

Statute Law (Repeals) (Wales) Bill

Q1: Are there any consequences of amending Part 3 of and Schedule 5 to the Agriculture Act 1967 so that they no longer apply in relation to Wales that should be considered further?

Whilst it is felt that there will be no unforeseen consequences of amending Part 3 and Schedule 5 so that they no longer apply to Wales, we would query whether the amendments proposed are clear enough, particularly regarding the amendments to section 45 and the fact that no mention is made of Schedule 5. Looking at Part 3 of the Act paragraphs 45 to 56 of the same need to be considered. we have looked on the internet under Legislation.gov.uk and that indicates that all amendments have been made up to 1st January 2023. On selecting the geographic impact locator, of the paragraphs 45 to 56 above each paragraph it indicates that they apply to “E+W+S” with the exception for paragraph 48 where the first version relates to “E+W” and the second to “S”. You have indicated that 45(1) should be amended after “area” to insert “in England, but that section is shown as applying to Scotland as well. Would it not be better to “exclude Wales and make some reference to Part 3 and Schedule 5 before proceeding with the other amendments (3) to (11) in paragraph 1 and the other amendments in paragraphs 2 and 3 of Part 1 of the draft Bill.

Q2: Are there any consequences of amending Schedule 32 to the Local Government, Planning and Land Act 1980 so it no longer applies in relation to Wales that should be considered further?

Not so far as we are aware as the draft Act will not affect the second type of enterprise zone but the schedule in Legislation.gov.uk up to date as at 2nd January 2023 does not show an “and” at the end of sub-paragraph (iia) in paragraph 2(2)(a) so we would query whether the words “but not the “and” after it” should be removed from paragraph 4(3). If sub-paragraph (iia) is removed then the schedule will read from (ii) “and” to (iii). we have nothing further to add in relation to amendments proposed in part 2.

Q3: Are there any consequences of amending Part 3 of the Housing Act 1988 so that it no longer applies in relation to Wales that should be considered further?

No

Q4: Do you agree that the transitional arrangements relating to local plans and structure plans can be repealed in the Local Government (Wales) Act 1994, the Town and Country Planning Act 1990 and the Planning Act 2008?

Yes, as these relate to the plans in existence before the UDPs were introduced between 1996 and 2005. Although the alterations retain the reference to the UDPs being retained because of the alteration to section 204 of the Planning Act 2008 so that after the alteration on page 5 (c) (ii) that paragraph at (c) should now read, “(c) a unitary development plan continues to form part of the development plan for an area in Wales by virtue of article 3(1) and (2) of the PCPA No.6 Order 2005”.

Q5: Are there any consequences of omitting the transitional provisions relating to local plans and structure plans that should be considered further?

No, but it should be remembered that Wrexham and Flintshire do not have an LDP and both authorities should be reminded that the UDPs remain the adopted Development Plan until a LDP has been adopted. Certainly so far as Wrexham is concerned the Planners are breaching every planning rule under the UDP to force upon our Community an unsustainable development, which floods and where safe access cannot be obtained to and from the site, and where the width of the verge that is to be converted is still to this day being misrepresented as being wider than it physically is, and will offend the Equalities Act 2010, and where the Planners have misrepresented to the Planning Committee the risk of flooding on the Site. So, we feel it should be made clear to both Chief Planning Officers that the UDP remains the Development Plan until a LDP is adopted.

Q6: Are there any consequences of amending the Planning and Energy Act 2008 so that it no longer applies in relation to Wales that should be considered further?

There are no major conflicts with PPW11 Paragraph 5.9 however it should be remembered that any such schemes that could be connected to the national grid generally require the approval of OFGEM and licenses are currently taking between 10 and 15 years so that this issue of connection licensing may require detailed separate consideration across the whole of the UK not just Wales. Unless microgeneration and heat networks do not require connection to a wider network then there should be no national implications or conflicts, In making this point it should be noted that the National Grid was created to utilise central generation of electricity by fossil fuel or Nuclear power stations so that the network was not designed to accept

local generation and must be totally reconfigured to accept local input nodes that involve microgeneration schemes that might be suitable for grid connection.

Q7: Do you agree that the Agricultural Land (Removal of Surface Soil) Act 1953 should no longer apply in relation to Wales?

Yes, because the provision is limited in extent.

Q8: Are there any consequences of removing the application of the 1953 Act to agricultural land in Wales that should be considered further?

Yes, reference is made to the TCPA 1990 and temporary stop notices and enforcement action under the same, but in Wrexham Planning Officers are encouraging the taking of agricultural land not protecting the same and the enforcement provisions are not used.

The removal of soil is as important today as when the Removal of Surface Soil Act 1953 was introduced. With the passage of time the controls relating to the soils aspect of BMV land requires tightening to ensure that any potential to remove soils and or build out or excavate for minerals comes totally under the scrutiny and control of WG ALC rather than just consultations as at present under TAN6. WG ALC should be allowed the absolute veto of any soil removal on BMV Land being brought forward for development without the consent of the respective Community Council agreement. The release of BMV greenfield land must not be under the control of LPAs irrespective of area quantity as we have detected locations that are being concealed from WG ALC scrutiny when being considered in a windfall and/or piecemeal fashion. The protection previously afforded under this Act should now be provided by widening the remit of WG ALC to compensate.

