



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

**Y Pwyllgor Deisebau
The Petitions Committee**

**Dydd Mawrth, 23 Mehefin 2009
Tuesday, 23 June 2009**

Cynnwys
Contents

- 3 Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions
- 3 Sesiwn Dystiolaeth: P-03-205 Cadwch Farchnad Da Byw y Fenni
Evidence Session: P-03-205 Keep Abergavenny Livestock Market Open
- 12 Deiseb Newydd
New Petition
- 13 Trafod y Dystiolaeth
Discussion of Evidence
- 15 Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol
Updates to Previous Petitions

Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal,
cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

These proceedings are reported in the language in which they were spoken in the committee.
In addition, an English translation of Welsh speeches is included.

Aelodau'r pwyllgor yn bresennol
Committee members in attendance

Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Bethan Jenkins	Plaid Cymru The Party of Wales
Sandy Mewies	Llafur (Cadeirydd dros dro y Pwyllgor) Labour (Temporary Committee Chair)

Eraill yn bresennol
Others in attendance

Barry Greenwood	Prif Ddeisebydd, Cadwch Farchnad Da Byw y Fenni Lead Petitioner, Keep Abergavenny Livestock Market Open
Jenny Long	Deisebydd, Cadwch Farchnad Da Byw y Fenni Petitioner, Keep Abergavenny Livestock Market Open

Swyddogion y Cynulliad yn bresennol
Assembly officials in attendance

Dan Collier	Dirprwy Glerc Deputy Clerk
Alun Davidson	Clerc Clerk
Joanest Jackson	Cynghorydd Cyfreithiol Legal Adviser

Dechreuodd y cyfarfod am 9.32 a.m.
The meeting began at 9.32 a.m.

Cyflwyniad, Ymddiheuriadau a Dirprwyon
Introduction, Apologies and Substitutions

[1] **Sandy Mewies:** Good morning, everyone. I welcome our guests to this meeting of the Petitions Committee. I am Sandy Mewies, the Chair. I have had no apologies or substitutions, so we can move straight on to the next item on the agenda.

9.32 a.m.

Sesiwn Dystiolaeth: P-03-205 Cadwch Farchnad Da Byw y Fenni
Evidence Session: P-03-205 Keep Abergavenny Livestock Market Open

[2] **Sandy Mewies:** Barry Greenwood and Jenny Long are here today, to introduce their case for keeping the livestock market open. We have your papers before us, so we have had the background to this.

[3] **Ms Long:** I had intended to read from the paper.

[4] **Sandy Mewies:** That is okay. I think that Members will have read it, but you can either read it out or pick out the most salient points—whichever you prefer. I should also say that you do not need to touch the microphones, and if anyone has a mobile phone or a

BlackBerry with them, they need to be turned off.

[5] **Ms Long:** I have no mod cons.

[6] **Sandy Mewies:** Please start whenever you are ready.

[7] **Ms Long:** As you know, Keep Abergavenny Livestock Market—which I will refer to as KALM from now on—came together this February because many of us were concerned about what was being done in our name to the centre of Abergavenny town, regarding the loss of Abergavenny livestock market. The historical background is important. Monmouthshire County Council owns the site of the livestock market, which comprises about four acres on the edge of the town centre. Under a series of Victorian Acts, the council has a statutory duty to provide a livestock market within a defined area of what is, today, the town centre. The market is leased and run by a private firm of auctioneers; the firm has a repairing lease, but no repairs have been done for many years, and it is in need of some refurbishment. Some years ago, a decision was taken by Monmouthshire council to develop the site and move the livestock market elsewhere. The question of who took that decision, and by what process, is not known. However, it is known that there was no consultation on this decision, which would end Abergavenny's history as a market town. The public was not consulted, and nor were affected farmers, nor the town council.

[8] In 2004, after a deeply flawed procurement process, Monmouthshire council announced that developer Henry Boot plc had secured the contract to develop the site. Secret negotiations then ensued, and it became impossible to find out what was going on. The community, through the community area forum, set up by Monmouthshire County Council to improve consultation, became concerned and wished to have a say in what was to happen on the site, but were assured that its fears were groundless as the negotiations were only to do with land ownership and that we would be consulted at a later date. In September 2005, after almost a year of total secrecy, the Henry Boot Developments Ltd design was shown to the public for the first time in a so-called consultation. However, everything that the community had wanted to be consulted on had already been set in stone. The community believed it had been lied to, and the design and the lack of prior consultation caused an uproar.

[9] Opposition gathered pace, spearheaded by an alliance of local organisations under the name SAUCE—Save Abergavenny's Unique Character and Environment. The lack of consultation about whether people wanted the town to lose its historic market town status gave rise to a popular movement, under the banner of SOMT—Save Our Market Town. It had the active support of the Abergavenny Chamber of Trade and most independent shops. More than 3,000 letters of objection were collected in the spring of 2006 and sent to the planning committee. Via a Birmingham law firm, SAUCE provided evidence to the committee of how it had been misled over the application. In late 2006, the MCC rejected it. In the intervening years, there have been feeble attempts by the MCC to get a better deal from the developer, but the scheme has steadily got worse from the community's point of view. Every public meeting and test of opinion during that time has decisively rejected the scheme. Representations were made to the Wales Audit Office and the ombudsman, and a call-in request was made, all to no avail. These communications are on the Welsh Assembly Government files.

