November 2002	Accelerated

Town and Country Planning (Cost of Inquiries etc) (Standard Daily Amount) (Wales) Regulations 2002	Increase in the daily fee for Inspectors in connection with Compulsory Purchase and Other Inquiries	November 2002	Accelerated
The Quality Partnership Schemes (Existing Facilities) (Wales) Regulations 2002	Require that existing bus facilities may not be included in a Quality Partnership scheme between a local authority and bus operator if they were provided before a certain date.	November 2002	Standard
Environmental Protection (Combustion Plants) (Wales) Direction 2002	Transposition of the EU Large Combustion Plants Directive via the issue of Direction	November 2002	SO.27
The Travel Concessions (Eligibility) Act 2002 (Commencement) (Wales) Order 2002	Commences in Wales Section 2(1) of the Travel Concessions (Eligibility) Act 2002. Equalise at 60 years from April 2003 the ages at which men and women become entitled to concessionary travel.	November 2002	Standard

<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
The Surface Waters (Fishlife) (Classification) (Amendment) Regulations 2002	The Regulations will make provision for the sampling and analysis of waters classified under the related 1997 Regulations to be dispersed with or recommend in certain circumstances, so bringing the regulations into conformity with the EC Freshwater Fish Directive	November/December 2002	Standard

The Air Quality (Wales) (Amendment) Regulations 2002.	Tighten national air quality objectives for the pollutants benzene and carbon monoxide. Responsibility for meeting these objectives rests with local authorities.	December 2002	Recommendation Pending
Water Industry (Guaranteed Standards Scheme) Order	Amend customer service standards of water companies.	December 2002	S.O. 25
Abandoned Vehicles	Amend the notice periods for the removal and disposal of abandoned vehicles	December 2002	Standard
Fixed penalty notices	Increases fixed penalty notices for litter and dog waste.	December 2002	Standard

<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
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. It is proposed that these regulations be extended to include the requirements of the 2 <sup>nd</sup> Air Quality Daughter Directive for carbon monoxide and benzene. Responsibility for meeting these objectives rests with the Government.	December 2002	Recommendation Pending
The Smoke Control Areas (Authorised Fuels) (Amendment) (Wales) Regulations 2002	To regulate the use of two new smokeless fuels	December 2002	Recommendation Pending

Environmental Protection (Waste Incineration Directive) (Wales) Direction 2002	Transposition of the EU Waste Incineration Directive via the issue of a Direction. This introduces stringent operating conditions and sets minimum technical requirements for waste incineration and co-incineration.	December 2002	SO.27
The Street Works (Inspection Fees) (Amendment) (Wales) Regulations	To increase the fee for inspections of undertakers' street works from £15.50 to £20	December 2002	Accelerated
The Countryside Access (Exclusions and Restrictions) Regulations 2002	Specify procedures for excluding or restricting access to open country and registered common land in different circumstances (CROW Act 2000)	December 2002	Standard
The Countryside Access (Voluntary Dedication of Land) Regulations 2002	Specify procedures for the owner of any land irrevocably to dedicate land for public access (CROW Act 2000)	December 2002	Standard

### January to March 2003

<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
Waste Management Licensing Amendment Technical Competence Regulations	Amends requirements for the technical competence of operators of waste facilities.	January 2003	Accelerated
Waste Management Licensing Amendment Regulations	Technical amendments for mobile plant and public registers.	January 2003	Recommendation pending

Name/Working Title	Purpose	Projected month legislation to be made	Recommended Procedure
Local Air Quality (Policy and technical Guidance) Management Part IV of the Environmental Act 1995	Guidance is designed to help local authorities with their next round of local air quality management duties under the Act	January 2003	Recommendation Pending
The Producer Responsibility Obligations (Packaging Waste) (Amendment) (Wales) Regulations 2003	<p>The Packaging Regulations obligate businesses who handle more than 50 tonnes of packaging per year and have an annual turnover of £2 million to:</p> <ul style="list-style-type: none"> <li>• Register with the Environment Agency or a compliance scheme</li> <li>• Recover specified tonnages of packaging dependant upon the activity they perform (eg manufacturing, packing)</li> <li>• Certify that their obligations have been met.</li> </ul>	January 2003	Accelerated
Road Traffic (Vehicle Emissions) (Fixed Penalties) (Wales) Regulations 2002	Give powers to Local Authorities to carry out vehicle emissions testing in and adjacent to declared Air Quality Management Areas	February 2003	Accelerated

Name/Working Title	Purpose	Projected month legislation to be made	Recommended Procedure

