



**Cynulliad Cenedlaethol Cymru  
Pwyllgor yr Amgylchedd, Cynllunio a Thrafnidiaeth**

**The National Assembly for Wales  
Environment, Planning and Transport Committee**

**Astudiaeth o Safle Tirlenwi Nantygwyddon  
Investigation into Nantygwyddon Landfill Site**

**Cwestiynau 1-121  
Questions 1-121**

**Dydd Mercher 18 Hydref 2000**

**Wednesday 18 October 2000**

*Aelodau o'r Cynulliad yn bresennol: Richard Edwards (Cadeirydd), David Davies, Geraint Davies, Delyth Evans, Sue Essex (Gweinidog dros yr Amgylchedd), John Griffiths, Helen Mary Jones, John Marek, Rhodri Glyn Thomas.*

*Swyddogion yn bresennol: Keith Bush, Swyddfa'r Cwnsler Cyffredinol.*

*Tystion: Pauline Jarman, Arweinydd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf; Syd Morgan, Dirprwy Arweinydd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf; Kim Ryley, Prif Weithredwr Cyngor Bwrdeistref Sirol Rhondda Cynon Taf; Bob Macey, Pennaeth Is-adran yr Amgylchedd Cynulliad Cenedlaethol Cymru; Christine Peat, Pennaeth Is-adran Iechyd y Cyhoedd Cynulliad Cenedlaethol Cymru; Gareth Williams, Is-adran yr Amgylchedd Cynulliad Cenedlaethol Cymru; Roger Thomas, Cyfarwyddwr Asiantaeth yr Amgylchedd Cymru; Anthony Weare, Rheolwr Gwasanaethau Cyfreithiol, Asiantaeth yr Amgylchedd Cymru; John Harrison, Rheolwr Diogelu'r Amgylchedd Ardal y De Ddwyrain, Asiantaeth yr Amgylchedd Cymru; Dr Stephen Monaghan, Awdurdod Iechyd Bro Taf; Dr Mark Temple, Awdurdod Iechyd Bro Taf; Adrian Poller, Cyfarwyddwr Amgen Rhondda Cyfyngedig; Paul Griffiths, Archwilydd Dosbarth.*

*Assembly Members present: Richard Edwards (Chair), David Davies, Geraint Davies, Delyth Evans, Sue Essex (Minister for the Environment), John Griffiths, Helen Mary Jones, John Marek, Rhodri Glyn Thomas.*

*Officials present: Keith Bush, Office of the Counsel General.*

*Witnesses: Pauline Jarman, Leader of Rhondda Cynon Taff County Borough Council; Syd Morgan, Deputy Leader of Rhondda Cynon Taff County Borough Council; Kim Ryley, Chief Executive of Rhondda Cynon Taff County Borough Council; Bob Macey, Head of National Assembly for Wales Environment Division; Christine Peat, Head of National Assembly for Wales Public Health Division; Gareth Williams, National Assembly for Wales Environment Division; Roger Thomas, Director of Environment Agency Wales; Anthony Weare, Legal Services Manager, Environment Agency Wales; John Harrison, South East Area Environment Protection Manager, Environment Agency Wales; Dr Stephen Monaghan, Bro Taf Health Authority; Dr Mark Temple, Bro Taf Health Authority; Adrian Poller, Director of Amgen Rhondda Limited; Paul Griffiths, District Auditor.*

*Dechreuodd y cyfarfod am 2.05 p.m.*

*The meeting began at 2.05 p.m.*

[1] **Richard Edwards:** I welcome officials and members of the public to our second meeting in Rhondda Heritage Park. I thank the park for hosting this meeting again. Following the Cabinet reshuffle on Monday, I sought legal advice on the status of this Committee. Basically, the advice is that its status appears to be unaffected by the Cabinet reshuffle. That means that this Committee remains in existence and is able to carry out its current function of undertaking the Nantygwyddon investigation. There is no requirement for it to be reconstituted.

This is the second of two Committee sessions being held as part of the Committee's

[1] **Richard Edwards:** Croesawaf swyddogion ac aelodau'r cyhoedd i'n hail gyfarfod ym Mharc Treftadaeth y Rhondda. Diolch i'r parc am roi cartref i'r cyfarfod hwn eto. Yn dilyn ad-drefniad y Cabinet ddydd Llun, ceisiais gyngor cyfreithiol ar statws y Pwyllgor hwn. Yn y bôn, y cyngor yw ei bod yn debyg nad yw ad-drefniad y Cabinet yn effeithio dim ar ei statws. Golyga hynny fod y Pwyllgor hwn yn dal i fodoli ac yn gallu cyflawni'i swyddogaeth gyfredol o gynnal astudiaeth Nantygwyddon. Nid oes gofyn ei ailgyfansoddi.

Dyma'r ail o ddau sesiwn Pwyllgor a gynhelir fel rhan o astudiaeth y Pwyllgor i

investigation into the Nantygwyddon landfill site. The first item on the agenda is apologies and substitutions. I have been notified by Glyn Davies and Christine Humphreys that they are unable to attend. I am not aware of any other apologies. Delyth Evans is again substituting for Carwyn Jones.

The second item on the agenda is the investigation into the Nantygwyddon landfill site. First, I ask Members to make any declarations of interest in line with Standing Order No. 4.5.

[2] **Geraint Davies:** I declare that I am a member of Rhondda Cynon Taff County Borough Council.

[3] **Richard Edwards:** In the first meeting last week, we heard evidence from local residents. The purpose of today's meeting is to hear evidence from those organisations involved in the establishment, management, regulation and other issues associated with the site. I will recap briefly on what I said last week about the scope of the investigation. The primary focus of the investigation is forward looking; it is seeking to identify lessons for the future, both in relation to the site and to waste management in general. Detailed terms of reference were agreed on 13 September. The investigation is conducted under Section 40 of the Government of Wales Act 1998. That does not give the National Assembly power to require organisations or individuals to attend Committee sessions or to produce documentation. The Committee has invited organisations concerned to do so voluntarily. I am grateful to all those present today: Amgen Rhondda Limited, Bro Taf Health Authority, the District Auditor, the Environment Agency and Rhondda Cynon Taff County Borough Council.

Evidence given before the Committee will be in accordance with Section 77 of the Government of Wales Act 1998 and will be privileged for the purposes of the law of defamation. There will be a verbatim record of both the Committee sessions. A draft copy will be sent to all speakers for correction and the record will be available on the National

safle tirlenwi Nantygwyddon. Ymddiheuriadau a dirprwyadau yw'r eitem gyntaf ar yr agenda. Fe'm hysbyswyd gan Glyn Davies a Christine Humphreys nad ydynt yn gallu bod yn bresennol. Nid wyf yn ymwybodol o unrhyw ymddiheuriadau eraill. Mae Delyth Evans yma yn lle Carwyn Jones eto.

Yr ail eitem ar y rhaglen yw'r astudiaeth i safle tirlenwi Nantygwyddon. Yn gyntaf, gofynnaf i Aelodau wneud unrhyw ddatganiadau o fuddiant yn unol â Rheol Sefydlog Rhif 4.5.

[2] **Geraint Davies:** Datganaf fy mod yn aelod o Gyngor Bwrdeistref Sirol Rhondda Cynon Taf.

[3] **Richard Edwards:** Yn y cyfarfod cyntaf yr wythnos diwethaf, clywsom dystiolaeth gan drigolion lleol. Pwrpas y cyfarfod heddiw yw gwrando ar dystiolaeth y sefydliadau hynny sydd a wnelont â sefydlu, rheoli, rheoleiddio a materion eraill cysylltiedig â'r safle. Ailadroddaf yn gryno yr hyn a ddywedais yr wythnos diwethaf ynghylch hyd a lled yr astudiaeth. Prif ffocws yr astudiaeth yw edrych ymlaen; ceisir nodi gwersi i'r dyfodol, mewn perthynas â'r safle hwn ac â rheoli gwastraff yn gyffredinol. Cytunwyd ar fanylion y cylch gorchwyl ar 13 Medi. Cynhelir yr astudiaeth dan Adran 40 Deddf Llywodraeth Cymru 1998. Nid yw hynny'n rhoi'r hawl i'r Cynulliad Cenedlaethol fynnu bod sefydliadau neu unigolion yn mynychu sesiynau'r Pwyllgor, na mynnu eu bod yn cyflwyno dogfennau. Mae'r Pwyllgor wedi gwahodd y sefydliadau dan sylw i wneud hynny'n wirfoddol. Yr wyf yn ddiolchgar i bawb sydd yn bresennol heddiw: Amgen Rhondda Cyfyngedig, Awdurdod Iechyd Bro Taf, yr Archwilydd Dosbarth, Asiantaeth yr Amgylchedd a Chyngor Bwrdeistref Sirol Rhondda Cynon Taf.

Bydd dystiolaeth a roddir gerbron y Pwyllgor yn cyd-fynd ag Adran 77 Deddf Llywodraeth Cymru 1998 ac yn dystiolaeth freintiedig at ddibenion y gyfraith ar ddifenwi. Ceir cofnod gair am air o'r ddau sesiwn Pwyllgor. Anfonir copi drafft at bob siaradwr i'w gywiro a bydd y cofnod ar gael ar wefan y Cynulliad Cenedlaethol o fewn 15 diwrnod

Assembly website within 15 working days of today's meeting. gwaith i'r cyfarfod heddiw.

The sessions before the Committee are the first stage in the independent investigation. Detailed information will be gathered by the independent investigator, who will assist the Committee in conducting the investigation. The investigator's report will assist the Committee in making its recommendations to the National Assembly in Plenary. I will just remind you that the investigator was appointed last week. He is David Purchon. He is President of the Chartered Institute of Environmental Health and adviser to the Chief Medical Officer for England on improving public health and managing communicable disease. He was Director of Environmental Services for Sheffield City Council for 13 years and handled the aftermath of the Hillsborough football stadium tragedy. He was a director of a local authority waste disposal company, founder of a regional Green Business Club and a founder member of Eurocities Environment Commission.

Before we proceed, I will ask Keith Bush, from the Office of the Counsel General, to remind Committee members of their responsibilities in terms of the independence of the investigation.

**Mr Bush:** At the beginning of last week's meeting, my colleague, Mrs Parkes, reminded all present that this Committee is exercising a statutory power on behalf of the National Assembly. It is therefore under a legal duty to conduct proceedings fairly. That means that members of the Committee are required by law to listen to and consider the evidence presented to the Committee with an open mind. Nothing should be said or done that could give the impression that members have reached conclusions until all the evidence, including that collected by the independent investigator, is available. A failure to abide by that principle could result in a legal challenge, and the invalidation of any conclusions to which the Committee eventually comes. It is important, therefore, to bear that in mind, not only when making any comments, but also when formulating and setting the tone of any questioning of witnesses, bearing in mind that the role of the

Cam cyntaf yr astudiaeth annibynnol yw'r sesiynau gerbron y Pwyllgor. Cesglir gwybodaeth fanwl gan yr ymchwilydd annibynnol, a fydd yn cynorthwyo'r Pwyllgor i gynnal yr astudiaeth. Bydd adroddiad yr ymchwilydd yn cynorthwyo'r Pwyllgor i wneud ei argymhellion i'r Cynulliad Cenedlaethol mewn Cyfarfod Llawn. Fe'ch atgoffaf y penodwyd yr ymchwilydd yr wythnos diwethaf. Ei enw yw David Purchon. Mae'n Llywydd Sefydliad Siartredig Iechyd yr Amgylchedd ac yn gynghorydd i Brif Swyddog Meddygol Lloegr ar wella iechyd cyhoeddus a rheoli afiechydon heintus. Bu'n Gyfarwyddwr Gwasanaethau Amgylchedd yng Nghyngor Dinas Sheffield am 13 blynedd a deliodd â'r sefyllfa yn sgîl trychineb stadiwm pêl-droed Hillsborough. Bu'n gyfarwyddwr cwmni gwaredu gwastraff i'r awdurdod lleol, yn sylfaenydd Clwb Busnes Gwyrdd rhanbarthol ac yn un o sefydlwyr Comisiwn Amgylchedd yr Ewroddinasoedd.

Cyn symud yn ein blaenau, gofynnaf i Keith Bush, o swyddfa'r Cwnsler Cyffredinol, atgoffa aelodau'r Pwyllgor am eu cyfrifoldebau yn nhermau annibyniaeth yr astudiaeth.

**Mr Bush:** Ar ddechrau cyfarfod yr wythnos diwethaf, atgoffodd fy nghydweithwraig, Mrs Parkes, bawb a oedd yn bresennol fod y Pwyllgor hwn yn gweithredu grym statudol ar ran y Cynulliad Cenedlaethol. Mae felly dan ddyletswydd cyfreithiol i weithredu'r drefn yn deg. Mae hynny'n golygu ei bod yn ofynnol o dan y gyfraith i aelodau'r Pwyllgor wrando ar y dystiolaeth a gyflwynir i'r Pwyllgor a'i hystyried â meddwl agored. Ni ddylid dweud na gwneud dim a allai roi'r argraff fod aelodau wedi dod i gasgliadau nes bydd yr holl dystiolaeth, gan gynnwys yr hyn a gesglir gan yr ymchwilydd annibynnol, ar gael. Gallai methu glynu at yr egwyddor honno arwain at her gyfreithiol, ac annilysu unrhyw gasgliadau y daw'r Pwyllgor iddynt yn y diwedd. Mae'n bwysig cofio hynny felly, nid dim ond pan wneir unrhyw sylwadau, ond hefyd wrth ffurfio a sefydlu'r cywair ar gyfer holi unrhyw dystion, gan gofio y bydd rôl yr ymchwilydd annibynnol

independent investigator will include the rigorous probing of the facts.

[4] **Richard Edwards:** Following last week's meeting, it was suggested that the District Auditor, the Public Analyst and 3C Waste Limited should be invited to give evidence today. I thank the District Auditor, Mr Paul Griffiths, for making himself available at extremely short notice. The managing director of 3C Waste was unable to attend at such short notice. He is prepared to co-operate with the investigation and is happy for the investigator to contact him. However, he wishes to flag up that as there are no longer any employees at 3C Waste who were involved in issues relating to the Nantygwyddon site, it may be difficult for him to provide first-hand evidence.

The Public Analyst was prepared to attend today's meeting but as his evidence would be extremely detailed and technical, I felt that it would be more appropriate for him to speak directly to the investigator. On Rhondda Waste Disposal Limited, I have a letter from its administrator, which I will read.

'Thank you for the invitation to attend the second public session of the independent investigation into the management of the Nantygwyddon landfill site. Unfortunately, due to other work commitments, I am unable to attend the above session, but would be happy to assist the Committee in its duties as far as I can within the constraints imposed upon me as the company's administrator. I am, however, unable to provide an unfettered commitment in this regard, as I must have regard for the associated costs. In an effort to minimise these costs, I would appreciate responding to the questions of the Committee in correspondence, at least initially. I would not rule out attending the Committee in person, but clearly, given our respective locations'—

his being in London—

'I would try to avoid too many visits to Cardiff which are unlikely to provide any benefits to creditors. I have also asked Vic Collier to consider assisting you. Mr Collier

yn cynnwys ymchwilio'r ffeithiau yn drwyadl.