[10] Eventually, the developer acceded to repeated demands to find a better architect. A competition ensued in which four architects submitted schemes. Two were immediately ruled out by the developer as not financially viable, and the public were asked to vote on the two remaining ones. The two failed designs were initially kept secret, but eventually released after massive public pressure. They were found to be a little more acceptable in both design and community content than the two designs selected by the developer, although they were still disappointing.

[11] In January 2009, at the community forum meeting, all four designs were overwhelmingly rejected on design and economic impact criteria from the community's viewpoint. The latest winning design is the worst yet and the most economically damaging to the town. It has been clear all along that Boot and its supermarket partner are calling the shots, despite the council as landlord owning the site. MCC, chastened by the hostility evident at the meeting, offered to consult on possible amendments.

[12] Most of you know the regeneration plan. It took as its premise the sale of the Abergavenny livestock market. It was at this point that I came in. I thought, 'Hang on, there is an Act; how has it got to this point without the Act being publicly discussed?'. Everyone was assured that the farmers had been consulted and that there was a representative dealing with those consultations. However, I had already spoken to many farmers who had said that there is no way they wanted to lose their market. So, I sent a letter to the local paper to ask people whether they would like to help the campaign to sort the Act out. I thought that this might stop it all with one blow, because everything was mounting up and people were getting angrier and angrier. These are not people on the committees; these are ordinary people—my neighbours and people I know in the farming community. So, with a friend, I made 152 phone calls, and all but one person wanted to keep Abergavenny livestock market. The phone calls were to local farmers in the Llanthony valley, Cross Ash and around the Abergavenny area. So, at that point we knew that we had a campaign.

[13] We took to the streets, did a survey and gathered letters and signatures, and Barry did an excellent breakdown of those, which you will have a copy of, which undermines the RPS retail study, which supported the original Henry Boot application, and it reveals the massive footfall that Abergavenny stands to lose. So all our findings have been contrary, and this is only the tip of the iceberg, because an awful lot of people are still asking, 'Where do we sign?'. It is ongoing. The letters that we sent in could have been added to, had we more time.

9.40 a.m.

[14] The general shopper feedback was excellent. We managed to talk to lots of people as we were doing this. I have selected some of the things that all of us found people were saying, for example, that it is friendly, traditional, and unlike their towns back home where supermarkets have spoiled the communities. Many people, especially those from the Valleys, said that they came for the market, which is considered to be one of the best in the country. Time and again, words like 'character', 'traditional', 'friendly', 'atmosphere' and 'scenery' cropped up. Locals were quick to point out examples of empty high streets. We already have Asda at Brynmawr and Pontypool, and we have supermarkets in Brecon and a huge one in Merthyr. We have excellent large supermarkets nearby—I say that they are excellent; I do not use them, but a lot of people do. Having said that, there is a case for a food store of some description, but it does not have to be built on the cattle market site; it should not mean that the cattle market is forfeit. There is a case for a food store, but not a do-it-all supermarket.

[15] I have listed the local farmers' reasons for keeping the livestock market. I will run through them, because they are quite important. I have had long conversations with many farmers. They want to continue their market-day business in Abergavenny, where all the amenities are to hand. They want to avoid transporting livestock further afield. None wanted to see the cattle yard become a retail park, and that is very important because lots of people said that we were using the farmers to make a case against supermarkets, when we actually went about in the opposite way. Many farmers are also tourism operators, as you are probably aware, and they were also fearful of the damage—I have a few letters stating this—that could be caused by getting rid of the cattle market and putting a retail park in its place. Some said that it would be a mistake to remove the livestock market from the public gaze. I have a couple of letters that state that, and people have also told me that. Many of the farmers are looking to the future and want to build a relationship between themselves and consumers. A

great number of farmers would like to see the reinstatement of a slaughterhouse nearby. I have said in the paper that that would not mean a reinstatement of the one that was on site, because everybody accepts that that has gone forever and that it is not such a good idea, so it would be one nearby. I think that the nearest is 15 miles away, which can be quite a journey for stock that has already lost weight and is suffering from anxiety. That affects the meat, as you probably know.

[16] Many spoke of the atmosphere and of the camaraderie of the marketplace. All bemoaned the sad, run-down appearance of the livestock market and believed that that has been deliberate—I would not know, but the auctioneers have certainly been very insecure over the past years. Many think that the whole yard, which was fenced off during the last foot-and-mouth disease outbreak, should be restored to the market so that it can be used properly for loading and unloading, because, lately, a lot of people have complained that it gets all jammed up. Of course it does, because there is only one entrance, which also serves as the exit. There is space, as the auctioneers have pointed out. You have probably read on.