<p>The Bus Service Operators Grant (Wales) Regulations 2002. Regulations to extend Bus Service Operators Grant to long-distance bus and coach services.</p>	<p>To provide operators of long-distance bus and coach services with Bus Service Operators Grant in return for carrying pensioners and disabled people at discounts of at least 50%.</p>	<p>For coaches, February 2003</p>	<p>Recommendation pending</p>
<p>The Street Works (Charges for Unreasonably Prolonged Occupation of Highway) (Wales) Regulations</p>	<p>To allow street authorities to levy charges on contractors and utilities for street works which overrun their agreed deadlines</p>	<p>February 2003</p>	<p>Accelerated</p>
<p>The Street Works (Sharing of Costs of Works) (Wales) Regulations</p>	<p>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</p>	<p>February 2003</p>	<p>Accelerated</p>
<p>Special Waste Amendment Regulations</p>	<p>Amend special waste regulations to comply with EC hazardous waste requirements, and to introduce a hazardous waste producer registration requirement.</p>	<p>February/March 2003</p>	<p>Accelerated</p>
<p>Duty of Care (Amendment) Regulations 2003</p>	<p>To give local authorities the same powers as the Environment Agency to request holders of waste to show copies of the duty of care transfer notes which holders are required to keep and produce on request.</p>	<p>February/March 2003</p>	<p>Accelerated</p>
<p>The Street Works (Recovery of Costs) (Wales) Regulations</p>	<p>To standardise the basis on which staff costs, overheads and other administrative expenses for streetworks and related activities are calculated.</p>	<p>March 2003</p>	<p>Accelerated</p>
<p>The Street Works (Records) (Wales) Regulations</p>	<p>To set out rules for utility undertakers to keep records of their apparatus in the highway</p>	<p>March 2003</p>	<p>Accelerated</p>

The Street Works (Reinstatement) (Amendment)(Wales) Regulations	To amend the Street Works (Reinstatement) Regulations 1992 which prescribed requirements for the specification of materials to be used, and the standard of workmanship to be observed, by undertakers in reinstating streets by reference to a Code of Practice.	March 2003	Accelerated
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<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
Conservation (Natural Habitats etc) (Amendment) (Wales) Regulations	To enhance transposition of certain requirements of the EC Habitats Directive and to bring the Regulations into line with the sites protection provided by the Countryside and Rights of Way Act 2000	March 2003	Accelerated
Water Industry (inset appointments) Regulations	Encourage competition in the water industry for large volume users	March 2003	S.O. 25
Private Water Supplies Regulations	To prescribe standards of wholesomeness and to set frequencies for the sampling and analysis of private water supplies	March 2003	Recommendation pending
The Town and Country Planning (Enforcement Notices and Appeals) (Wales) Regulations 2003	Updates the current Regulations which specify the contents of enforcement notices and the information to be provided by a local planning authority as well as the procedures to be followed in relation to appeals against such notices.	March 2003	Standard

<b>Name/Working Title</b>	<b>Purpose</b>	<b>Projected month legislation to be made</b>	<b>Recommended Procedure</b>
The Town and Country Planning (Appeals) (Written Representations) (Procedure) (Wales) Regulations 2003	Updates and extends the procedures and time limits for dealing with planning and analogous appeals dealt with on an exchange of written representations.	March 2003	Standard
The Town and Country Planning (Enforcement) (Written Representations) (Procedure) (Wales) Regulations 2003	Introduces procedures and time limits in connection with enforcement appeals dealt with on an exchange of written representations	March 2003	Standard
The Town and Country Planning (General Development Procedure) (Amendment No.2) (Wales) Order 2003	<p>Amendments (for Wales) to the GDPO requiring-</p> <p>a) details of planning obligations associated with planning applications to be included on the locally maintained planning register</p> <p>b) decision notices to specify details of development plan policies relevant to the decision, and</p> <p>c) giving the Assembly a discretion to refuse to accept a planning appeal if the required information is not provided within the time limit.</p> <p>It will reflect changes already in force in England by virtue of S.I. 2000/1627 and S. I. 2002/828."</p>	March 2003	Accelerated

Statutory Guidance to the Environment Agency on Radioactive Discharges	Guidance on the granting of authorisations to discharge liquid and gaseous radioactive materials into the environment.	March 2003	SO.27
Planning Applications (Historic Parks and Gardens) Order 2003	Order requiring planning authorities to consult on planning applications affecting historic parks and gardens.	March 2003	Accelerated