[4] **Richard Edwards:** Yn dilyn cyfarfod yr wythnos diwethaf, awgrymwyd y dylid gwahodd yr Archwilydd Dosbarth, y Dadansoddwr Cyhoeddus a 3C Waste Limited i roi tystiolaeth heddiw. Diolchaf i'r Archwilydd Dosbarth, Mr Paul Griffiths, am fynychu cyfarfod heddiw ar gymaint o fyr rybudd. Yr oedd rheolwr gyfarwyddwr 3C Waste yn methu bod yn bresennol ar rybudd mor fyr. Y mae'n barod i gydweithredu â'r astudiaeth ac mae'n hapus i'r ymchwilydd gysylltu ag ef. Fodd bynnag, mae'n dymuno nodi, gan nad oes unrhyw weithwyr yn 3C Waste bellach a fu'n ymwneud â materion cysylltiedig â safle Nantygwyddon, y gallai fod yn anodd iddo ddarparu tystiolaeth uniongyrchol.

Yr oedd y Dadansoddwr Cyhoeddus yn barod i ddod i'r cyfarfod heddiw ond gan y byddai ei dystiolaeth ef yn eithriadol o fanwl a thechnegol, bernais y byddai'n fwy priodol iddo siarad yn uniongyrchol â'r ymchwilydd. O ran Rhondda Waste Disposal Cyfyngedig, mae gennyf lythyr oddi wrth ei weinyddwr, ac fe'i darllenaf.

'Diolch am y gwahoddiad i fynychu ail sesiwn cyhoeddus yr astudiaeth annibynnol i reolaeth safle tirlenwi Nantygwyddon. Yn anffodus, oherwydd ymrwymadau gwaith eraill, ni allaf ddod i'r sesiwn uchod, ond byddwn yn hapus i gynorthwyo'r Pwyllgor yn ei ddyletswyddau cyn belled ag y gallaf o fewn y cyfyngiadau a osodwyd arnaf fel gweinyddwr y cwmni. Yr wyf, fodd bynnag, yn methu rhoi ymrwymiad dilyffethair yn hyn o beth, gan fod yn rhaid imi ystyried y costau cysylltiedig. Mewn ymgais i gadw'r costau hyn cyn ised ag y bo modd, gwerthfawrogwn pe cawn ymateb i gwestiynau'r Pwyllgor drwy ohebiaeth, o leiaf ar y dechrau. Ni fyddwn yn diystyru mynychu'r Pwyllgor yn bersonol, ond yn amlwg, o gofio'n lleoliadau ni'n dau'—

yn Llundain y mae ef—

'byddwn yn ceisio osgoi gormod o ymweliadau â Chaerdydd sydd yn annhebygol o ddarparu unrhyw fuddiannau i'n credydwyr. Yr wyf wedi gofyn i Vic

is presently out of the UK until 6 November. I propose to speak to him on his return and will contact you further thereafter. I hope that this letter explains my position, and I am happy to receive the written correspondence of the Committee in due course. Alternatively, if you wish to discuss the matter on the telephone, then please do not hesitate to contact either myself or the case manager, Jeremy Frost.'

That is on behalf of Mr Paul Clark, administrator for the company. That letter will be passed on to the investigator and, if the company chooses not to co-operate with the investigation, its point of view will not be given full consideration by the investigation.

[5] **Geraint Davies:** It is very important that the former directors of Rhondda Waste Disposal come before the Committee or co-operate with the investigation. There are another two directors, so they should also be asked to participate, not just Mr Collier.

[6] **Richard Edwards:** We will ensure that we do that, Geraint. We will make every effort to ensure that they are able to co-operate with the investigator.

I will now give an indication of the running order today. First, we will receive evidence from Rhondda Cynon Taff County Borough Council, then from the former Welsh Office, then from the Environment Agency. There will then be a brief coffee break. In the final half of today's session, we will receive evidence from Bro Taf Health Authority, Amgen Rhondda Limited and the District Auditor.

You can take it as read—and this is addressed to all the bodies that I listed—that Committee members have read all your papers. I am anxious that you be brief and concise in your presentations and bring out some of the key points that you feel should be highlighted. Committee members will want to ask questions.

The first body to give evidence is Rhondda Cynon Taff council. I understand that Pauline Jarman, leader of the council, Syd Morgan,

Collier ystyried eich cynorthwyo. Mae Mr Collier allan o'r wlad ar hyn o bryd tan 6 Tachwedd. Bwriadaf siarad ag ef pan ddaw yn ôl a chysylltaf â chi ymhellach wedi hynny. Gobeithio bod y llythyr hwn yn egluro fy sefyllfa, a byddaf yn hapus i dderbyn gohebiaeth ysgrifenedig y Pwyllgor maes o law. Fel arall, os dymunwch drafod y mater dros y ffôn, mae croeso ichi gysylltu naill ai â mi neu â rheolwr yr achos, Jeremy Frost.'

Mae hwnnw ar ran Mr Paul Clark, gweinyddwr y cwmni. Caiff y llythyr hwnnw ei yrru ymlaen at yr ymchwilydd ac, os dewisa'r cwmni beidio â chydweithredu â'r astudiaeth, ni roddir ystyriaeth lawn i'w safbwynt gan yr astudiaeth.

[5] **Geraint Davies:** Mae'n bwysig iawn fod cyn gyfarwyddwyr Rhondda Waste Disposal yn dod gerbron y Pwyllgor neu'n cydweithredu â'r astudiaeth. Mae dau gyfarwyddwr arall, felly dylid gofyn iddynt hwythau gyfranogi hefyd, nid dim ond Mr Collier.

[6] **Richard Edwards:** Gwnawn yn siŵr ein bod yn gwneud hynny, Geraint. Gwnawn bob ymdrech i sicrhau y gallant gydweithredu â'r ymchwilydd.

Rhoddaf amcan yn awr o drefn cyfarfod heddiw. Yn gyntaf, cawn dystiolaeth gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf, wedyn gan yr hen Swyddfa Gymreig, wedyn gan Asiantaeth yr Amgylchedd. Wedyn ceir egwyl fer i gael coffi. Yn hanner olaf sesiwn heddiw, cawn dystiolaeth gan Awdurdod Iechyd Bro Taf, Amgen Rhondda Cyfyngedig a'r Archwilydd Dosbarth.

Gallwch gymryd—a chyfeiriaf hyn at yr holl gyrff a enwais—fod aelodau'r Pwyllgor wedi darllen eich papurau i gyd. Yr wyf yn awyddus ichi fod yn fyr ac yn gryno yn eich cyflwyniadau a nodi rhai o'r pwyntiau allweddol yr ydych yn teimlo y dylid eu tanlinellu. Bydd ar aelodau'r Pwyllgor eisiau eich holi.

Y corff cyntaf i roi tystiolaeth yw cyngor Rhondda Cynon Taf. Deallaf fod Pauline Jarman, arweinydd y cyngor, Syd Morgan,

deputy leader of the council, and Kim Ryley, the chief executive of the council, are here to give evidence. I call on them to come forward and sit at the front table.

Participants are invited to speak in English or Welsh. There will be simultaneous translation and headphones are provided.

**Mr Ryley:** I start with a point of clarification for the Committee and apologise for any confusion or misunderstanding that has arisen. There is a document, which the Committee may have available, and which, I think, has been published on the Assembly's website in connection with this inquiry, which appears to have been mistaken as the council's statement to the Committee. That is not the case. That document does not have that status and was not intended to be taken as such.

[7] **Richard Edwards:** On a further point of clarification, that is the document that was submitted to us. Just before the meeting started, I received another document. However, I have not had the opportunity to read it. Other Committee members have not had the opportunity to read it either. If there is any further documentation that you wish to submit, then you can leave it on the table today or send it to the independent investigator. However, I am afraid that Committee members have not had an opportunity to read that document.

**Mr Ryley:** We are happy to take your instruction, obviously, in the light of that misunderstanding—and I apologise for that—on how you wish us to proceed. I think that we may feel the need, therefore, to share our statement with the Committee fully today, as well as entering into—

[8] **Richard Edwards:** I do not think that we have time today for you to rehearse the statement in full. You are perfectly at liberty to draw out some of the main points, but I would really ask you to brief. We have a great deal on the agenda. There is not much time and Members will want to ask questions.

**Ms Jarman:** I gave early notice to your office that the statement that has been posted

dirprwy arweinydd y cyngor, a Kim Ryley, prif weithredwr y cyngor, yma i roi tystiolaeth. Galwaf arnynt i ddod ymlaen ac eistedd wrth y bwrdd yn y blaen.

Gwahoddir cyfranogwyr i siarad yn Gymraeg neu Saesneg. Ceir cyfieithu ar y pryd a darperir clustffonau.

**Mr Ryley:** Dechreuaf gyda phwynt o eglurhad i'r Pwyllgor ac ymddiheuraf am unrhyw ddryswch neu gamddealltwriaeth a fu. Y mae dogfen, sydd ar gael gan y Pwyllgor efallai, ac sydd, fe gredaf, wedi'i chyhoeddi ar wefan y Cynulliad yng nghyswllt yr astudiaeth hon, sydd, mae'n debyg, wedi'i chamgymryd fel datganiad y cyngor i'r Pwyllgor. Nid yw hynny'n wir. Nid yw'r statws hwnnw'n perthyn i'r ddogfen honno ac ni fwriadwyd ei chymryd felly.

[7] **Richard Edwards:** Ar bwynt pellach o eglurhad, dyna'r ddogfen a gyflwynwyd inni. Ychydig cyn dechrau'r cyfarfod, derbyniais ddogfen arall. Fodd bynnag, nid wyf wedi cael cyfle i'w darllen. Nid yw aelodau eraill y Pwyllgor wedi cael cyfle i'w darllen chwaith. Os oes unrhyw ddogfennaeth bellach y dymunwch ei chyflwyno, yna ceuwch ei gadael ar y bwrdd heddiw neu ei hanfon at yr ymchwilydd annibynnol. Fodd bynnag, mae arnaf ofn nad yw aelodau'r Pwyllgor wedi cael cyfle i ddarllen y ddogfen honno.

**Mr Ryley:** Yr ydym yn hapus i dderbyn eich cyfarwyddyd, yn amlwg, yng ngolau'r camddealltwriaeth hwnnw—ac ymddiheuraf am hynny—ynghylch y modd y dymunwch inni fynd ymlaen. Credaf y byddwn efallai'n teimlo'r angen, felly, i rannu'n datganiad yn llawn gyda'r Pwyllgor heddiw, yn ogystal â mynd i—

[8] **Richard Edwards:** Nid wyf yn meddwl fod gennym amser heddiw i chi adrodd y datganiad yn llawn. Yr ydych yn rhydd i dynnu allan rai o'r prif bwyntiau, ond gofynnaf ichi fod yn fyr. Mae gennym lawer iawn ar yr agenda. Nid oes llawer o amser a bydd ar Aelodau eisiau gofyn cwestiynau.

**Ms Jarman:** Rhoddais rybudd buan i'ch swyddfa nad y datganiad a osodwyd ar wefan

on the National Assembly website would not be the statement that council members would be presenting to this Committee. It was, basically, some of the history of Nantygwyddon. However, following a council meeting, individual members—myself and Councillor Morgan—were instructed by our council to give evidence at this meeting. It was felt important that it should be a member-led presentation to your Committee. There are some distinct differences between that statement and the statement that was prepared for the purpose of assisting your Members to become familiar with the council's involvement in Nantygwyddon. However, there are specific issues that we felt needed reinforcing.

It may assist if I were briefly to say that the council is in the process of undertaking a thorough examination of every file so that as full a picture as possible can be extracted and made available to the investigator. That, of course, is hampered by the fact that most of those involved in the early stages of the landfill site's development and operation, whether officers or elected members, are no longer in the service of the council. The council's representatives are aware that serious allegations about the conduct of individuals involved with the operation of the landfill site in the past have been made generally and, in particular, during the previous meeting of this Committee. The council's representatives would like to assure all those present that these allegations are being treated seriously and that the council will not hesitate to take whatever action is appropriate if it transpires that there is any substance in those allegations. For the purpose of the Committee today, Chair, may I say that the key issues as far as we are concerned—

[9] **Richard Edwards:** I am sorry to disturb you, Pauline. Apparently, some mobile phones are still switched on and are causing some disturbance to the recording of this meeting. Could everybody please ensure that their mobile phones are switched off? My apologies, Pauline.

**Ms Jarman:** Thank you, Chairman. As far as the council's files are concerned, they have been secured. You can well imagine, because

y Cynulliad Cenedlaethol fyddai'r datganiad y byddai aelodau'r cyngor yn ei gyflwyno i'r Pwyllgor hwn. Rhywfaint o hanes Nantygwyddon oedd hwnnw yn y bôn. Fodd bynnag, yn dilyn cyfarfod o'r cyngor, cyfarwyddwyd aelodau unigol—minnau a'r Cynghorydd Morgan—gan ein cyngor i roi tystiolaeth yn y cyfarfod hwn. Teimlid ei bod yn bwysig mai aelodau ddylai arwain y cyflwyniad i'ch Pwyllgor. Mae rhai gwahaniaethau amlwg rhwng y datganiad hwnnw a'r datganiad a baratowyd er mwyn cynorthwyo'ch Aelodau i ymgyswngi'r rhan y cyngor yn Nantygwyddon. Fodd bynnag, y mae materion penodol y teimlem yr oedd hangen eu hatgyfnerthu.

Efallai y bydd o gymorth os dywedaf yn fyr fod y cyngor yn y broses o gynnal archwiliad trwyadl o bob ffeil fel y gellir cael darlun mor gyflawn ag sydd yn bosibl i'w gyflwyno i'r ymchwilydd. Mae hynny, wrth gwrs, yn cael ei lesteirio gan y ffaith nad yw'r rhan fwyaf o'r rheini a fu wrthi yng nghamau cynnar datblygiad a gweithrediad y safle tirlenwi, boed hwy'n swyddogion neu'n aelodau etholedig, ddim yng ngwasanaeth y cyngor mwyach. Mae cynrychiolwyr y cyngor yn ymwybodol y gwnaethpwyd cyhuddiadau difrifol ynglŷn ag ymddygiad unigolion a fu ynghlwm â gweithrediad y safle tirlenwi yn y gorffennol yn gyffredinol ac, yn arbennig, yn ystod cyfarfod blaenorol y Pwyllgor hwn. Hoffai cynrychiolwyr y cyngor sicrhau pawb sydd yn bresennol fod y cyhuddiadau hyn yn cael eu cymryd o ddifrif ac nad oeda'r cyngor cyn gweithredu'n briodol pe bai unrhyw sylwedd yn y cyhuddiadau hynny yn dod i'r amlwg. At ddibenion y Pwyllgor heddiw, Gadeirydd, a gaf i ddweud mai'r materion allweddol o'n safbwynt ni—

[9] **Richard Edwards:** Mae'n flin gennyf dorri ar eich traws, Pauline. Mae'n debyg fod rhai ffonau symudol heb eu diffodd a'u bod yn tarfu ar recordiad y cyfarfod hwn. A fyddai pawb gystal â sicrhau bod eu ffonau symudol wedi'u diffodd? Mae'n ddrwg gennyf, Pauline.