[17] Our visit to Skipton livestock market was very important to us, because that is a regional market but it is close to Skipton town. I will not go through all of what we have written, but we learned some amazing stuff about that. One of the chief things was about how hard it was to recreate the atmosphere of a market from a sales point of view. In the early days it was not working; the local farmers were travelling for miles to avoid going to the new regional market. Some sort of atmosphere had to be recreated. We have some photographs that we can pass around, so that you can see what it looks like. It is built in such a way that it looks like a Dales farm from the front. The other thing was that contact with the townspeople had been lost, which was the traditional element of the market. You can have a nice, big regional livestock market, but farmers are not all regional livestock market people; they quite often go for the whole experience—well, they do, in fact.

[18] We had some fantastic ideas from the people at Skipton, which were absolutely wonderful, but I will not go on about those. From our discussions there we realised that we have a ready-made atmosphere, we have the opportunity to provide services and amenities, and we also have the opportunity to integrate the yard into the life of the town, which is very difficult for an out-of-town market such as the one at Skipton to do. In spite of the dismissive attitude of many people who have written to the paper to say, ‘That is traditional; we have to move with the times’, it is worth contemplating the value of tradition, atmosphere and community within the context of fuelling economic buoyancy in a progressive way, especially in light of what we learned at Skipton.

[19] It is not for us to present a blueprint for the redevelopment of Abergavenny livestock market, nor is that relevant to the present petition. However, our visit to Yorkshire has strengthened our view with regard to the possibilities for Abergavenny market, which has the great advantage over Skipton market of being close to the town. Those benefits include saving Abergavenny town centre from the economically destructive effects of a retail park and over-large superstore; achieving regeneration through localisation, providing for clearly expressed local needs with local solutions, which is a key goal of sustainability and low-carbon living, which Monmouthshire County Council is committed to; giving local farmers what they are asking for; saving MCC from having to find £5 million to provide a new livestock market on a greenfield site; saving the greenfield site itself; avoiding the traffic problems that the proposed site at Bryngwyn would bring; and addressing the long-expressed concerns of all the groups—including KALM, the Abergavenny Chamber of Trade and the Bryngwyn action group near Raglan—that are opposed to Henry Boot Developments Ltd’s plans. The present leaseholding auctioneers—

[20] **Sandy Mewies:** Could you move on to your conclusion, Sue, as I want to ensure that Members have enough time to ask their questions?

[21] **Ms Long:** Yes. We feel that the climate for food production, and for animal food in particular, is changing and that local sustainability is moving fast up the national political agenda. The refurbishment of Abergavenny livestock market presents many excellent and forward-looking opportunities. It is a town that is very popular with visitors, and we can only capitalise on that by keeping the livestock market. It is important to develop it, and we can perhaps use the link with the food festival to greatly enhance and regenerate Abergavenny, to help to increase the tourism industry further and to make Abergavenny more, not less, economically buoyant. We do not feel that the livestock market should be sold to the highest bidder; it is a very valuable asset, and any money that is generated from that site should go into Abergavenny and towards its growth as a local community, both economically and socially. To do otherwise would be to sell the whole town short.

[22] Finally, KALM would question MCC's right to sell a valuable, publicly owned asset in order to provide a free marketplace for a private company, for which the company will pay a peppercorn rent. KALM would challenge MCC to show this to be value for money, or a fair return for the taxpayer's sacrifice. For all those reasons, we ask the National Assembly to safeguard Abergavenny's priceless asset, by keeping in place the Acts that guarantee our future.

9.50 a.m.

[23] **Sandy Mewies:** Thank you. You have obviously done a great deal of work on this. We will move onto Members' questions. You will see headsets for translation by your side, as we operate bilingually. You may want to tune into channel 1 to hear the Welsh translation. Channel 0 will amplify the sound if you cannot hear very well.

[24] I will ask the first three questions. Do you know when the redevelopment of the site is due to start?

[25] **Ms Long:** No. Barry, you should answer this.

[26] **Mr Greenwood:** No, we do not know, because it depends on planning permission. As we understand it, the developer's project is currently on hold because of the traffic assessment. One reason why it was rejected by the planning committee in 2006 was the impact on traffic. The Welsh Assembly Government highways department made a statement to say that it was not sure that it could approve the traffic impacts at the moment. Since then, the developer, who should have been looking at that, has done nothing and has only recently engaged a firm of consultants—Capita, I think—to undertake a traffic study. That traffic study has now gone to the Welsh Assembly Government and is under consideration. That is the reason for the hold-up. The developer feels that, until he has had the nod, as it were, from the Welsh Assembly Government on traffic impacts, there is no point in his submitting a planning application.

[27] **Sandy Mewies:** You have drawn the committee's attention to the fact that part of the redevelopment will include a supermarket. Are any other amenities proposed alongside the retail element of this development that would benefit the people of Abergavenny?