Q9: Do you agree that the amendments relating to social services committees should be made?

Yes

Q10: Do you agree the spent provisions relating to the Residuary Body for Wales should be repealed?

Yes, provided all TUPE arrangements have been fully discharged.

Q11(a) Is there any reason why sections 41 to 45 of the Local Government (Wales) Act 1994 cannot be fully repealed?

Only the 22 Local Authorities can provide the answer to this question. Our local authorities do not appear to respond to consultations such as this. Accordingly, we feel that specific direct questions should be sent to all 22 Authorities HR with a request for the answer. If such answers do not show there is any problem then sections 41 to 45 could be repealed.

Q11(b) If sections 41 to 45 cannot be repealed, is there a point in the future when they will be suitable for repeal (for example because all contracts of employment to which they might apply will have ceased to exist?)

See response to G11a above.

Q12: Do you agree the spent provisions relating to decentralisation and joint working should be repealed?

Yes

Q13: Are there any consequences of amendments described in questions 9,10 and11 that should be considered further?

Please see response to G11a.

Q14: Do you think that there is any continuing need for section 5 of the Disabled Persons (Services, Consultation and Representation) Act 1986 to apply to Wales?

Only LEAs in Wales can advise on the number of persons with such statements within their Area and as above direct questioning of LEAs should be considered/introduced to clarify this point.

Q15: If section 5 of the 1986 Act is disapplied to Wales, do you think that it needs to be temporarily maintained for the potential benefit of the group of persons who have been issued with statements of special education needs under the Education Act 1996?

See response to Q14 above

Q16: Are there any other consequences of repealing section 5 of the 1986 Act that should be considered further?

See response to Q14 above.

Q17: Do you agree that the Statute Law (Repeals) Bill should repeal the provisions in the Environment Act 1995?

Yes

Q18: Are there any consequences of amending the 1995 Act that should be considered further?

None as far as we are aware, except that we would ask you to check the draft bill as far as paragraph 43(7) is concerned as in" Schedule 10, paragraph 30 omit sub-paragraphs (4) and (5) seems to relate to "England" only, and in 43(8) this paragraph is shown as at today as affecting England, Wales and Scotland when the geographic impact locator is applied. In such circumstances should Wales be excluded from paragraph 42 rather than the paragraph being omitted.

Q19: Do you agree that the Welsh Development Agency Act 1997 and the Industry Act 1979 should be repealed?

Yes.

Q20: Are there any consequences of repealing the 1997 and 1979 Act that should be considered further?

Not so far as we are aware.

Q21: Do you agree that the Development of Rural Wales Act 1976 should be repealed.

Yes

Q22 : Are there any consequences of repealing the 1976 Act that should be considered further.

Not so far as we are aware

Q23: Do you agree that the provisions in the Government of Wales Act 1998 relating to the Land Authority for Wales should be repealed?

Yes.

Q24: Are there any consequences of amending the Government of Wales Act 1998 in relation to the Land Authority for Wales that should be considered further?

Not so far as we are aware.

Q25: Do you agree that the sections 53 to 56 of the Countryside and Rights of Way Act 2000 should be amended to apply to England only?

Yes

Q26: Are there any consequences of amending the 2000 Act in this way that should be considered further?

Not so far as we are aware.

Q27: Do you agree with the proposed amendments relating to the Government of Wales Acts 1998 and 2006?

Yes

Q27: Are there any consequences of amending the 1998 and 2006 Acts that should be considered further?

Not so far as we are aware.

Q28: Do you agree that the Welsh Elections (Coronavirus) Act 2021 should be repealed?

Yes

Q29: Are there any consequences of repealing the Welsh Elections (Coronavirus) Act 2021 (including references to the Act in other legislation) that should be considered further?

No

Question 30: Are there any consequences of repealing the Welsh Elections (Coronavirus) Act 2021(including references to the Act in other legislation) that should be considered further?

No

Q31: If you are aware of other areas of the law which could be included in a future Statute Law (Repeals) (Wales) Bill, please provide information.

We are not aware of any.

Q32: We would like to know your views on the effects that the Draft Bill would have on the Welsh language, specifically on opportunities for people to use Welsh and on treating the Welsh language no less favourably than English.

What effects do you think there would be? How could positive effects be increased, or negative effects be mitigated?

Decline to answer as a non- Welsh speaker.

Q33: Please also explain how you believe the proposed Draft Bill could be formulated or changed so as to have positive effects or increased positive effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language, and no adverse effects on opportunities for people to use the Welsh language and on treating the Welsh language no less favourably than the English language.

Decline to answer as a non- Welsh speaker

Q33: We have asked a number of specific questions. If you have any related issues which we have not specifically addressed, please use this space to report them:

We have no knowledge of related issues that need addressing.

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Organisation (if applicable)

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Please note that mobiles do not work in the village.

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