**Ms Jarman:** Diolch, Gadeirydd. O ran ffeiliau'r cyngor, maent wedi'u sicrhau. Gallwch ddychmygu, oherwydd natur rhan y



of the nature of the council's involvement in this matter, that various departments were involved. I assure the Committee and the investigator that, immediately notice was given about your Committee and its business, all of those files were secured and every file will be made available to the investigator.

The key issues for the independent investigator, as the council sees them, are those that are of obvious concern to the community of the Rhondda as well as the council members. Your Committee will be eager, I am sure, to establish the nature and outcome of the geological appraisal of the suitability of the Nantygwyddon site for landfill purposes and how this compared with any other potential site investigation. That, I am assured, is evidence that the investigator will be able to access. Another question is why there are no details of the maximum permitted height and contours to the site apparently recorded as part of the original planning consent for its use as a landfill site. That is something that we feel that the investigator would be eager to examine closely. Is there in existence a comprehensive report on the operation of the landfill site commissioned by the then Welsh Office, which has not yet been published? I think that your Committee would be eager to establish that. Also, on what basis and by whom was the decision taken to accept the calcium sulphate filter cake waste onto the site, and what investigations were undertaken to assess its properties, its suitability for landfill, the on-site operational handling requirements and, possibly, the health implications? For what reason did Rhondda Waste Disposal Limited apply to the High Court for an order of administration and what are the reasons and implications, not least in terms of cost, for the time taken to formally wind up the company? For what reasons did the Environment Agency grant an operator's licence to both the previous and the current local authority waste disposal company—

[10] **Delyth Evans:** May I ask you, Chairman, why the leader of the council is reading out a list of questions that we may or may not want to ask? I do not understand what she is doing.

cyngor yn y mater hwn, fod sawl adran wahanol wedi cyfranogi. Sicrhaf y Pwyllgor a'r ymchwilydd, cyn gynted ag y rhoddyd rhybudd am eich Pwyllgor a'i fusnes, y sicrhawyd pob un o'r ffeiliau hynny a bydd pob ffeil ar gael i'r ymchwilydd.

Y materion allweddol i'r ymchwilydd annibynnol, fel y gwêl y cyngor bethau, yw'r materion hynny sydd o bryder amlwg i gymuned y Rhondda yn ogystal ag aelodau'r cyngor. Bydd eich Pwyllgor yn awyddus, yr wyf yn siŵr, i sefydlu natur a chanlyniad y gwerthusiad daearegol o addasrwydd safle Nantygwyddon at ddibenion tirlenwi a sut y cymharai hyn ag unrhyw astudiaeth o safleoedd posibl eraill. Fe'm sicrhawyd, y bydd yr ymchwilydd yn gallu cael mynediad at y dystiolaeth hynny. Cwestiwn arall yw pam nad oes manylion o'r cyfuchliniau a'r uchder uchaf a ganiateid i'r safle, a gofnodwyd, mae'n debyg, fel rhan o'r cydsyniad cynllunio gwreiddiol ar gyfer ei ddefnyddio fel safle tirlenwi. Dyna rywbeth y teimlwn y byddai'r ymchwilydd yn awyddus i edrych yn fanwl arno. Oes adroddiad cynhwysfawr yn bodoli ar weithrediad y safle tirlenwi a gomisiynwyd gan y Swyddfa Gymreig fel yr oedd bryd hynny, ac sydd heb ei gyhoeddi eto? Yr wyf yn meddwl y byddai eich Pwyllgor yn awyddus i gadarnhau hynny. Hefyd, ar ba sail a chan bwy y gwnaethpwyd y penderfyniad i dderbyn y gwastraff talpiau hidlo calsiwm sylffad i'r safle, a pha astudiaethau a wnaethpwyd i asesu'i briodoleddau, ei addasrwydd ar gyfer tirlenwi, y gofynion trafod gweithredol ar y safle ac, o bosibl, y goblygiadau i iechyd? Am ba reswm y gwnaeth Rhondda Waste Disposal Cyfyngedig gais i'r Uchel Lys am orchymyn gweinyddiad a beth yw'r rhesymau a'r goblygiadau, nid yn lleiaf yn nhermau cost, am yr amser a gymerwyd i ddirwyn y cwmni i ben yn ffurfiol? Am ba resymau y caniaaodd Asiantaeth yr Amgylchedd drwydded gweithredwr i gwmnïau gwaredu gwastraff blaenorol a chyfredol yr awdurdod lleol—

[10] **Delyth Evans:** A gaf i ofyn i chi, Gadeirydd, pam y mae arweinydd y cyngor yn darllen yn uchel restr o gwestiynau y gallem fod eisiau neu beidio â bod eisiau eu gofyn? Nid wyf yn deall beth y mae'n ei

wneud.

**Ms Jarman:** As far as I am concerned, Chair, I was asked to come here to present, on behalf of the council, questions that we feel that we as council members need to be reassured about. I am sure that I am just guiding your Committee's intent in all of this. If this is an investigation, we are suggesting that these are anticipated areas that will bear further examination and help your Committee and the investigator to come to a conclusion.

[11] **Richard Edwards:** I remind you that you are here to give evidence to the Committee.

**Ms Jarman:** I am just trying to focus, Chairman. It is a very complex issue.

[12] **Delyth Evans:** With respect, we are the people who are supposed to be asking the questions, not you.

**Ms Jarman:** All I am doing is trying to put this in the mind's eye of the Members and to focus their minds on the questions whereby this investigation will come to some very firm conclusions, I have no doubt. I am not pre-empting the outcome; I am offering guidance—

[13] **Richard Edwards:** It would be helpful for the Committee to have an idea of the council's responsibilities in relation to the Nantygwyddon landfill site. That is principally why you have been invited to submit evidence today.

**Mrs Jarman:** We are the local planning authority, Chairman. You will be aware that, historically, local authority waste disposal companies came into operation sometime during the lifetime of local government in the early 1990s. The operation by Rhondda Borough Council, which operated and managed the Nantygwyddon landfill site from its opening in January 1990 to the establishment of the LAWDC, is well documented and forms part of our statement. Rhondda Waste Disposal Limited, the arm's length company of the local authority, again as you will know from the statement, is also clearly documented. Its planning history is such that the local planning authority has

**Ms Jarman:** O'm safbwynt i, Gadeirydd, gofynnwyd imi ddod yma i gyflwyno, ar ran y cyngor, gwestiynau y teimlwn yr oedd angen tawelu'n meddyliau, fel aelodau'r cyngor, yn eu cylch. Yr wyf yn siŵr mai dim ond arwain bwriad eich Pwyllgor yr wyf yn hyn i gyd. Os mai astudiaeth yw hwn, yr ydym yn awgrymu bod y rhain yn feysydd y rhagwelir y tâl eu harchwilio ymhellach ac a fydd yn helpu eich Pwyllgor a'r ymchwilydd i ddod i gasgliad.

[11] **Richard Edwards:** Fe'ch atgoffaf mai yma i roi tystiolaeth i'r Pwyllgor yr ydych.

**Ms Jarman:** Yr wyf ond yn ceisio ffocysu, Gadeirydd. Mae hwn yn fater cymhleth iawn.

[12] **Delyth Evans:** Gyda pharch, ni yw'r bobl sydd i fod i ofyn y cwestiynau, nid chi.

**Ms Jarman:** Y cwbl yr wyf yn ceisio'i wneud yw rhoi hyn ym meddwl yr Aelodau a ffocysu eu meddyliau ar y cwestiynau a ddaw â'r astudiaeth hon, heb amheuaeth, i gasgliadau cadarn iawn. Nid wyf yn achub y blaen ar y canlyniad; yr wyf yn cynnig arweiniad—

[13] **Richard Edwards:** Byddai'n fuddiol i'r Pwyllgor gael syniad o gyfrifoldebau'r cyngor mewn perthynas â safle tirlenwi Nantygwyddon. Dyna yn bennaf pam y gwahoddwyd chi i gyflwyno tystiolaeth heddiw.

**Ms Jarman:** Ni yw'r awdurdod cynllunio lleol, Gadeirydd. Byddwch yn ymwybodol, yn hanesyddol, i gwmnïau gwaredu gwastraff awdurdodau lleol ddechrau gweithredu rywbryd yn ystod oes llywodraeth leol yn y 1990au cynnar. Mae gwaith Cyngor Bwrdeistref y Rhondda wrth weithredu a rheoli safle tirlenwi Nantygwyddon o'i agoriad yn Ionawr 1990 hyd sefydlu cwmni gwaredu gwastraff yr awdurdod lleol, wedi'i ddogfennu'n dda ac yn ffurfio rhan o'n datganiad. Mae dogfennaeth glir hefyd ar Rhondda Waste Disposal Cyfyngedig, sef cwmni hyd-braich yr awdurdod lleol, fel y gwyddoch hefyd o'r datganiad. Ei hanes cynllunio yw bod yr awdurdod cynllunio lleol

received five previous planning applications, two of which have yet to be determined. One is on the agenda for consideration tomorrow.

The sale of the operation to Cynon Valley Waste Disposal Limited is highlighted in the report that is before Committee members. The health effects relating to the Nantygwyddon landfill site and the possible effects on nearby residents culminated in a series of reports. I am sure that the outcome of those reports, as far as health issues are concerned, will be highlighted by our colleagues in Bro Taf Health Authority. The local authority's involvement prior to April 1996, as the body responsible for waste regulation, is outlined in the report, as are the council's most recent duties in serving a statutory nuisance notice on the current company. There will shortly be a report on the outcome of that.

The independent investigation is welcomed as an alternative to a full public inquiry, which we understand that the investigator may or may not decide to pursue having heard all of the evidence. That is the council's case in a nutshell. Needless to say, we could sit here for many an hour and go into great detail. However, if you are content with that, Chairman, we will rest at that.

[14] **Richard Edwards:** Thank you, Pauline. As I said, our main concern today was to establish your precise responsibilities as a local authority in relation to the site, and the paper that you submitted does outline those responsibilities.

Before I ask my colleagues on the Committee to ask you questions, I want to make it clear that I have not received any advanced notice of the questions. That applies to all the bodies here today. If any issues are flagged up in the questions to which you feel unable to respond today, it will be in order for you to submit written responses at a later date. I want to begin by asking a question, which arises—

**Mr Morgan:** May I speak?

[15] **Richard Edwards:** You may speak very

wedi derbyn pum cais cynllunio blaenorol, ac nid oes penderfyniad wedi ei wneud ar ddau ohonynt o hyd. Mae un ar y rhaglen i'w ystyried yfory.

Tynnir sylw at y modd y gwerthwyd y gwaith i Cynon Valley Waste Disposal Cyfyngedig yn yr adroddiad sydd gerbron aelodau'r Pwyllgor. Cafwyd cyfres o adroddiadau yn sgîl yr effeithiau iechyd cysylltiedig â safle tirlenwi Nantygwyddon a'r effeithiau posibl ar drigolion cyfagos. Yr wyf yn siŵr y caiff canlyniad yr adroddiadau hynny, cyn belled ag y bo materion iechyd dan sylw, ei bwysleisio gan ein cydweithwyr yn Awdurdod Iechyd Bro Taf. Mae cyfraniad yr awdurdod lleol cyn Ebrill 1996, fel y corff sydd yn gyfrifol am reoleiddio gwastraff, wedi'i amlinellu yn yr adroddiad, ynghyd â dyletswyddau diweddaraf y cyngor yn cyflwyno rhybudd niwsans statudol i'r cwmni cyfredol. Ceir adroddiad ar ganlyniad hwnnw cyn bo hir.

Croesewir yr astudiaeth annibynnol yn absenoldeb ymchwiliad cyhoeddus llawn, y deallwn y gall yr ymchwilydd benderfynu gofyn amdano neu beidio ar ôl clywed y dystiolaeth i gyd. Dyna achos y cyngor yn gryno. Afraid yw dweud y gallem eistedd yma am oriau lawer a mynd i gryn fanylder. Fodd bynnag, os ydych chi'n fodlon ar hynny, Gadeirydd, fe orffennaf gyda hynny.

[14] **Richard Edwards:** Diolch, Pauline. Fel y dywedais, ein prif gonsym heddiw oedd sefydlu'ch union gyfrifoldebau chi fel awdurdod lleol mewn perthynas â'r safle, ac y mae'r papur a gyflwynasoch yn amlinellu'r cyfrifoldebau hynny.

Cyn imi ofyn i'm cyd-aelodau ar y Pwyllgor eich holi, hoffwn ei gwneud yn glir nad wyf wedi cael unrhyw rybudd ymlaen llaw am y cwestiynau. Mae hyn yn wir am bob corff sydd yma heddiw. Os codir unrhyw faterion yn y cwestiynau y byddwch chi'n teimlo na allwch ymateb iddynt heddiw, caniateir ichi gyflwyno ymatebion ysgrifenedig ar ddyddiad diweddarach. Hoffwn ddechrau drwy ofyn cwestiwn, sydd yn codi—

**Mr Morgan:** A gaf fi siarad?

[15] **Richard Edwards:** Cewch siarad yn fyr

briefly, Mr Morgan.

**Mr Morgan:** Sorry, Chairman, I just wanted to complete the issues that Councillor Jarman raised.

[16] **Richard Edwards:** Are you saying that you have not finished the presentation?

**Mr Morgan:** No. Councillor Jarman had three other points to make. I want to briefly raise the issues that are of concern.

For what reason did Rhondda Borough Council and latterly the Environment Agency—

[17] **Richard Edwards:** I am sorry, but you are giving evidence to the Committee. The Committee is not giving evidence to you. It is for Committee members to ask questions. I dare say that some of the questions that Members will ask may well cover the ground that you intend to cover. Anything that you have been unable to say today in the presentation can be made available to the investigator. Therefore, there is no question of anything not being admitted.

**Mr Morgan:** So I cannot complete the statement?

[18] **Richard Edwards:** If it is a statement and not questions, you may do so, but you were putting questions to the Committee.

**Mr Morgan:** These are key issues that we feel the independent investigator ought to look at, because we are in possession of information. For example, for what reasons did Rhondda Borough Council and latterly the Environment Agency grant an operator's licence to the previous and current LAWDC without requiring the provision of a bond as a precaution should the companies fail? Why was the air quality monitoring report commissioned by the council and Bro Taf Health—

[19] **Richard Edwards:** These are questions that I am sure Members will want to raise

iawn, Mr Morgan.

**Mr Morgan:** Mae'n flin gennyf, Gadeirydd, dim ond eisiau cwblhau'r materion a gododd y Cyngorydd Jarman yr oeddwn i.

[16] **Richard Edwards:** A ydych chi'n dweud nad ydych wedi gorffen y cyflwyniad?

**Mr Morgan:** Na. Yr oedd gan y Cyngorydd Jarman dri phwynt arall i'w gwneud. Hoffwn godi'n fyr y materion sydd yn peri pryder.