[28] **Mr Greenwood:** No, we seem to have lost those. The original proposal in 2004 for outline planning permission included housing, a new library, and a cinema. Of those, the only thing that has been retained is a library and even that has been cut down in size. So, the process of consultation that we have gone through and the council's going back to the developer to get a better scheme has resulted in worse and worse schemes from the community's point of view, not better.

[29] We made a request that there be no more than one major retail unit to safeguard the shops on the high street, but the number has now gone up to four. We have lost the housing, which we wanted, and we have more retail units, which we did not want. We have also lost the cinema. Other things have happened. Promises were made that the superstore would not contain a coffee shop, as that is one way to get footfall in the town centre. People do their shopping and then go into town centre to have a cup of coffee. We were insistent that there should be no coffee shop. That was agreed and promised early on, but that also went by the board. Following a furore in the community, they went back to the developer for various sessions, but the news came back after one such session that the coffee shop was back on. That is how it has been.

[30] **Ms Long:** Limitations have been agreed on non-food sales, but it is unlikely that they will be kept to. I think that the figure is 25 per cent.

[31] **Mr Greenwood:** It started at 40 per cent and it is now down to 25 per cent non-food products. That is, the supermarket operator has agreed that 25 per cent of the floor space will be devoted to non-food products. We feel that that is a particular threat to the town centre. However, many of us do not believe that it will stay at 25 per cent; it will start at 25 per cent and creep upwards. Who will monitor it?

[32] **Sandy Mewies:** Do you have any idea of the number of new jobs that might be created by the redevelopment?

[33] **Mr Greenwood:** The short answer is ‘no’ but, typically, a supermarket of that size would employ around 200 people. However, studies have shown that an average supermarket causes a net loss of employment in a locality of around 250.

[34] **Ms Long:** Those people would not all have full-time jobs; some would work part time and they would be low-paid jobs. The independent retailers would lose a lot of business.

[35] **Mr Greenwood:** There would be a knock-on effect on the community, and it would not just be the shops that would close, but all the ancillary businesses that support the shops, such as the accountants and the lawyers. It has been shown by studies that there is a significant net loss over time once a large supermarket opens.

[36] **Bethan Jenkins:** Mae eich **Bethan Jenkins:** Your evidence states that a tystiolaeth yn datgan y bydd archfarchnad large supermarket will be part of that fawr yn rhan o’r datblygiad. Pa archfarchnad development. Which supermarket is it? yw honno?

[37] **Mr Greenwood:** It is Asda.

[38] **Ms Long:** It is the key part of the development; it is not insignificant. Asda was the key part of the Henry Boot development and it insists on a particular size.

[39] **Mr Greenwood:** That was one thing that the community wanted to be consulted on: the size, nature and type of supermarket. However, we were not consulted on that. The developer had signed a deal with Asda as part of the legal agreement. It is written into the legal agreement, so changing that is not an option. Not the operator, the size, the position on the site or the floor plan can be changed—everything is part of the legal agreement. So, the opportunity for the community to have any say in what was placed on that site was eliminated at the first step.

[40] **Bethan Jenkins:** Faint o bobl sy’n **Bethan Jenkins:** How many people work in gweithio yn y farchnad ffermwyr? the farmers’ market? We have already

eisoes am faint o bobl a fyddai'n gallu mentioned how many people could work in the new supermarket, but how many people work in the market in Abergavenny?
gweithio mewn archfarchnad newydd, ond faint o bobl sy'n gweithio yn y farchnad yn y Fenni?

[41] **Ms Long:** I do not think that we have ever found out. There are auctioneers and drovers on market days. There are two chief market days and a fortnightly cattle market on a Friday. Part of our argument is that it could generate more work. It could be looked at afresh and be refurbished to serve the community better, which would be a return to the old idea of having agricultural retail units and so on.

[42] **Bethan Jenkins:** A oes gennych ffigurau o ran faint o arian mae'r farchnad yn ei wneud ar hyn o bryd i gyfiawnhau'r ddadl ei bod yn bwysig i'r gymuned leol?
Bethan Jenkins: Do you have figures for how much money the market currently makes to justify the argument that it is important to the local community?

[43] **Mr Greenwood:** No, I do not have those figures, but we are told by the auctioneers that, on a purely economic basis, it does not run as a commercially viable concern at the moment. We found that Skipton had the same problem: the livestock sale side was not running at a profit and was in serious trouble. So, they introduced other things and made other things happen in the marketplace, which now generate a profit. Skipton market now makes a net profit for the people who own it.

[44] **Ms Long:** They were also clever enough to realise that, as auctioneers, their land-based enterprises were important through the market—[Inaudible.]—and they gained an awful lot of business through that. Sorry, I have forgotten what I was going to say next.

[45] **Bethan Jenkins:** A yw'r cyngor wedi ceisio ailedrych ar y sefyllfa gan nad yw'r farchnad ar hyn o bryd yn cynhyrchu digon o arian yn lleol? Mae angen iddo greu cynllun newydd a fydd yn caniatáu i fwy o bobl wario eu harian ac yn rhoi mwy o gyfle i'r economi leol fanteisio ar hynny. A yw honno'n ddadl?
Bethan Jenkins: Has the council tried to reconsider the situation given that the market does not currently generate enough money locally? It needs to come up with a new scheme that will allow more people to spend their money and create more opportunities for the local economy to take advantage of that. Is that an argument?