Am ba reswm y bu i Gyngor Bwrdeistref y Rhondda ac yn ddiweddarach Asiantaeth yr Amgylchedd—

[17] **Richard Edwards:** Mae'n ddrwg gennyf, ond chi sydd yn rhoi tystiolaeth i'r Pwyllgor. Nid yw'r Pwyllgor yn rhoi tystiolaeth i chi. Mater i aelodau'r Pwyllgor yw gofyn cwestiynau. Mae'n siŵr y bydd rhai o'r cwestiynau y bydd Aelodau am eu gofyn yn mynd dros y tir y bwriadwch chi fynd drosto. Gall unrhyw beth na fyddwch wedi llwyddo i'w ddweud heddiw yn y cyflwyniad gael ei gyflwyno i'r ymchwilydd. Felly, nid oes unrhyw gwestiwn y bydd unrhyw beth heb gael ei dderbyn.

**Mr Morgan:** Felly ni chaf gwblhau'r datganiad?

[18] **Richard Edwards:** Os mai datganiad ydyw ac nid cwestiynau, cewch wneud hynny, ond yr oeddech chi'n gofyn cwestiynau i'r Pwyllgor.

**Mr Morgan:** Mae'r rhain yn faterion allweddol yr ydym yn teimlo y dylai'r ymchwilydd annibynnol edrych arnynt, oherwydd y mae gennym wybodaeth yn ein meddiant. Er enghraifft, am ba resymau y gwnaeth Cyngor Bwrdeistref y Rhondda ac, yn ddiweddarach, Asiantaeth yr Amgylchedd ganiatáu trwydded gweithredwr i gwmni gwaredu gwastraff yr awdurdod lleol blaenorol a phresennol heb fynnu darparu bond fel rhagofal rhag i'r cwmnïau fethu? Pam fod yr adroddiad monitro ansawdd aer a gomisiynwyd gan y cyngor ac Awdurdod Iechyd Bro Taf—

[19] **Richard Edwards:** Mae'r rhain yn gwestiynau y bydd Aelodau am eu codi beth

anyway and are questions that have already been raised. I do not think that it is appropriate to raise them now as part of your presentation. I would be grateful if we could move on as time is pressing and it is important that Members have the opportunity to ask questions.

The first question that I would like to ask arises out of evidence given last week by local residents about a covenant on the site ground. Is it the case that there was, to your knowledge, a covenant governing the usage of the site ground, were there any restrictions, and if there were what were they?

**Mr Ryley:** I think, Chairman, that is one of those matters, since none of us here present were involved directly at the time, on which we would need to consult council records and give a written response.

[20] **Richard Edwards:** Fine. I ask Members now if they want to come in on the back of that. David, you wanted to ask a question?

[21] **David Davies:** I have a series of questions. I appreciate that you were possibly not around when the early decisions were made. The first question is that, when this arm's length company was set up, was there not a feeling that there could be a conflict of interest? I would have thought that the idea behind it was that, if you have a company, the council is there to regulate the company. If the council has set up the company, it is then rather difficult for it to regulate it because it is so closely involved in it financially. Were these issues looked at, and, if so, why did people feel that they could just set up a company like that without proper regulation?

The second point is about the decision to buy £1.1 million's worth of shares in the company when it ran into financial difficulties. First of all, I noticed that, according to this report, only £0.5 million's worth of shares was bought. Why was the other £0.5 million's worth of shares not bought? Secondly, what measures had been put into place to ensure that the company was

bynag, yr wyf yn siŵr, a chwestiynau sydd eisoes wedi'u codi. Nid wyf yn meddwl ei bod yn briodol eu codi'n awr fel rhan o'ch cyflwyniad. Byddwn yn ddiolchgar pe gallem symud ymlaen gan fod amser yn pwysu ac mae'n bwysig i Aelodau gael y cyfle i ofyn cwestiynau.

Mae'r cwestiwn cyntaf yr hoffwn ei ofyn yn codi o dystiolaeth a roddwyd yr wythnos diwethaf gan drigolion lleol ynghylch cyfamod ar dir y safle. A ydyw'n wir, i'ch gwybodaeth chi, bod cyfamod yn rheoli defnydd tir y safle, a oedd unrhyw gyfyngiadau, ac os oedd, beth oeddent?

**Mr Ryley:** Yr wyf yn meddwl, Gadeirydd, fod hyn yn un o'r materion hynny, oherwydd nad oedd neb ohonom sydd yma'n bresennol yn ymwneud yn uniongyrchol â hyn ar y pryd, lle byddai angen inni ymgynghori â chofnodion y cyngor a rhoi ymateb ysgrifenedig.

[20] **Richard Edwards:** Iawn. Gofynnaf yn awr i'r Aelodau a oes arnynt eisiau dod i mewn ar gefn y cwestiwn hwnnw. David, yr oeddech chi am ofyn cwestiwn?

[21] **David Davies:** Mae gennyf gyfres o gwestiynau. Yr wyf yn sylweddoli nad oeddech chi o gwmpas efallai pan wnaethpwyd y penderfyniadau cynnar. Y cwestiwn cyntaf yw, pan sefydlwyd y cwmni hyd-braich hwn, onid oedd teimlad y gallai fod gwrthdrawiad buddiannau? Buaswn i wedi meddwl mai'r syniad y tu ôl iddo oedd, os oes gennych gwmni, bod y cyngor yno i reoleiddio'r cwmni. Os mai'r cyngor sydd wedi sefydlu'r cwmni, wedyn mae braidd yn anodd iddo ei reoleiddio am ei fod ynghlwm mor agos ag ef yn ariannol. A edrychwyd ar y materion hyn ac, os do, pam y teimlodd pobl y gallent fynd ati i sefydlu cwmni fel yna heb reoleiddiad iawn?

Mae'r ail bwynt ynglŷn â'r penderfyniad i brynu gwerth £1.1 miliwn o gyfranddaliadau yn y cwmni pan aeth i drafferthion ariannol. Yn gyntaf, sylwais mai dim ond gwerth £0.5 miliwn o gyfranddaliadau a brynwyd, yn ôl yr adroddiad hwn. Pam na phrynwyd yr £0.5 miliwn arall o gyfranddaliadau? Yn ail, pa fesurau oedd wedi'u sefydlu i sicrhau fod y cwmni'n cael ei fonitro i weld beth yr oedd

monitored as to what it was doing with the money, and not just what it was doing with the money that came from the purchase of shares? Clearly, with the council having that much involvement in the company, surely the officers in the council who are charged with ensuring that council tax payers' money is properly spent would have had in place systems to look at the cash flow of the company and the accounts? Obviously, there was something going wrong there financially—either the cash flow was out, it was not getting enough business in, or something was wrong—and it seems that nobody in the council knew about it until it was too late. Those are my questions.

**Mr Morgan:** Can I first of all clarify that you are referring initially to Rhondda Waste Disposal, which is the first company?

[22] **David Davies:** Yes.

**Mr Morgan:** The evidence that the council has will obviously give the detailed answers to the questions. However, from my recollection—and I was a member of Rhondda Borough Council—there were two financial benefits to the council from the establishment of the company. First, the council received rental income from the use of the land and, secondly, the council received royalties on the tonnage of material tipped on the site. So there were two financial sources of income that the council received as a result of the direct establishment of the company.

[23] **David Davies:** With respect, was no other company available already in the business that could have taken on this role? What efforts did you make to find out if there was an existing private company that could have done this rather than you having to set up a company yourself, which is always harder to do?

**Mr Morgan:** I think that that is a very relevant question that the documentation, which hopefully is available within the council records, will answer.

[24] **David Davies:** What is the answer?

**Mr Morgan:** I do not know the answer

yn ei wneud gyda'r arian, ac nid dim ond beth yr oedd yn ei wneud gyda'r arian a ddaeth o bryniant y cyfranddaliadau? Yn amlwg, â'r cyngor â chymaint â hynny o ran yn y cwmni, siawns na fyddai'r swyddogion yn y cyngor sydd yn gyfrifol am sicrhau y caiff arian y trethdalwyr ei wario'n briodol wedi sefydlu systemau i edrych ar lif arian y cwmni a'r cyfrifon? Yn amlwg, yr oedd rhywbeth yn mynd o'i le yno'n ariannol—naill ai yr oedd y llif arian allan ohoni, nid oedd digon o fusnes yn dod i mewn, neu yr oedd rhywbeth o'i le—ac mae'n ymddangos na wyddai neb yn y cyngor amdano tan yr oedd yn rhy hwyr. Dyna fy nghwestiynau.

**Mr Morgan:** A gaf i sicrhau'n gyntaf mai sôn yr ydych i ddechrau am gwmni Rhondda Waste Disposal, sef y cwmni cyntaf?

[22] **David Davies:** Ie.

**Mr Morgan:** Bydd y dystiolaeth sydd gan y cyngor yn amlwg yn rhoi'r atebion manwl i'r cwestiynau. Fodd bynnag, o'r hyn a gofiai—ac yr oeddwn yn aelod o Gyngor Bwrdeistref y Rhondda—yr oedd dwy fantais ariannol i'r cyngor o sefydlu'r cwmni. Yn gyntaf, derbyniai'r cyngor incwm rhent o'r defnydd ar y tir ac, yn ail, derbyniai'r cyngor freindal ar y tunelli o ddefnydd a dipiwyd ar y safle. Felly yr oedd dwy ffynhonnell incwm ariannol a dderbyniai'r cyngor o ganlyniad i sefydlu'r cwmni'n uniongyrchol.

[23] **David Davies:** Gyda pharch, onid oedd unrhyw gwmni arall ar gael eisoes yn y busnes a allasai fod wedi ymgymryd â'r rôl hon? Pa ymdrechion a wnaethoch i ganfod a oedd cwmni preifat yn bodoli eisoes a allasai fod wedi gwneud hyn yn hytrach na'ch bod chi'n gorfod sefydlu cwmni eich hun, sydd bob amser yn anoddach i'w wneud?

**Mr Morgan:** Credaf fod hwnnw'n gwestiwn perthnasol iawn y bydd y ddogfennaeth, sydd gobeithio ar gael o fewn cofnodion y cyngor, yn ei ateb.

[24] **David Davies:** Beth yw'r ateb?

**Mr Morgan:** Ni wn yr ateb oherwydd nid

because I was not privy to the establishment of the company, but I think it is a valid point. What I am trying to say is that the company, as it was set up, provided two sources of income for the council. It provided the rental income and it provided royalties per tonne of material going into the site. The council was the main source of income for the company, namely through its dumping its waste at the site. So that question is very relevant as far as that is concerned. On the other point about the regulation, which I think is also a valid point, if you recall, the legislation that insisted on the establishment of local authority waste disposal companies overlapped the establishment of the Environment Agency for a 12-month period after the vesting of the company. Rhondda Borough Council was, as were all borough and district councils in Wales, the regulatory authority. For a 12-month period, the council regulated the company. That is a very relevant issue because the council was the regulator when the company decided to accept the calcium sulphate filter cake. I think that that is a key point that ought to be pursued.

[25] **David Davies:** When the council decided to set up its own company rather than look at bringing in another company, did it draw up business plans in order to do that? Which accountants, for example, did it use? Where is the evidence that it had a business plan that would show that it could make a profit on this? You still did not really answer the question about the ongoing regulation of the company and who was actually keeping an eye on the cash flow, the profit and loss and the balance sheet? With that amount of money going into it, surely somebody in the council would have wanted to have kept an eye on how its investment was doing? If I had set up a company and borrowed money from the bank, the bank manager would want to call me in once a year to check that I was doing a good job. Surely, the council should have been operating the same principle as it was, effectively, borrowing money from itself to set up its own company?

[26] **Rhodri Glyn Thomas:** May I intervene before Councillor Morgan answers that question? This is just for clarification,

oedd a wnelof fi â sefydlu'r cwmni, ond yr wyf yn meddwl ei fod yn bwynt dilys. Yr hyn yr wyf yn ceisio'i ddweud yw fod y cwmni, fel y'i sefydlwyd, yn darparu dwy ffynhonnell incwm i'r cyngor. Darparai'r incwm rhent a darparai freindal am bob tunnell o ddefnydd a âi i'r safle. Y cyngor oedd prif ffynhonnell incwm y cwmni, drwy iddo dipio ei wastraff ar y safle. Felly mae'r cwestiwn hwnnw'n berthnasol iawn cyn belled ag y mae hynny yn y cwestiwn. Ar y pwynt arall ynghylch y rheoleiddio, sydd hefyd yn bwynt dilys, dybiaf fi, os cofiwch, yr oedd y ddeddfwriaeth a fynnai sefydlu cwmnïau gwaredu gwastraff awdurdodau lleol yn gorgyffwrdd sefydlu Asiantaeth yr Amgylchedd am gyfnod o 12 mis ar ôl breinio'r cwmni. Cyngor Bwrdeistref y Rhondda, fel pob cyngor bwrdeistref a dosbarth yng Nghymru, oedd yr awdurdod rheoleiddio. Am gyfnod 12 mis, y cyngor oedd yn rheoleiddio'r cwmni. Mae hynny'n fater perthnasol iawn oherwydd y cyngor oedd y rheoleiddiwr pan benderfynodd y cwmni dderbyn y talpiau hidlo calsiwm sylffad. Yr wyf yn meddwl fod hwnnw'n bwynt allweddol y dylid mynd ar ei ôl.

[25] **David Davies:** Pan benderfynodd y cyngor sefydlu'i gwmni ei hun yn hytrach nag edrych ar ddod â chwmni arall i mewn, a luniodd gynlluniau busnes er mwyn gwneud hynny? Pa gyfrifwyr, er enghraifft, a ddefnyddiodd? Ble mae'r dystiolaeth fod ganddo gynllun busnes a fyddai'n dangos y gallai wneud elw ar hyn? Ni roesoch ateb eto mewn gwirionedd ynghylch rheoleiddiad parhaus y cwmni a phwy oedd mewn gwirionedd yn cadw llygad ar y llif arian, yr elw a cholled a'r fantolen? Gyda chymaint â hynny o arian yn mynd i mewn iddo, siawns na fyddai rhywun yn y cyngor wedi bod eisïau cadw golwg ar hynt ei fuddsoddiad? Petawn i wedi sefydlu cwmni ac wedi cael benthyg arian o'r banc, byddai rheolwr y banc eisïau fy ngalw i mewn unwaith y flwyddyn i wneud yn siŵr fy mod yn gwneud gwaith da. Siawns y dylasai'r cyngor fod wedi bod yn gweithredu'r un egwyddor, gan ei fod, i bob pwrpas, yn benthyca arian oddi wrtho'i hun i sefydlu ei gwmni ei hun?

[26] **Rhodri Glyn Thomas:** A gaf fi ymyrryd cyn i'r Cyngorydd Morgan ateb y cwestiwn hwnnw? Dim ond er eglurhad y

because I think that there is some confusion here. David, in asking his questions, is continually saying 'when you set up this company'. It was not this council that set up that company.

[27] **David Davies:** I appreciate that.

[28] **Rhodri Glyn Thomas:** That needs to be made clear.

[29] **Richard Edwards:** When Members are asking questions, may I please have questions not speeches? If you could address that question, Mr Morgan, and then others will come in.

**Mr Morgan:** The problem is that some of this is very complex and it is sometimes difficult to recall. However, the other point that I think is relevant to the question that has been asked, is that when Rhondda Waste Disposal Limited was initially set up, it had two or three shares. Only subsequently did Rhondda Borough Council issue further shares, when the company was set up operationally. However, the point about how Rhondda Borough Council decided to set up a LAWDC in that particular form as opposed to another form, or, for example, by employing existing waste disposal companies as Caerphilly council and, I think, Merthyr council did, is a fundamental issue and one well worth pursuing.