[46] **Ms Long:** You must bear in mind that the local auctioneers have been, and still are, very much tied into the county council's scheme. The application for planning permission for Bryngwyn was submitted in the auctioneer's name, but the bill was footed by the county council. So, they have been hamstrung for the past couple of years. That is one issue on which they have not had a dialogue with us; they have been afraid to and have been sitting on the fence, not wanting to give their opinions.

[47] **Sandy Mewies:** We will have to move on with questions; otherwise, Members will not have time to ask them all.

[48] **Ms Long:** I was just going to say that, in the light of that, it is difficult to get hard figures from them. However, they have said that the new site would be no bigger than the current Abergavenny site and that they would fight tooth and nail to keep it, if that is their only option. So, we were heartened by that.

10.00 a.m.

[49] **Mr Greenwood:** I have a small point to make on that. The regeneration argument is somewhat flawed because our figures have shown that more than half the people who come to

Abergavenny are not local; they travel long distances to get there. If we have a development that changes the town so that it is the same as all other towns, turning it into a clone town, all the local shops will go and most of those people will stop coming, which will result in a huge loss of trade. The county council talks about footfall, but it does not talk about the loss of people because of a retail development.

[50] **Michael German:** Before we begin, may I say that I have not signed this petition, but I have been a consistent critic of the proposals to redevelop Abergavenny livestock market? However, I have not said openly what I think the Minister should or should not do. There are other things that I will say, so I will not take part in the vote, but I will take part in the discussion, if I may.

[51] You have mentioned the legal agreement between Henry Boot and Asda. Is there a legal agreement between Monmouthshire County Council and Henry Boot, the developer? There are three parties to this. You have an agreement between the developer and Asda, but is there an agreement between Monmouthshire County Council and Henry Boot?

[52] **Mr Greenwood:** The legal agreement is between Monmouthshire and the developer, Henry Boot, only. We understand that there is an agreement between Henry Boot and Asda, which we have not seen and which has nothing to do with the council. The council deals with Henry Boot only and Henry Boot deals with Asda. That is how I understand it.

[53] **Michael German:** In what way is Monmouthshire County Council's ability to vary, change or alter what it is proposing restrained by the legal agreement that was signed some years ago?

[54] **Mr Greenwood:** It is totally restrained. Given that it is a legal agreement—a contract—it can be varied only with the agreement of both parties. So, the developer, historically, has not agreed to anything that would impact on what he would regard as the financial acceptability of the scheme, and he will not. That is why we cannot get the supermarket reduced in size, cannot get a change in the architecture, and cannot get a decent building: because it would cost more. It is all in the legal agreement.

[55] **Michael German:** So, would that legal agreement, which has already been made, stop any proposed development that would retain the livestock market but add other things to it on that site?

[56] **Mr Greenwood:** Yes. The agreement is highly specific. It specifies precisely what should go on the site and where on the site it has to go. It is as detailed as that, so we could not even ask for the supermarket to be moved by even an inch, because the legal agreement states where it has to be.

[57] **Michael German:** So, any mixed use of that site, including a livestock market, is precluded by the agreement.

[58] **Mr Greenwood:** Absolutely. That would require a total renegotiation of the agreement from scratch by both parties.

[59] **Michael German:** You have mentioned that you have been out campaigning. What other avenues have you pursued in opposing the development? Precisely what have you done, apart from submitting this petition and public campaigning?

[60] **Mr Greenwood:** There has been a long history of campaigning, going back five years with the Save Abergavenny's Unique Character and Environment organisation, which started long before the KALM campaign. SAUCE has a long history of campaigning against

this and making requests for a call-in. We put a huge amount of effort into the call-in request, which was refused. At the time, Henry Boot, the developer, appealed against the planning committee's rejection of the scheme, and we put a huge amount of effort into our appeal case, briefing a barrister and so on, but that collapsed at the last minute. It was, literally, within days of the end date for withdrawing the appeal. It is our belief—although we would say this, would we not?—that it was withdrawn when their side saw the evidence that our side had. You know how this process works: there is an exchange of information between the two barristers. They see our case and we see theirs. About a week after they would have seen the summary of our case, they suddenly withdrew the appeal, and we believe that it was because they realised that they would lose if it went to appeal. We cannot prove that, but that is our belief, and the timing is very suggestive.

[61] **Michael German:** You said that the planning application has not been submitted yet because of the traffic management of the exit onto the trunk road, for which the Assembly Government is responsible. Even though there is a legal agreement between Monmouthshire County Council and the developer, the planning process could overturn it on planning grounds and leave the county council without planning permission. Is that true?

[62] **Mr Greenwood:** Yes, it could. It still has to go through the planning process—that is still a hurdle that this application has to overcome.