[30] **David Davies:** And the £500,000?

[31] **Richard Edwards:** I am sorry, David. Other people have a right to ask questions. You have already asked several.

[32] **Helen Mary Jones:** I have three questions to ask. Do you want me to ask the three together and have the authority respond, or would you like me to ask them one at a time?

[33] **Richard Edwards:** Are they brief questions?

mae hyn, oherwydd yr wyf yn meddwl fod rhywfaint o ddryswch yma. Mae David, wrth ofyn ei gwestiynau, yn dweud o hyd 'pan wnaethoch chi sefydlu'r cwmni'. Nid y cyngor hwn a sefydlodd y cwmni hwnnw.

[27] **David Davies:** Yr wyf yn sylweddoli hynny.

[28] **Rhodri Glyn Thomas:** Mae angen gwneud hynny'n glir.

[29] **Richard Edwards:** Pan fydd Aelodau'n gofyn cwestiynau, a gaf fi gwestiynau ac nid areithiau os gwelwch yn dda? Pe gallech ateb y cwestiwn diwethaf, Mr Morgan, ac wedyn daw eraill i mewn.

**Mr Morgan:** Y broblem yw fod peth o hyn yn gymhleth iawn ac mae weithiau'n anodd cofio. Fodd bynnag, y pwynt arall sydd, yn fy marn i, yn berthnasol i'r cwestiwn a ofynnwyd yw, pan sefydlwyd Rhondda Waste Disposal Cyfyngedig i ddechrau, yr oedd ganddo ddau neu dri o gyfranddaliadau. Dim ond wedyn y cyhoeddodd Cyngor Bwrdeistref y Rhondda gyfranddaliadau pellach, pan sefydlwyd y cwmni'n weithredol. Fodd bynnag, mae'r pwynt ynghylch sut y penderfynodd Cyngor Bwrdeistref y Rhondda sefydlu cyngor gwaredu gwastraff awdurdod lleol yn y ffurf arbennig honno yn hytrach nag mewn ffurf arall, neu, er enghraifft, drwy ddefnyddio cwmnïau gwaredu gwastraff a oedd yn bodoli eisoes fel y gwnaeth cyngor Caerffili ac, yr wyf yn meddwl, cyngor Merthyr, yn fater sylfaenol ac yn un y mae'n werth chweil mynd ar ei ôl.

[30] **David Davies:** A'r £500,000?

[31] **Richard Edwards:** Mae'n ddrwg gennyf, David. Mae gan bobl eraill hawl i ofyn cwestiynau. Yr ydych eisoes wedi gofyn sawl un.

[32] **Helen Mary Jones:** Mae gennyf dri chwestiwn i'w gofyn. A ydych eisiau imi ofyn y tri gyda'i gilydd a chael ymateb yr awdurdod, ynteu a hoffech imi eu gofyn fesul un?

[33] **Richard Edwards:** A ydynt yn gwestiynau byr?



[34] **Helen Mary Jones:** My questions usually are. What I mean by that is that I do not need to give a lot of context, Chair. First, I would like to ask the authority what the role of European grant aid was in establishing the tip in the first place. Do you think that that is in any way significant in terms of our inquiry today? Should we be looking at that? Secondly, I want to explore the extent of co-operation between the authority and Bro Taf Health Authority—I will also ask this question to Bro Taf Health Authority—in terms of monitoring the health impact. I am thinking in particular about the intention at one point to have some contemporaneous studies. The perceived ill-health study by Bro Taf Health Authority and the air quality monitoring that the authority was to undertake, were supposed to happen at the same time. They did not, which had an impact on evidence. I would like to know the authority's view on why that happened. My final question is for the elected members, I think. What was their view of the running of the LAWDC and did they at any point attempt to have any action taken against the directors of the company? Were you satisfied with what the company was doing and did you attempt to take any control over what it was doing?

**Ms Jarman:** Chair, if we could share the answers, I will respond to the European grant question and Helen Mary's last question and Councillor Syd Morgan will answer the question about Casella. There is great merit in the Committee continuing to look at the European grant aid. I think, again, that the conditions of the award of the grant, the need to conform within whatever European Union law was operational at the time relating to health and the environment, and the Welsh Office background documents on this, are all important. That perhaps is something that Sue Essex can take on board as the obvious successor in that role. On whether we ever took any action regarding the conduct of the former Rhondda Waste Disposal directors, on 27 October 1997, I think—Geraint Davies will probably remember this—we submitted

[34] **Helen Mary Jones:** Mae fy nghwestiynau'n fyr fel arfer. Yr hyn a olygaf wrth hynny yw nad oes angen imi roi llawer o gyd-destun, Gadeirydd. Yn gyntaf, hoffwn ofyn i'r awdurdod beth oedd rôl cymhorthdal Ewropeaidd yn sefydlu'r domen yn y lle cyntaf. Ydych chi'n meddwl fod hynny'n arwyddocaol mewn unrhyw fodd yn nhermau'n hymchwiliad heddiw? A ddylem fod yn edrych ar hynny? Yn ail, hoffwn archwilio faint o gydweithrediad a fu rhwng yr awdurdod ac Awdurdod Iechyd Bro Taf—byddaf yn gofyn y cwestiwn hwn i Awdurdod Iechyd Bro Taf hefyd—o ran monitro'r effaith ar iechyd. Yr wyf yn meddwl yn arbennig am y bwriad ar un pwynt i gael astudiaethau a fyddai'n cydreddeg. Yr oedd astudiaeth Awdurdod Iechyd Bro Taf o'r afiechyd a welid a'r monitro ar ansawdd yr aer yr oedd yr awdurdod i fod i'w gynnal, i fod i ddiwydd ar yr un pryd. Ni wnaethant, a chafodd hynny effaith ar y dystiolaeth. Hoffwn wybod barn yr awdurdod ynghylch pam y digwyddodd hynny. Cwestiwn i'r aelodau etholedig yw fy nghwestiwn olaf, mi gredaf. Beth oedd eu barn hwy ynghylch y modd yr oedd cwmni gwaredu gwastraff yr awdurdod lleol yn cael ei redeg ac a wnaethant ar unrhyw bwynt geisio gweithredu yn erbyn cyfarwyddwyr y cwmni? A oeddech yn fodlon gyda'r hyn yr oedd y cwmni'n ei wneud ac a wnaethoch ymgais i gymryd unrhyw reolaeth dros yr hyn yr oedd yn ei wneud?

**Ms Jarman:** Gadeirydd, os cawn ni rannu'r atebion, ymatebaf fi i'r cwestiwn ynghylch cymhorthdal Ewropeaidd a chwestiwn olaf Helen Mary ac fe wnaiff y Cynghorydd Syd Morgan ateb y cwestiwn am Casella. Byddai'n fuddiol iawn i'r Pwyllgor barhau i edrych ar y cymhorthdal Ewropeaidd. Yr wyf yn meddwl, eto, fod amodau dyfarnu'r grant, yr angen i gydymffurfio â pha bynnag ddeddf Ewropeaidd a oedd mewn grym ar y pryd parthed iechyd a'r amgylchedd, a dogfennau cefndir y Swyddfa Gymreig ar hyn, i gyd yn bwysig. Dyna rywbeth efallai y gall Sue Essex ymgymryd ag ef fel yr olynydd amlwg yn y rôl honno. Parthed a fu inni weithredu erioed ynghylch ymddygiad cyfarwyddwyr Rhondda Waste Disposal gynt, ar 27 Hydref 1997, yr wyf yn meddwl—mae'n debyg y bydd Geraint Davies yn cofio hyn—

a requisition, which is very unusual, to the then mayor of Rhondda Cynon Taff County Borough Council asking her to convene, as a matter of urgency, an extraordinary meeting of the council, as required under the relevant Local Government Act. The purpose of the meeting was to consider the removal of all directors from the board of Rhondda Waste Disposal. The requisition was submitted in October 1997 and the meeting was subsequently arranged for 7 November 1997, when a decision was made to defer the matter. The matter finally came before the council in March 1998, when I, along with other colleagues, asked that the directors be removed for what we felt were wholly appropriate reasons. However, the administration at the time felt that that was not the case, and we were subsequently defeated in our efforts to remove the directors of Rhondda Waste Disposal.

In answer to your other question on—

[35] **Helen Mary Jones:** On Rhondda Cynon Taff council's relationship with Bro Taf Health Authority.

**Mr Morgan:** Just to remind Councillor Jarman, the year that the council decided not to remove the directors was the year that the directors decided to put the company into receivership.

Bro Taf Health Authority produced a document, which I am sure that the Committee has, called 'The Report on Complaints of Ill-Health Perceived Due to Exposure to Nantygwyddon Landfill Site: A Descriptive Survey'. It is dated January 1999, but it was published in March 1999. On page 3, paragraph 4, the report states:

'Bro Taf Health Authority, on the recommendation of the Director of Public Health decided to set up health information collection clinics within the area of the landfill site for a period of eight weeks. Concurrent environmental monitoring was also recommended.'

In the event, paragraph 4 of the report states that it

cyflwynasom gais, sydd yn anarferol iawn, i faer Cyngor Bwrdeistref Sirol Rhondda Cynon Taf ar y pryd yn gofyn iddi alw, ar fyrder, gyfarfod arbennig o'r cyngor, yn unol â'r Ddeddf Llywodraeth Leol berthnasol. Pwrpas y cyfarfod oedd ystyried diswyddo holl gyfarwyddwyr bwrdd Rhondda Waste Disposal. Cyflwynwyd y cais ym mis Hydref 1997 a threfnwyd y cyfarfod ar gyfer 7 Tachwedd 1997, pryd y penderfynwyd gohirio'r mater. Daeth y mater gerbron y cyngor o'r diwedd ym mis Mawrth 1998, pryd y gofynnais i, ynghyd â chyd-aelodau eraill, am i'r cyfarwyddwyr gael eu diswyddo am resymau cwbl briodol yn ein tyb ni. Fodd bynnag, teimlai'r weinyddiaeth ar y pryd nad felly yr oedd hi, ac wedyn fe'n trechwyd yn ein hymdrechion i ddiswyddo cyfarwyddwyr Rhondda Waste Disposal.

I ateb eich cwestiwn arall ynglŷn â—

[35] **Helen Mary Jones:** Ynglŷn â pherthynas cyngor Rhondda Cynon Taf ag Awdurdod Iechyd Bro Taf.

**Mr Morgan:** Dim ond er mwyn atgoffa'r Cynghorydd Jarman, y flwyddyn y penderfynodd y cyngor beidio â diswyddo'r cyfarwyddwyr oedd y flwyddyn y penderfynodd y cyfarwyddwyr roi'r cwmni yn llaw'r derbynnydd.

Cyhoeddodd Awdurdod Iechyd Bro Taf ddogfen, y mae gan y Pwyllgor gopi ohoni, yr wyf yn siŵr, o'r enw 'The Report on Complaints of Ill-Health Perceived Due to Exposure to Nantygwyddon Landfill Site: A Descriptive Survey'. Mae'n ddyddiedig Ionawr 1999, ond ym Mawrth 1999 y'i cyhoeddwyd. Ar dudalen 3, paragraff 4, noda'r adroddiad:

'Penderfynodd Awdurdod Iechyd Bro Taf, ar argymhelliad y Cyfarwyddwr Iechyd Cyhoeddus, sefydlu clinigau casglu gwybodaeth iechyd o fewn ardal y safle tirlenwi am gyfnod o wyth wythnos. Argymhellwyd monitro'r amgylchedd ar yr un pryd hefyd.'

Fel y mae'n digwydd, noda paragraff 4 yr adroddiad

‘cannot prove that the higher frequency of symptoms’—

that was detected by the health information collection clinics—

‘was caused by the landfill site, because concurrent environmental monitoring data is not available.’

I have before me a letter from Dr Mukerjee of Bro Taf Health Authority dated 17 May 1999, which states that

‘the health information collection clinics operated between 20 April and 12 June. The air quality monitoring carried out by Rhondda Cynon Taff County Borough Council took place from 27 July to 8 August.’

Rhondda Cynon Taff County Borough Council spent £78,000 on air quality monitoring on the recommendation of Bro Taf Health Authority, and, in the event, that did not take place concurrently with the health survey in the communities. Therefore, according to Bro Taf Health Authority, it was not possible to link the health defects that it found in the communities to the air quality on the tip site because the health survey and the air monitoring were not done at the same time. Bro Taf Health Authority therefore said that it could not prove that the one thing caused the other. That is a fundamental question that should be investigated. A sum of £78,000 was spent on an air quality monitoring survey that was not run concurrently with Bro Taf Health Authority’s survey, which, obviously, also cost public money.

[36] **Delyth Evans:** If we are to learn lessons from this situation, it would be helpful to have an explanation as to why the decision was made to locate the waste tip on top of a mountain, in view of the high wind speeds and the heavy rainfall in that area. Could we have a reply to the question about what other sites were considered, what consideration was given to this particular location and how seriously the clear problems of this location were considered before it was decided to locate the site there?

‘na ellir profi fod amledd uwch y syptomau’—

a ganfuwyd gan y clinigau casglu gwybodaeth iechyd—

‘wedi’i achosi gan y safle tirlenwi, oherwydd nid oes data monitro amgylcheddol o’r un cyfnod ar gael.’

Mae gennyf o’r blaen lythyr oddi wrth Dr Mukerjee o Awdurdod Iechyd Bro Taf dyddiedig 17 Mai 1999, sydd yn nodi y

‘gweithredodd y clinigau casglu gwybodaeth iechyd rhwng 20 Ebrill a 12 Mehefin. Digwyddodd y monitro ansawdd aer a gyflawnwyd gan Gyngor Bwrdeistref Sirol Rhondda Cynon Taf o 27 Gorffennaf i 8 Awst.’

Gwariodd Cyngor Bwrdeistref Sirol Rhondda Cynon Taf £78,000 ar fonitro ansawdd yr aer ar argymhellad Awdurdod Iechyd Bro Taf, ac fel y digwyddodd pethau, ni ddigwyddodd hynny dros yr un cyfnod â’r arolwg iechyd yn y cymunedau. Felly, yn ôl Awdurdod Iechyd Bro Taf, nid oedd yn bosibl cysylltu’r diffygion iechyd a ganfu yn y cymunedau ag ansawdd yr aer ar safle’r domen oherwydd nad oedd yr arolwg iechyd a’r monitro aer wedi’u gwneud ar yr un pryd. Dywedodd Awdurdod Iechyd Bro Taf felly na allai profi fod y naill beth yn achosi’r llall. Dyna gwestiwn sylfaenol y dylid ymchwilio iddo. Gwariwyd swm o £78,000 ar arolwg monitro ansawdd yr aer na chafodd ei gyflawni ar yr un pryd ag arolwg Awdurdod Iechyd Bro Taf, rhywbeth, yn amlwg, a gostiodd arian cyhoeddus hefyd.

[36] **Delyth Evans:** Os ydym i ddysgu gwersi o’r sefyllfa hon, byddai’n fuddiol cael eglurhad ynghylch pam y penderfynwyd lleoli’r domen wastraff ar ben mynydd, yn wyneb y gwyntoedd cryf a’r glaw trwm yn yr ardal honno. A allem gael ateb i’r cwestiwn ynghylch pa safleoedd eraill a ystyriwyd, pa ystyriaeth a roddwyd i’r lleoliad arbennig hwn a pha mor ddifrifol yr ystyriwyd problemau amlwg y lleoliad hwn cyn y penderfynwyd lleoli’r safle yno?

Also, do you accept that it is entirely unacceptable for a council to have a licensing function, a waste collection function and a waste disposal function all carried out together? Surely there is a conflict of interest there and those functions ought to be clearly separated?

**Mr Morgan:** May I try to answer both questions, as I am a former member of Rhondda Borough Council, as opposed to Councillor Jarman, who was on Cynon Valley Council at the time? I think that that is a very pertinent question that does need to be addressed and I hope that the evidence that the council will be able to present at a later stage will answer that. To my certain personal knowledge, there is a document on file, which I have read, that argued in favour of the Nantygwyddon landfill site as opposed to a site in Treorchy—I cannot remember the exact location. However, there is documentation on file, I think, that will indicate to what extent alternative sites were looked at and why that particular location was determined upon. I cannot answer that question now; I am just giving you some sort of flavour of it. There is certainly some evidence on that.

As far as the conflict of interest is concerned, I think that that is again a very relevant point. I think that an issue of concern here—and this, in a sense, is in answer to the previous question—is that the council set up a company, an arm's length company, which dealt with waste disposal. There were, of course, financial benefits to that company operating at maximum profit—if I can put it that way—with throughputs through the gate being at a high level. Given the royalty system, the council had financial benefit from that. I think that it is a reasonable supposition that if the council as regulator did something that threatened the income of the company, there would then be a conflict of interest between those two different issues. So I think that it is a relevant question.

For example, the key issue is the calcium sulphate filter cake. The common wisdom is that the calcium sulphate filter cake—nearly 30,000 tonnes—was accepted because it

Hefyd, a ydych yn derbyn ei bod yn gwbl annerbyniol i gyngor gael swyddogaeth drwyddedu, swyddogaeth casglu gwastraff a swyddogaeth gwaredu gwastraff i gyd wedi'u cyflawni gyda'i gilydd? Siawns nad oes gwrthdrawiad buddiannau yno ac y dylai'r swyddogaethau hynny gael eu gwahanu'n glir?

**Mr Morgan:** A gaf fi geisio ateb y ddau gwestiwn, gan fy mod yn gyn-aelod o Gyngor Bwrdeistref y Rhondda, yn hytrach na'r Cyngorydd Jarman, a oedd ar Gyngor Cwm Cynon ar y pryd? Yr wyf yn meddwl ei fod yn gwestiwn perthnasol iawn sydd angen ei ateb, a gobeithiaf y bydd y dystiolaeth y bydd y cyngor yn gallu ei chyflwyno yn ddiweddarach yn ateb hynny. I'm gwybodaeth bersonol sicr i, y mae dogfen ar ffeil, yr wyf fi wedi ei darllen, a ddadleuai o blaid safle tirlenwi Nantygwyddon yn erbyn safle yn Nhreorci—ni allaf gofio'r union lleoliad. Fodd bynnag, mae dogfennaeth yn y ffeil, yr wyf yn meddwl, a fydd yn nodi i ba raddau yr edrychwyd ar safleoedd eraill a phaham y penderfynwyd ar y lleoliad arbennig hwnnw. Ni allaf ateb y cwestiwn hwnnw yn awr; dim ond rhoi rhyw flas ohono ichi. Yn sicr mae rhywfaint o dystiolaeth ar hynny.

O ran y gwrthdrawiad buddiannau, yr wyf yn meddwl fod hwnnw eto'n bwynt perthnasol iawn. Credaf mai un testun pryder yma—ac mae hyn, mewn un ystyr, yn ateb y cwestiwn blaenorol—yw bod y cwmni wedi sefydlu cwmni, cwmni hyd-braich, i ddelio â gwaredu gwastraff. Yr oedd, wrth reswm, fanteision ariannol i'r cwmni hwnnw o weithredu ar yr elw mwyaf posibl—os caf ei roi felly—gyda lefel uchel o dderbyniadau drwy'r clwydi. Gyda'r system freindal, yr oedd y cyngor yn elwa'n ariannol o hynny. Yr wyf yn meddwl ei bod yn rhesymol tybio os gwnâi'r cyngor, fel corff rheoleiddio, rywbeth a fygythiai incwm y cwmni, y byddai gwrthdrawiad buddiannau wedyn rhwng y ddau fater gwahanol hynny. Felly y mae'n gwestiwn perthnasol yn fy marn i.

Er enghraifft, y mater allweddol yw'r talpiau hidlo calsiwm sylffad. Yr hyn a dderbynnir yn gyffredin yw y cymerwyd y talpiau hidlo calsiwm sylffad —bron i 30,000 o dunelli—

represented a higher than average source of income for the company. Therefore, did the council as regulator take into account the health risks of receiving that material compared to the income that the company was receiving? The other relevant point, of course, is that if there was a profit share system operating within that company for the directors, then that could also be seen to be a conflict of interest. So I think that these are relevant points that do need to be pursued and I hope that the documentation that the council will make available will allow that question to be answered.

[37] **Sue Essex:** We heard last week from residents about some historical concerns, but also some current concerns about the operation of the tip. Could you tell us, so that we have a clear picture, what the arrangements now are with Amgen Rhondda Limited, when they were set in place and what existing planning permissions are now being worked within? You said, Pauline, that there was a planning application due in front of the council tomorrow, but I think that that information would help us all to understand the current situation.

**Ms Jarman:** On 7 March 2000 the council served a statutory nuisance notice on the current company, Amgen Rhondda Limited. The notice was served because the council was satisfied that it was likely that an occurrence of a statutory nuisance would arise from the landfill site in the form of noxious and offensive smells. A detailed schedule of works was attached to the notice. The current company has actively been carrying out those works, which were also required in order for them to comply with the conditions of the licence from the Environment Agency. The council is due to receive a report shortly on the company's compliance with those requirements.

As far as planning is concerned, Councillor Morgan has been taking a very close interest in this. There is an issue regarding the height of the tip in the initial planning consent, that is, the maximum height of the tip was never a condition of the initial consent. There is a planning report tomorrow. I need not remind my colleagues that it would not be proper for

oherwydd eu bod yn cynrychioli ffynhonnell incwm uwch na'r cyffredin i'r cwmni. Felly, a wnaeth y cyngor fel corff rheoleiddio gymryd i ystyriaeth beryglon iechyd cymryd y defnydd hwnnw o'u cymharu â'r incwm a gâi'r cwmni? Y pwynt perthnasol arall, wrth gwrs, yw os oedd system rannu elw'n gweithredu o fewn y cwmni hwnnw i'r cyfarwyddwyr, yna gellid gweld hynny fel gwrthdrawiad buddiannau hefyd. Felly yr wyf yn credu fod y rhain yn bwyntiau perthnasol sydd angen eu gwyntyllu a gobeithiaf y bydd y ddogfennaeth y bydd y cyngor yn ei chyflwyno yn caniatáu ateb y cwestiwn hwnnw.

[37] **Sue Essex:** Clywsom yr wythnos diwethaf gan drigolion am rai pryderon hanesyddol, ond hefyd rai pryderon cyfredol ynghylch gweithredu'r domen. A allech chi ddweud wrthym, er mwyn inni gael darlun clir, beth yw'r trefniadau yn awr gydag Amgen Rhondda Cyfyngedig, pa bryd y'u sefydlwyd a pha ganiatadau cynllunio y gweithir o'u mewn ar hyn o bryd? Dywedasoch, Pauline, fod cais cynllunio i ddod gerbron y cyngor yfory, ond credaf y byddai'r wybodaeth honno'n helpu pawb ohonom i ddeall y sefyllfa bresennol.

**Ms Jarman:** Ar 7 Mawrth 2000 cyflwynodd y cyngor rybudd niwsans statudol i'r cwmni presennol, Amgen Rhondda Cyfyngedig. Cyflwynwyd y rhybudd am fod y cyngor yn fodlon ei bod yn debygol y byddai niwsans statudol yn codi o'r safle tirlenwi ar ffurf drewdod gwenwynig. Yr oedd rhestr waith fanwl ynghlwm wrth y rhybudd. Mae'r cwmni presennol wedi bod wrthi'n brysur yn cwblhau'r gwaith hwnnw, a oedd hefyd yn ofynnol er mwyn iddynt gydymffurfio ag amodau'r drwydded gan Asiantaeth yr Amgylchedd. Mae'r cyngor yn disgwyl derbyn adroddiad cyn bo hir ar gydymffurfiaid y cwmni â'r gofynion hynny.

O ran cynllunio, mae'r Cynghorydd Morgan wedi cymryd diddordeb agos yn hyn. Y mae cwestiwn ynghylch uchder y domen yn y cydsyniad cynllunio gwreiddiol, hynny yw, nid oedd uchder mwyaf y domen byth yn amod yn y cydsyniad gwreiddiol. Ceir adroddiad cynllunio yfory. Nid oes angen imi atgoffa fy nghyd-aelodau na fyddai'n briodol

any of us as elected members of a local planning authority to try to guess what may happen at tomorrow's meeting, because everyone there votes as an individual. However, I think that Councillor Morgan could give you the basis of tomorrow evening's report and what our planning officer is recommending to council members.

[38] **Sue Essex:** I would not want to prejudice anything. I would not want to put you in that position in discussing tomorrow's meeting. However, I am still not clear on one issue. Amgen Rhondda is a local authority company. When was it set up? Are you still working to the original planning permission, which you said did not include a height restriction, or have there been subsequent planning permissions? All these issues were raised by residents last week.

**Mr Morgan:** The planning application tomorrow deals with the leachate pipeline, which is the private sewer between the tip and the public sewer. We will be talking about that in the meeting. The other outstanding planning application is an application by the company to modify the contours of the tip. I do not think that I am prejudicing any case at all by saying that the question is, if we do not know what the height of the tip was originally to be, how can we make a decision on what it should be modified to or from? That is quite a conundrum, is it not? So that is an issue.

As far as the relationship with Amgen is concerned—and can I talk about this in terms of the relationship between the council and a local authority waste disposal company and slightly generalise it? You will, when you talk to the District Auditor, receive information about the previous relationship between the LAWDC and the former administration or Rhondda Cynon Taff County Borough Council. In the light of those complaints, we attempted as a council, with the advice of officers, to set up a more formal, transparent, structured relationship between the council and the two LAWDCs. There are two companies, not one—Amgen Rhondda is one of them. We decided to do that by establishing a politically balanced sub-committee of the council, which obviously would have to meet in private

i neb ohonom fel aelodau etholedig awdurdod cynllunio lleol geisio dyfalu beth allai ddigwydd yng nghyfarfod yfory, oherwydd bydd pawb yno'n pleidleisio fel unigolyn. Fodd bynnag, yr wyf yn meddwl y gallai'r Cynghorydd Morgan roi sail adroddiad nos yfory ichi a'r hyn y mae'n swyddog cynllunio yn ei argymhell i aelodau'r cyngor.

[38] **Sue Essex:** Ni fyddwn eisiau rhagfarnu dim. Ni fyddwn am eich rhoi chi yn y sefyllfa honno o drafod cyfarfod nos yfory. Fodd bynnag, yr wyf yn dal yn aneglur ar un peth. Cwmni'r awdurdod lleol yw Amgen Rhondda. Pa bryd y'i sefydlwyd? A ydych yn dal i weithio dan y caniatâd cynllunio gwreiddiol, nad oedd yn cynnwys cyfyngiad uchder meddech chi, ynteu a fu caniatadau cynllunio wedi hynny? Codwyd y materion hyn i gyd gan drigolion yr wythnos diwethaf.

**Mr Morgan:** Mae'r cais cynllunio yfory'n ymdrin â'r bibell drwytholchion, sef y garthffos breifat rhwng y domen a'r garthffos gyhoeddus. Byddwn yn siarad am hynny yn y cyfarfod. Y cais cynllunio arall sydd eto i'w drafod yw cais gan y cwmni i addasu amlinellau'r domen. Nid wyf yn credu fy mod yn rhagfarnu unrhyw achos o gwbl drwy ddweud mai'r cwestiwn yw, os na wyddom beth oedd uchder y domen i fod yn wreiddiol, sut y gallwn wneud penderfyniad ar beth y dylid ei addasu iddo neu ohono? Mae hynny'n dipyn o bos, on'd ydyw? Felly dyna un mater.

O ran y berthynas ag Amgen—ac a gaf fi siarad am hyn yn nhermau'r berthynas rhwng y cyngor a chwmni gwaredu gwastraff awdurdod lleol a'i chyffredinoli ychydig? Pan siaradwch â'r Archwilydd Dosbarth cewch wybodaeth am y berthynas flaenorol rhwng y cwmni gwaredu gwastraff awdurdod lleol a'r hen weinyddiaeth neu Gyngor Bwrdeistref Sirol Rhondda Cynon Taf. Yng ngolau'r cwynion hynny, bu inni geisio fel cyngor, gyda chyngor swyddogion, sefydlu perthynas fwy ffurfiol, tryloyw a strwythuredig rhwng y cyngor a'r ddau gwmni gwaredu gwastraff. Mae dau gwmni, nid un—un ohonynt yw Amgen Rhondda. Penderfynasom wneud hynny drwy sefydlu is-bwyllgor gwleidyddol gytbwys o'r cyngor, a fyddai'n amlwg yn gorfod cyfarfod yn breifat oherwydd cyfrinachedd masnachol y

because of the commercial confidentiality of the matters concerned. materion dan sylw.

When we held our first meeting and considered a number of important but commercially confidential matters that the LAWDC had presented to us, all the papers of the sub-committee were leaked and published in the press. We are now in the process of trying to devise a legal, transparent relationship between the council and the LAWDC, because it naturally says that its business is commercially sensitive. That is clear. That is not a problem. However, clearly, the council as the shareholder has to be able to relate to its company as any other shareholder would have to relate to his or her company. When we tried to do that this year, all the papers were leaked to the press. Clearly, commercial confidentiality was breached and therefore the transparency of that relationship was destroyed. We are now trying to devise a mechanism by which we can recover that position.

**Mr Ryley:** In relation to the current LAWDC, I think that it is perhaps important to record that in terms of the council's position as the planning authority and in terms of the statutory notice—and indeed, I think, as you have heard that is also linked with the issue of the operator's licence conditions from the Environment Agency—that it is fair to put on record that the current directors of the current LAWDC are working co-operatively with the council in meeting the requirements that have been laid down. As you have heard, we are still waiting formally for a report that will give a picture of the current state of compliance. However, I think that it is important to bear in mind that the current LAWDC has been working actively and co-operatively with the council on those particular issues.

[39] **Richard Edwards:** Thank you. As time is pressing, I will ask Geraint Davies to ask the last question now.