[63] **Michael German:** On the only attempt that has been made so far, was the planning application withdrawn by the developer?

[64] **Mr Greenwood:** The planning application was refused by the planning committee—it gave five separate grounds for refusal at the end of 2006. It was then that the developer decided to appeal. The developer will submit a brand new planning application with a change in the design, but we have not seen any evidence so far that any of the five reasons for refusal have been addressed. It may be that there is no requirement to address them, because it is a new planning committee. In our terms, we would say that they have fixed the planning committee, because there has been quite a change of characters on it. We believe that there is a greater chance that the application will go through this time, but we cannot prove that.

[65] **Sandy Mewies:** Andrew, you have the last three questions; please keep them brief, because we are running late.

[66] **Andrew R.T. Davies:** I will endeavour to do so, as some of the questions have been answered. The comment that the petitioner has just made about fixing the planning committee is quite a strong comment; you might care to reflect on that.

[67] **Mr Greenwood:** I accept that it is a strong comment, but there has been quite a change of personnel on the planning committee—that is factually correct.

[68] **Andrew R.T. Davies:** Okay. Some of my questions have already been answered, as the application has not been made. One point that came out of the evidence was that you said that local farmers had indicated that they did not wish to lose their market. However, there is a significant difference in losing the market—not being offered an alternative in the locality—and maintaining what is currently on site. Was this support from farmers based on the perception that they would lose their market, full stop, and that no alternative would be offered, or was it given after consideration of the alternative that was being afforded to them?

[69] **Ms Long:** When the process began, earlier this year, they already knew that there was an alternative site. The farmers were talking about not losing their present site and preferring to stay in Abergavenny, rather than moving to a new regional market.

[70] **Andrew R.T. Davies:** Is that the view of the National Farmers Union, Farmers Union of Wales and the Country Land and Business Association, as the representative bodies?

[71] **Mr Greenwood:** We have very recently received evidence about this—it only came in yesterday. I received an e-mail from a chap who is a KALM supporter, and who is also a member of the Farmers Union of Wales. As a result of the KALM campaign, the Farmers Union of Wales decided to ballot its members in the whole region to see whether or not they were in favour of this campaign. This chap reported to me in an e-mail that a feature article in the Farmers Union of Wales newspaper reported that, as a result of that ballot, 55 per cent of the membership in the region voted in favour of keeping the market in Abergavenny. That is an extraordinary result, and it is not what we were expecting. We knew that the majority of local farmers were in favour but, on a regional basis, we expected that there would be a majority in favour of a regional market in the centre of the county. However, that is not the case—55 per cent of Farmers Union of Wales members voted to keep the market in Abergavenny, which is extraordinary.

[72] **Andrew R.T. Davies:** The other point that you make in your evidence is that a similar proposal has been achieved in Brecon, in that the market has stayed in the locality of Brecon and that the old site has been developed into a supermarket. Has the campaign managed to learn anything from that? Knowing Brecon relatively well, and having seen the transformation that has happened there, I would say that that has been a positive gain for the town.

[73] **Ms Long:** So far, all the people to whom I have spoken in Brecon have said that the town itself is failing as a result of the supermarket coming in. I am not sure whether or not that is also as a result of the cattle market moving out, but people's shopping is restricted to—

[74] **Andrew R.T. Davies:** I am mindful of the Chair calling me to time. My final question is about the crux of the petition, namely the Abergavenny Improvement Acts. When will a request come from the council to the Assembly Government? Given that we have heard about the traffic impact assessment that is being done at the moment and the consultations that have been undertaken, there seems to be an element of trying to bring all those things together—

[75] **Mr Greenwood:** I cannot answer for Monmouthshire County Council; you would have to ask the council, but I would guess that it would not make a formal application until there is a planning application on the table from the developer. That seems logical to me. It may even wait until it is approved by the planning committee before it makes that request. I cannot really answer the question, because it is Monmouthshire's decision.

[76] **Sandy Mewies:** That is fair enough. Thank you for the comprehensive evidence that you have given today. You may wish to go up to the public gallery, as your evidence will be discussed after we have taken the next petition.

10.10 a.m.

Deiseb Newydd New Petition

[77] **Sandy Mewies:** The new petition is P-03-219, Pharmacies in Barry. Do Members have any comments to make?

[78] **Andrew R.T. Davies:** It is normal for us to ascertain the view of the Government and the support that it gives to such proposals. Therefore, I move that we write to the Minister for

Health and Social Services to ascertain the Government position, before considering this issue.

[79] **Sandy Mewies:** Are we all agreed on that?

[80] **Michael German:** Yes, perhaps we could contact the professional body in this matter—is it the royal pharmaceutical society?

[81] **Sandy Mewies:** It is either the British or Welsh pharmaceutical society.

[82] **Michael German:** No, it is the Royal Pharmaceutical Society of Great Britain. Perhaps we should ask for its view; it is based in Cardiff.

[83] **Sandy Mewies:** Fine, I have no problem with that.

[84] **Andrew R.T. Davies:** If we do that, I suggest that we also contact Community Pharmacy Wales, because I presume that it would have a role here or a view on this.

[85] **Sandy Mewies:** I do not know; I would have thought that the community health council might have a view.

[86] **Michael German:** We can also ask for that view.

[87] **Sandy Mewies:** We will follow up those four suggestions.

10.12 a.m.

Trafod y Dystiolaeth Discussion of Evidence

[88] **Sandy Mewies:** We will discuss the evidence presented to us by the Keep Abergavenny Livestock Market Open petitioners. Are there any comments?

[89] **Michael German:** I would not mind joining this part of the discussion, but I do not want to vote on this matter, because I have expressed a wide view on this topic, which is not necessarily in line with what the petition requires, in the many forms that it has taken. Given the complexity of the legal arrangements, we ought to ask Monmouthshire County Council when it intends to approach the Welsh Assembly Government to repeal the Abergavenny Improvement Acts and by which timescale that will be done. When the proposal has gone through the Welsh Assembly Government, the negative procedure will apply, which means that any Member can object to it and it will then go before the Assembly Plenary, if that is the case. In addition, given the complexity, perhaps we ought to know what the developer thinks about this proposal and what it thinks about the impact that it will have on Abergavenny. The other aspect is the livestock market, and we ought to ask those involved with that what they think of the proposal, whether they think that the current livestock market is fit for purpose, whether the Acts give them the protection to remain there and whether it can be brought up to modern standards.

[90] **Sandy Mewies:** Would anyone like to add to that?

[91] **Andrew R.T. Davies:** I declare an interest and seek guidance. As a farmer, I have used the market. I do not know whether that precludes me from taking part. I know some of the auctioneers. While we are not making a definitive decision—

[92] **Mr Davidson:** It is sufficient that you have declared that interest.

[93] **Andrew R.T. Davies:** I just wanted to put it on the record.

[94] **Sandy Mewies:** We all use Asda on occasion. [*Laughter.*]

[95] **Andrew R.T. Davies:** Interestingly and ironically, there is a similar proposal—it is not about revoking an Act—with Newport market; the same supermarket is developing on that site. I heard the witnesses say that the Abergavenny market will now be a two-day market, because that market recently relocated, at the end of February, to Abergavenny.

[96] I support Mike. The driver in this is Monmouthshire County Council. We need clarity as to when various things will be done by the council before an application arrives on, presumably, the Counsel General's desk to seek the revocation. We do not know whether or not it will seek that revocation, because we have heard that an application was turned down in 2006. So, I am mindful that we need to see what Monmouthshire County Council will do, bearing in mind our protocol not to interfere with local government, because we understand that it is its decision.

[97] **Sandy Mewies:** We are clear on that. Are you okay with that, Bethan?

[98] **Bethan Jenkins:** I wanted clarity with regard to the letter from Brian Gibbons to Nick Ramsay. I believe that it stated that the council had previously contacted Ministers with a request to repeal the local Acts. Are those the Acts that we are discussing today? It reads to me as if the council has already asked for the Acts to be repealed, but the petitioners did not seem to know whether the council had asked for that or not.

[99] **Michael German:** I may be able to help here, Chair. I believe that the developer realised, when its planning application was on the table, that it would need the Acts repealed, and so it approached the council. However, the planning application then failed, so this matter was not pursued. The last sentence of Brian Gibbons's letter states that he

[100] 'would consider such a request subject to local consultation, and once all the planning procedures have been met'.

[101] We therefore know when the Assembly Government would do this; we do not know about the other letter from Carwyn Jones, which is on file here, and which deals with the legalities, and so on—the possibility of modifying the Act, amending it, revoking it, and so on, with a whole range of options for the Minister. The question is: what does Brian Gibbons mean by that last sentence of his letter? Does he mean that, if the local authority were to approve the planning application, he would automatically grant the repeal or amendment of the Act? Perhaps we could seek clarification on that.

[102] **Bethan Jenkins:** I also wanted to ask whether we could write formally to the FUW, because I know that we have had evidence from the petitioners about the ballot that had taken place—

[103] **Sandy Mewies:** And the NFU?

[104] **Bethan Jenkins:** Yes. We could try to get a national opinion from them to frame our discussion.

[105] **Sandy Mewies:** If we are all agreed, then we will move on.

[106] **Ms Jackson:** On Bethan's point about whether there would be an automatic repeal of the 1854 Act, and the other Acts that may apply, I do not think that you can consider that there would be an automatic repeal. The power to repeal the Act is set out in the Local Government (Wales) Act 1994, and those of you with long enough memories will recall that that was the time of the last local government reorganisation in Wales. To date, I have only found one occasion when that power has been used. You have to remember that the power to repeal Acts is effectively a power to amend existing legislation, and, as such, has to be exercised quite rigorously, with due consideration given to the criteria to be satisfied before the Order could be made. So, I do not think that you could say that there would be an automatic repeal, and the letter from the Counsel General to the Chair, which has been circulated, mentions the relevant section of the 1994 Act—the important point is that you can repeal or modify local provisions that appear to have become

[107] 'obsolete or unnecessary or to have been substantially superseded by any enactment or instrument which applies or may be applied to the area, persons or things to which or to whom the relevant provision applies'.