[40] **Geraint Davies:** I have two questions. First, going back to 1995, when the regulator was Rhondda Cynon Taff County Borough Council—or was it Rhondda Borough Council at that time—who made the decision

Pan gynaliasom ein cyfarfod cyntaf ac ystyried nifer o faterion pwysig ond masnachol gyfrinachol a gyflwynwyd inni gan y cwmni gwaredu gwastraff, cafodd holl bapurau'r is-bwyllgor eu datgelu i'r wasg a'u cyhoeddi. Yr ydym wrthi ar hyn o bryd yn ceisio dyfeisio perthynas gyfreithiol, dryloyw rhwng y cyngor a'r cwmni gwaredu gwastraff awdurdod lleol, oherwydd mae'r cwmni'n naturiol yn dweud fod ei fusnes yn fasnachol sensitif. Mae hynny'n glir. Nid yw hynny'n broblem. Fodd bynnag, yn amlwg, mae'n rhaid i'r cyngor fel y cyfranddaliwr allu cyfathrebu â'i gwmni yn yr un modd ag y byddai'n rhaid i unrhyw gyfranddaliwr arall gyfathrebu â'i gwmni. Pan geisiwyd gwneud hynny eleni, cafodd yr holl bapurau eu datgelu i'r wasg. Yn amlwg, torrwyd cyfrinachedd masnachol ac felly distrywiwyd tryloywder y berthynas honno. Yr ydym yn awr yn ceisio dyfeisio mecanwaith i adfer y sefyllfa honno.

**Mr Ryley:** Mewn perthynas â'r cwmni gwaredu gwastraff presennol, credaf ei bod efallai'n bwysig cofnodi yn nhermau safle'r cyngor fel yr awdurdod cynllunio ac yn nhermau'r rhybudd statudol—ac yn wir, yr wyf yn meddwl, fel y clywsoch, fod hwnnw hefyd yn gysylltiedig â chyhoeddi amodau trwydded y gweithredwr gan Asiantaeth yr Amgylchedd—ei bod yn deg cofnodi fod cyfarwyddwyr cyfredol y cwmni gwaredu gwastraff awdurdod lleol presennol yn gweithio ar y cyd gyda'r cyngor i ateb y gofynion a bennwyd. Fel y clywsoch, yr ydym yn dal i aros yn ffurfiol am adroddiad a rydd ddarlun o'r sefyllfa gydymffurfio gyfredol. Fodd bynnag, credaf ei bod yn bwysig cofio fod y cwmni gwaredu gwastraff presennol wedi cydweithio a chydweithredu gyda'r cyngor ar y materion penodol hynny.

[39] **Richard Edwards:** Diolch. Gan fod amser yn brin, gofynnaf i Geraint Davies ofyn y cwestiwn olaf yn awr.

[40] **Geraint Davies:** Mae gennyf ddau gwestiwn. Yn gyntaf, yn ôl yn 1995, pan mai Cyngor Bwrdeistref Sirol Rhondda Cynon Taf oedd y corff rheoleiddio—ynteu ai Cyngor Bwrdeistref y Rhondda ydoedd bryd

to accept the filter cake? Why was that done, given that the filter cake had been refused in other landfill sites? Was it the company or was it the regulator who made the decision? Was it both? Was there council member involvement in that decision?

**Mr Morgan:** I think that that is an important point to address. Whether there is any evidence either way is another question. Certainly, the calcium sulphate filter cake had previously been—before it was accepted at Nantygwyddon by a person or persons unknown—accepted at the Trecatti landfill site in Dowlais and had been, for one reason or another, stopped from going there for reasons that subsequently occurred at Nantygwyddon. I am not sure whether it was the Environment Agency or the local authority that made that decision. Prior to it going to Trecatti, the same material had been spread in various open sites in Taff Ely local authority area. There are planning committee decisions that relate to that material. So this material, which eventually ended up in Nantygwyddon—and I wonder where will it go now—had, in fact, previously been sent to Trecatti and had previously been disposed of at various locations in Taff Ely.

However, I have evidence from Her Majesty's Inspectorate of Pollution, which was attached to Taff Ely's planning report way back when, which indicates that, whatever you do with calcium sulphate filter cake, you should not mix it with organic waste. That was known and on the public record as early as Taff Ely's days. Nevertheless, subsequently, the material went to Trecatti and then to Nantygwyddon, and it is going somewhere else now.

[41] **Geraint Davies:** With regards to the transfer of the landfill site to Amgen Rhondda, were you surprised that a bond was not required, particularly considering the history of the landfill site and the financial difficulties that the site has incurred?

**Ms Jarman:** In sharing your concerns, I think, probably, that that question would be best put to the Environment Agency. My

hynny—pwy wnaeth y penderfyniad i dderbyn y talpiau hidlo? Pam y gwnaethpwyd hynny, o gofio bod y talpiau hidlo wedi'u gwrthod gan safleoedd tirlenwi eraill? Ai'r cwmni ynteu'r corff rheoleiddio a wnaeth y penderfyniad? Ai'r ddau? A oedd gan aelodau'r cyngor ran yn y penderfyniad hwnnw?

**Mr Morgan:** Credaf fod hwnnw'n bwynt pwysig i'w drafod. A oes unrhyw dystiolaeth y naill ffordd neu'r llall sydd yn gwestiwn arall. Yn sicr yr oedd y talpiau hidlo calsiwm sylffad—cyn iddynt gael eu derbyn yn Nantygwyddon gan rywun neu rywrai anhysbys—wedi'u derbyn yn safle tirlenwi Trecati yn Nowlais ac, am ryw reswm neu'i gilydd, wedi'u hatal rhag mynd yno am resymau a ddigwyddodd yn ddiweddarach yn Nantygwyddon. Nid wyf yn siŵr ai Asiantaeth yr Amgylchedd ynteu'r awdurdod lleol a wnaeth y penderfyniad hwnnw. Cyn mynd ag ef i Drecati, cawsai'r un defnydd ei wasgaru mewn amryfal safleoedd agored yn ardal awdurdod lleol Taf Elái. Ceir penderfyniadau pwyllgorau cynllunio sydd yn ymwneud â'r defnydd hwnnw. Felly, yr oedd y defnydd hwn, a laniodd yn Nantygwyddon yn y diwedd—a thybed i ble'r aiff yn awr—wedi cael ei ddanfôn cyn hynny i Drecati ac wedi'i waredu cyn hynny mewn gwahanol leoliadau yn Nhaf Elái.

Fodd bynnag, mae gennyf dystiolaeth gan Arolygwyr Llygredd Ei Mawrhydi, a glymwyd wrth adroddiad cynllunio Taf Elái dro yn ôl, sydd yn datgan, beth bynnag a wnewch chi â thalpiau hidlo calsiwm sylffad, na ddylech eu cymysgu â gwastraff organig. Yr oedd hynny'n hysbys ac ar gofnod cyhoeddus mor bell yn ôl â dyddiau Taf Elái. Beth bynnag, wedyn, aeth y defnydd i Drecati ac wedyn i Nantygwyddon, ac mae'n mynd i rywle arall yn awr.

[41] **Geraint Davies:** Ynglŷn â throsglwyddiad y safle tirlenwi i Amgen Rhondda, a gawsoch eich synnu nad oedd gofyn am fond, yn enwedig o ystyried hanes y safle tirlenwi a'r anawsterau ariannol a wynebodd y safle?

**Ms Jarman:** Rhannaf eich pryderon ac yr wyf yn meddwl efallai y byddai'n well gofyn y cwestiwn hwnnw i Asiantaeth yr



understanding is that it is part of its duty to ensure that it is able to get those guarantees from any landfill operator. Therefore, I politely suggest that that question might be best put to the Environment Agency.

[42] **Rhodri Glyn Thomas:** The statement that Amgen Rhondda put before this Committee—and I hope that you have a copy of it—discusses its acquisition philosophy. That is in section 3. Section 3.2 lists the basis of its bid to the council. In the minutes of the extraordinary—I mean, *extraordinary*, although it may have been extraordinary as well—council meeting of 23 July, you note a number of issues under sections 1 and 2, and there seems to be a lack of consistency there. I want to put this question to Amgen Rhondda when it comes before us, Chair, but I would like comments from Rhondda Cynon Taff council about this as well.

**Mr Morgan:** The decision processes of the council, clearly, are transparent, and I think that there is a copy of our minutes of 23 July, which state the basis on which the council dealt with the application from Amgen Rhondda. My recollection is that the choice of Amgen Rhondda Limited was made by the administrator, not by the council. The administrator invited bids for Rhondda Waste Disposal Limited's assets and liabilities. I understand that a number of bids were received, but Amgen Rhondda Limited—in fact, it was Cynon Valley Waste Disposal Company Limited at the time, as I understand it—was the preferred bidder, as it were. It was the administrator's decision to transfer the assets and liabilities of the company to the new company. That company subsequently set up a subsidiary known as Amgen Rhondda Limited.

The transfer of the licence from the one company to the other was a function of the Environment Agency; it was not a council function. The Environment Agency had to make that decision. That relates to the issue of the bond. The council's role, which is perfectly clear, is that the council had to transfer the leases, licences and contracts relating to Rhondda Waste Disposal Limited into the name of Amgen Rhondda Limited. The council then made a further resolution

Amgylchedd. Yn ôl fy nealltwriaeth i, rhan o'i dyletswydd yw sicrhau ei bod yn gallu cael y gwarantau hynny gan unrhyw weithredwr tirlenwi. Felly, awgrymaf yn gwrtais y byddai'n well gofyn y cwestiwn hwnnw i Asiantaeth yr Amgylchedd.

[42] **Rhodri Glyn Thomas:** Mae'r datganiad a gyflwynodd Amgen Rhondda gerbron y Pwyllgor hwn—a gobeithiaf fod gennyh gopi ohono—yn trafod ei athroniaeth prynu. Yn adran 3 y mae hynny. Mae adran 3.2 yn rhestru sail ei gynnig i'r cyngor. Yng nghofnodion cyfarfod arbennig y cyngor a gynhaliwyd ar 23 Gorffennaf, nodwch nifer o faterion dan adrannau 1 a 2, ac mae'n ymddangos bod diffyg cysondeb yno. Hoffwn roi'r cwestiwn hwn i Amgen Rhondda pan ddaw ger ein bron, Gadeirydd, ond hoffwn gael sylwadau gan gyngor Rhondda Cynon Taf am hyn hefyd.

**Mr Morgan:** Mae prosesau penderfynu'r cyngor, yn amlwg, yn dryloyw, a chredaf fod copi ar gael o'n cofnodion am 23 Gorffennaf, sydd yn datgan ar ba sail y deliodd y cyngor â'r cais gan Amgen Rhondda. Yn ôl a gofiau fi, dewiswyd Amgen Rhondda Cyfyngedig gan y gweinyddwr, nid y cyngor. Gwahoddodd y gweinyddwr gynigion am asedau a dyledion Rhondda Waste Disposal Cyfyngedig. Deallaf y daeth nifer o gynigion i law, ond mai Amgen Rhondda Cyfyngedig—neu Gwmni Gwaredu Gwastraff Cwm Cynon Cyfyngedig fel yr oedd ar y pryd, yn ôl a ddeallaf fi—oedd y cynigiwr a ffafriwyd, fel petai. Penderfyniad y gweinyddwr oedd trosglwyddo asedau a dyledion y cwmni i'r cwmni newydd. Wedyn sefydlodd y cwmni hwnnw is-gwmni o'r enw Amgen Rhondda Cyfyngedig.

Gwaith Asiantaeth yr Amgylchedd oedd trosglwyddo'r drwydded o'r naill gwmni i'r llall; nid oedd yn swyddogaeth i'r cyngor. Yr oedd yn rhaid i Asiantaeth yr Amgylchedd wneud y penderfyniad hwnnw. Mae a wnelo hynny â mater y bond. Rôl y cyngor, sydd yn berffaith glir, yw bod yn rhaid i'r cyngor drosglwyddo'r prydles, y trwyddedau a'r contractau cysylltiedig â Rhondda Waste Disposal Cyfyngedig i enw Amgen Rhondda Cyfyngedig. Wedyn gwnaeth y cyngor

regarding the issue of preferential shares and an undertaking that the company would take urgent steps to commence the outstanding remedial works in order to comply with the waste management licence conditions and to resolve the outstanding issue of statutory nuisance. Therefore, the council's acceptance of the transfer of the leases and licences and the issue of the preferential shares was in relation to two specific matters. I do not recall, and I do not think that there is any evidence on the record to indicate that Amgen Rhondda's understanding of how and why the council accepted the transfer to the company is as it states. We were specifically told, as council members, that the business plan of the company was commercially confidential and we were not allowed to see it. Therefore, we did not have access to, sight of, or the opportunity to comment on any business plan that the company may have put to the Environment Agency or any other body. That is my recollection of it and I am sure that the public record will show that.

[43] **Richard Edwards:** Thank you, Councillors Morgan and Jarman and Mr Ryley, for your presentation and for answering questions from Assembly Members.

The next evidence will be given by officials for the Welsh Office, as it then was at the time of the establishment of the site. Please be brief and concise in your presentation. Thank you.

**Mr Macey:** Thank you, Chairman. I will try to set a little contextual background. I will not try to summarise what is in the paper that we have already submitted. It may be helpful for members of the public if I were to say who is with me. I am Bob Macey. I am the head of the Environment Division in the Assembly, and I previously held that function in the Welsh Office. With me are Gareth Williams, who is a colleague of mine in the Environment Division and Christine Peat, who is a colleague in the Public Health Division of the Assembly.

I am conscious that the Assembly, and the Welsh Office before it, has had a considerable degree of engagement with

benderfyniad pellach ynglŷn â chyhoeddi blaengyfrannau ac addewid y byddai'r cwmni'n mynd ati ar fyrder i ddechrau'r gwaith adfer angenrheidiol er mwyn cydymffurfio ag amodau'r drwydded reoli gwastraff ac i ddatrys y mater niwsans statudol a oedd yn dal i fodoli. Felly, yr oedd y cyngor yn derbyn trosglwyddiad y prydles a'r trwyddedau a chyhoeddiad y blaengyfrannau mewn perthynas â dau fater penodol. Nid wyf yn cofio, ac ni chredaf fod unrhyw dystiolaeth wedi'i chofnodi i ddangos bod dealltwriaeth Amgen Rhondda o sut a pham y derbyniodd y cyngor y trosglwyddiad i'r cwmni fel y mae'n datgan. Dywedwyd wrthym yn benodol, fel aelodau'r cyngor, fod cynllun busnes y cwmni'n fasnachol gyfrinachol ac ni chawsom ei weld. Felly, ni chawsom fynediad at unrhyw gynllun busnes y gallai'r cwmni fod wedi'i gyflwyno i Asiantaeth yr Amgylchedd neu unrhyw gorff arall, na chyfle i weld na rhoi sylwadau ar y cyfryw gynllun. Dyna sut y cofiaf fi'r mater ac yr wyf yn siŵr y bydd y cofnod cyhoeddus yn dangos hynny.

[43] **Richard Edwards:** Diolch i'r Cynghorwyr Morgan a Jarman a Mr Ryley am eich cyflwyniad ac am ateb cwestiynau gan Aelodau'r Cynulliad.

Rhoddir y dystiolaeth nesaf gan swyddogion ar ran y Swyddfa Gymreig, fel yr oedd bryd hynny pan sefydlwyd y safle. Byddwch yn fyr a chryno yn eich cyflwyniad, os gwelwch yn dda. Diolch.