[108] So, I would say that it is by no means automatic; those criteria would have to be satisfied before the Minister could act under this legislation.

[109] **Sandy Mewies:** We should all be clear on that.

[110] **Michael German:** Would Joaneest suggest that the negative procedure is appropriate?

[111] **Sandy Mewies:** Can we ask for clarification on what happens next when we write? We can ask for these questions to be answered in that way. You are absolutely right—there would be no point in considering anything if a repeal had been decided upon. However, all the facts would have to be considered before repeal—there is no doubt about that.

[112] **Michael German:** We could ask for clarification from our own legal adviser as well as from Brian Gibbons. When we have that advice, perhaps Joaneest could comment on whether the negative procedure would be appropriate in this instance, or the affirmative procedure? That might be useful to know.

[113] **Ms Jackson:** There would probably be no choice regarding procedure. It is probably set out in the 1994 Act.

[114] **Sandy Mewies:** We can get a response on that for Members.

10.19 a.m.

Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates to Previous Petitions

[115] **Sandy Mewies:** We move on to the next item. We have an update to petition P-03-118 from the Welsh Canoeing Association.

[116] **Andrew R.T. Davies:** I believe that it is with the Sustainability Committee, is it not, Chair?

[117] **Sandy Mewies:** Yes—we are awaiting the outcome.

10.20 a.m.

[118] There is an update on petition P-03-166 regarding Abertillery and District Hospital.

There is an addendum—no, that is on St Asaph. I got ahead of myself. What do Members feel about this?

[119] **Andrew R.T. Davies:** We have been dealing with this for quite some time. I vividly recall the various consultations and documents that have come in. I am not sure how much further we can take this, if at all. I think that Members should consider closing the petition. We normally forward the pack of the work that we have undertaken, hopefully, to the satisfaction—or some satisfaction—of the petitioners.

[120] **Sandy Mewies:** Do Members agree to move on on that basis? I see that you do.

[121] The next petition is P-03-202 on the education and maintenance allowance. I have been quite involved with this. Catrin Anne Davies is a constituent of mine, so I will not be taking part in the discussion or any vote.

[122] **Bethan Jenkins:** I think that we should wait for the Minister's account of what the committee has said because until we know what the Minister has to say, I do not believe that we can justify closing the petition. There are some firm recommendations in the Enterprise and Learning Committee report. I would not want to move to close the petition until then.

[123] **Michael German:** I agree. If necessary, perhaps we can hurry the Government's response along.

[124] **Sandy Mewies:** Yes. We will now move on to petition P-03-207 on support for the unemployed in Monmouth, which is in regard to the Monmouth jobcentre. We are awaiting a response from the petitioners.

[125] **Andrew R.T. Davies:** There is not much that we can do until the petitioners engage with us.

[126] **Sandy Mewies:** Is everyone okay with that? I see that you are. The next petition is P-03-212 on traffic relief for St Asaph, and this is the one for which everyone should have an additional piece of paper from Andrew Thomas.

[127] **Michael German:** This is interesting. In the latest letter that we have, he raises the content of the petition. I do not know whether he is asking us in that e-mail to continue waiting for the integrated plan.

[128] **Sandy Mewies:** I will ask the clerk to comment on that.

[129] **Mr Davidson:** There are options available to either liaise directly with Taith, as suggested, or to ask the Deputy First Minister to consider the petitioners' request for assistance and liaison with Taith.

[130] **Sandy Mewies:** We could do that. We could close the petition but ask for liaison. Is that the suggestion?

[131] **Michael German:** No. We should write to the Deputy First Minister.

[132] **Sandy Mewies:** Okay. Is everyone happy with that? I see that you are. That came in on 21 June.

[133] The next petition is P-03-213 on abandoning the badger cull. I have been publicly quite involved in this, so I will not take any part in the discussion or any vote.

[134] **Bethan Jenkins:** There is going to be a pilot cull. I do not see how we can close the petition until the pilot cull has taken place and we can seek a full evaluation and see whether it has had an effect. If it has not had an effect, we can address the petition. If it has had an effect—

[135] **Michael German:** The Assembly as a whole voted in favour of the pilot cull. The decision here was taken in the light of the fact that there was going to be a pilot cull. I think that we should come back to this after the pilot cull has taken place, but we need a timescale from the Minister for Rural Affairs.

[136] **Sandy Mewies:** Are you suggesting that we write to the Minister to ask when we can expect the evaluation and whether we can have the evaluation report?

[137] **Michael German:** Yes.

[138] **Sandy Mewies:** Is everyone okay with that? I see that they are. That completes the business for this morning. Thank you.

Daeth y cyfarfod i ben am 10.24 a.m.
The meeting ended at 10.24 a.m.