**Mr Macey:** Diolch, Gadeirydd. Ceisiaf osod ychydig o gefndir cyd-destunol. Ni cheisiaf grynhoi'r hyn sydd yn y papur yr ydym wedi'i gyflwyno eisoes. Efallai y byddai o gymorth i aelodau'r cyhoedd pe dywedwn pwy sydd gyda mi. Bob Macey wyf fi. Fi yw pennaeth Adran yr Amgylchedd yn y Cynulliad, a deliais y swydd honno yn flaenorol yn y Swyddfa Gymreig. Gyda mi mae Gareth Williams, cydweithiwr imi yn Adran yr Amgylchedd, a Christine Peat, sydd yn gydweithiwr yn Adran Iechyd Cyhoeddus y Cynulliad.

Yr wyf yn ymwybodol fod y Cynulliad, a'r Swyddfa Gymreig o'i flaen, wedi cael cryn dipyn o ymwneud â Nantgywyddon ar

Nantgywyddon at various times over the years, and that we too will be subject to investigation. It is quite possible that there will be lessons for us to learn quite apart from those relating to waste management in Wales or to the site. There may also be lessons about how we liaise with organisations and take forward issues ourselves. We are eager to learn those lessons and we will co-operate constructively with the investigator in taking matters forward.

The paper sets out the wide range of areas in which we can have an engagement. Most of the engagement has been within my division, the Environment Division. There have been public health issues and, potentially, planning issues, finance issues and European aid issues. We have tried, in the paper, to set out where our roles and responsibilities lie in relation to most of those areas. Then, to put a little flavour on it, we have identified some of the specific areas and issues in which we have been engaged. The paper is not an attempt to be comprehensive. We are conscious that the issues that we have raised will raise questions that the investigator will need to pursue and that there have been other areas of engagement that the investigator is likely to want to explore and comment upon also. I propose to say no more than that, Chair.

[44] **Richard Edwards:** May I have some order at the back please? It is a bit noisy down here.

Thank you very much, Bob. I would like to start the ball rolling and ask a question that arises out of the evidence given by local residents last week. Is it the case that the Welsh Office instructed Rhondda Borough Council to take waste from outside the council catchment area on account of the fact that the council had received significant public funds?

**Mr Macey:** Thank you, Chair. Last week was the first time that I had heard that specific allegation. My colleagues on the European side have had a quick look at the files and they cannot find any evidence that there were conditions attached to the grant

wahanol adegau dros y blynyddoedd, ac y byddwn ninnau hefyd yn destun ymchwiliad. Mae'n dra phosibl y bydd gwersi inni eu dysgu ar wahân i'r rheini'n ymwneud â rheoli gwastraff yng Nghymru neu â'r safle. Gall fod gwersi hefyd ynghylch sut y cysylltwn â sefydliadau a sut yr awn ymlaen â materion ein hunain. Yr ydym yn awyddus i ddysgu'r gwersi hynny a chydweithredwn yn adeiladol â'r ymchwilydd wrth ddwyn y mater hwn yn ei flaen.

Mae'r papur yn amlinellu'r amrediad eang o feysydd y gallwn ymwneud â hwy. O fewn fy adran i y bu'r rhan fwyaf o'r ymwneud, sef Adran yr Amgylchedd. Bu materion iechyd cyhoeddus ac, o bosibl, materion cynllunio, materion cyllid a materion cymorth Ewropeaidd. Yr ydym wedi ceisio, yn y papur, amlinellu ble y gorwedd ein rolau a'n cyfrifoldebau mewn perthynas â'r rhan fwyaf o'r meysydd hynny. Wedyn, i roi ychydig o flas arno, yr ydym wedi nodi rhai o'r meysydd a materion penodol lle yr ydym wedi cyfranogi. Nid yw'r papur yn ymgais i fod yn gynhwysfawr. Yr ydym yn ymwybodol y bydd y materion a godwyd gennym yn codi cwestiynau y bydd angen i'r ymchwilydd edrych i mewn iddynt ac y bu ardaloedd eraill o ymwneud y mae'n debygol y bydd ar yr ymchwilydd eisiau ymchwilio iddynt a rhoi sylwadau arnynt hefyd. Ni fwriadaf ddweud dim mwy na hynny, Gadeirydd.

[44] **Richard Edwards:** A gaf i drefn yn y cefn os gwelwch yn dda? Mae ychydig yn swnllyd i lawr yma.

Diolch yn fawr iawn, Bob. Hoffwn gychwyn yr holi drwy ofyn cwestiwn sydd yn codi o'r dystiolaeth a roddwyd gan drigolion lleol yr wythnos diwethaf. A ydyw'n wir fod y Swyddfa Gymreig wedi gorchymyn Cyngor Bwrdeistref y Rhondda i gymryd gwastraff o'r tu allan i ddalgylch y cyngor oherwydd bod y cyngor wedi derbyn arian cyhoeddus sylweddol?

**Mr Macey:** Diolch, Gadeirydd. Yr wythnos diwethaf oedd y tro cyntaf i mi glywed yr honiad arbennig hwnnw. Mae fy nghydweithwyr ar yr ochr Ewropeaidd wedi edrych yn gyflym dros y ffeiliau ac ni allant weld unrhyw dystiolaeth fod unrhyw amodau

that would have required that. I add that it was a quick check, owing to time, and that it was a new issue to us, but thus far we have not found any evidence to suggest that there were any conditions requiring the authority to take waste from outside its area.

[45] **Richard Edwards:** Thank you very much.

[46] **Delyth Evans:** Can I take you back to the time of the previous Government and its insistence that the waste disposal functions of local authorities should be privatised? I would like to ask about the funding of that new order by the previous Government and whether you feel, looking back, that sufficient funding was made available by the Welsh Office at that time to enable local authorities to fund such functions adequately in the private sector?

**Mr Macey:** I am not aware of any evidence that any specific funding arrangements were made at the time. I would need to check back because the process of transferring responsibilities from direct local authority control to either LAWDCs or the private sector took place over a period of years. It may be that in the early years this would have been identified as a new burden on local authority finance which may have been reflected in a general settlement for local authorities. However, I am fairly sure that I am right in saying that there was no specific settlement on individual authorities when they chose to go down whatever route they did. However, it may be—and I would have to check back because this would probably have been in the early 1990s—that there was some general provision made for this as a potential new burden, if, indeed, it was judged to be such. It may be that the Government of the day judged that it was not a new burden. I cannot answer you directly on that one.

[47] **Helen Mary Jones:** I have two specific questions. One, very briefly, follows on from the question that the Chair has already asked.

ynghlwm wrth y cymhorthdal a fyddai wedi mynnu hynny. Ychwanegaf mai golwg gyflym a gawsant, oherwydd diffyg amser, a'i fod yn fater newydd i ni, ond hyd yma nid ydym wedi canfod unrhyw dystiolaeth i awgrymu fod unrhyw amodau a fynnai bod yr awdurdod yn cymryd gwastraff o'r tu allan i'w ardal.

[45] **Richard Edwards:** Diolch yn fawr.

[46] **Delyth Evans:** A gaf fi fynd â chi'n ôl i gyfnod y Llywodraeth flaenorol a'i gorchymyn y dylid preifateiddio swyddogaethau gwaredu gwastraff awdurdodau lleol? Hoffwn holi ynghylch y modd yr ariannwyd y gorchymyn newydd hwnnw gan y Llywodraeth flaenorol ac a deimlwch, wrth edrych yn ôl, y darparwyd cyllid digonol gan y Swyddfa Gymreig ar y pryd i alluogi awdurdodau lleol i ariannu'r cyfryw swyddogaethau'n ddigonol yn y sector preifat?

**Mr Macey:** Nid wyf yn ymwybodol o unrhyw dystiolaeth y gwnaethpwyd unrhyw drefniadau ariannu penodol ar y pryd. Byddai angen imi wirio'r cofnodion oherwydd digwyddodd y broses o drosglwyddo cyfrifoldebau o reolaeth uniongyrchol yr awdurdod lleol naill ai i gwmnïau gwaredu gwastraff awdurdodau lleol neu i'r sector preifat dros gyfnod o flynyddoedd. Efallai y buasid wedi nodi hyn yn y blynyddoedd cynnar fel baich newydd ar gyllid awdurdod lleol a fyddai efallai wedi cael ei adlewyrchu mewn setliad cyffredinol i awdurdodau lleol. Fodd bynnag, yr wyf yn weddol siŵr fy mod yn gywir yn dweud nad oedd setliad penodol ar awdurdodau unigol pan ddewisasant fynd i lawr pa bynnag lwybr a ddewiswyd ganddynt. Fodd bynnag, efallai—a byddai'n rhaid imi edrych yn ôl oherwydd mae'n debyg mai yn y 1990au cynnar yr oedd hyn—y gwnaethpwyd rhyw ddarpariaeth gyffredinol ar gyfer hyn fel baich newydd posibl, os, yn wir, y barnwyd ei fod. Efallai i Lywodraeth y dydd farnu nad oedd yn faich newydd. Ni allaf roi ateb uniongyrchol ichi ar hwnnw.

[47] **Helen Mary Jones:** Mae gennyf ddau gwestiwn penodol. Mae un, yn fyr iawn, yn dilyn o'r cwestiwn a ofynnwyd eisoes gan y

You said that on that matter, you were unable, after a quick look, to find the paper. Presumably you will have a more thorough trawl, but will you also ask colleagues who were involved in that decision-making process at the time, if they are still around? We are all very aware that things that are said and things that people are given to understand over funding are sometimes not put down specifically on paper, but are intimated and hinted at. There was a history of that under previous regimes. I would like to think that that would not happen under the National Assembly for Wales. However, it is worth pursuing that verbally with colleagues as you prepare your evidence for the external investigator. Therefore, I would like your assurance today that you will do that on that issue and on all the other issues to do with this, where colleagues are still employed and can be traced.

My other question is one that residents have raised. Is there in existence—because some residents clearly believe that there is—a comprehensive report on the operation of the landfill site commissioned by the then Welsh Office that has not yet been made public? If such a report exists, will it be made available to the investigator and will it then become public? If you do not know whether it exists or not, we would be grateful if you looked for it, in case it does.

**Mr Macey:** I will answer the second question first. I have been in my current job for five years and I am not aware of any such report. I am prepared to say that there is no such report. I have heard the allegations in the past. Staff who have been working in the area for rather longer were mystified by those allegations. I do not know from where they have come. To the extent that concerns have arisen, it has been primarily in the last five years, so I think that you can take it that I am saying 'no' to your question.

Returning to your first question, I apologise for any misunderstanding, as I did not wish to imply that no papers were found. Papers have been found, including ones relating to the conditions of grant, and they do not show that

Cadeirydd. Dywedasoch ar y mater hwnnw nad oeddech wedi llwyddo, ar ôl edrych yn frysiog, i ddod o hyd i'r papur. Mae'n debyg y byddwch yn chwilio'n fwy trylwyr, ond a wnewch chi hefyd holi cyd-aelodau a oedd yn rhan o'r broses benderfynu honno ar y pryd, a ydynt yn dal o gwmpas? Yr ydym i gyd yn ymwybodol iawn nad yw pethau sydd yn cael eu dweud a phethau y mae pobl yn eu cael ar ddeall ynghylch ariannu bob amser yn cael eu cofnodi'n benodol ar bapur, ond eu bod wedi'u hawgrymu. Yr oedd hanes o hynny dan gyfundrefnau blaenorol. Hoffwn feddwl na fyddai hynny'n digwydd dan Gynulliad Cenedlaethol Cymru. Fodd bynnag, mae'n werth mynd ar ôl hynny ar lafar gyda chyd-aelodau wrth ichi baratoi'ch tystiolaeth ar gyfer yr ymchwilydd allanol. Felly, hoffwn gael sicrwydd gennych heddiw y gwnewch hynny ar y mater hwnnw ac ar bob mater arall sydd yn ymwneud â hyn, lle mae cyd-aelodau'n dal yn gyflogedig ac y gellir dod o hyd iddynt.

Fy nghwestiwn arall yw un a godwyd gan drigolion. A oes mewn bodolaeth—oherwydd dyna'n amlwg gred rhai trigolion—adroddiad cynhwysfawr ar weithrediad y safle tirlenwi a gomisiynwyd gan y Swyddfa Gymreig ar y pryd ac nad yw wedi'i agor i'r cyhoedd eto? Os yw adroddiad o'r fath yn bodoli, a fydd ar gael i'r ymchwilydd ac a fydd wedyn ar gael i'r cyhoedd? Os na wyddoch a ydyw'n bodoli ai peidio, byddem yn ddiolchgar pe baech yn chwilio amdano, rhag ofn ei fod.

**Mr Macey:** Atebaf yr ail gwestiwn yn gyntaf. Yr wyf yn fy swydd bresennol ers pum mlynedd ac nid wyf yn ymwybodol o unrhyw adroddiad o'r fath. Yr wyf yn barod i ddweud nad oes adroddiad o'r fath. Yr wyf wedi clywed yr honiadau yn y gorffennol. Yr oedd yr honiadau hynny'n ddirgelwch i staff a fu'n gweithio yn yr ardal am gyfnod tipyn hwy. Ni wn o ble y daethant. I'r graddau y mae pryderon wedi codi, yn y pum mlynedd diwethaf yn bennaf y bu hyn, felly yr wyf yn meddwl y gallwch gymryd fy mod yn dweud 'nac oes' i'ch cwestiwn.

I fynd yn ôl at eich cwestiwn cyntaf, ymddiheuraf am unrhyw gamddealltwriaeth, gan nad oeddwn yn dymuno awgrymu nad oedd unrhyw bapurau wedi'u canfod. Canfuwyd papurau, yn cynnwys rhai'n

there were any such grant conditions. However, I return to the caveat that, clearly, this has been looked at at fairly short order by people who were looking at papers for which they had no direct responsibility at the time; that is, by reading through the files. On the supplementary to that, we will seek to tap the knowledge and wisdom of people who are in the office as to what the Welsh Office's engagement was at the time that decisions were taken.

[48] **Geraint Davies:** In paragraph 15 of your paper, you mention that there was a request from Rhondda Cynon Taff for funding for help with the closure costs of the tip. Why was this request refused?

**Mr Macey:** It was essentially turned down because it was seen as establishing an unacceptable precedent in the funding of local authorities. The issue was seen as a matter for the local authority itself. It was a decision that the local authority could take within the resources available to it, and it would have been an inappropriate precedent in terms of the engagement of, initially the Welsh Office, but subsequently the Assembly, because, in a sense, the decision was repeated and straddled the process of the establishment of the Assembly. It was seen as a precedent that would not have been appropriate to set in terms of the Assembly's relationship with local authorities. It was seen as something for local authority funding, essentially, and not something for a specific grant from the Welsh Office.

[49] **Geraint Davies:** Do you recall whether any other requests were made at that time?

**Mr Macey:** In relation to funding?

[50] **Geraint Davies:** No, in relation to management.

**Mr Macey:** The council certainly sought advice from us as to whether the site could be taken back into local authority ownership, from the LAWDC that was. Our view of the legal position was that it was clearly for the authority to take its own judgment on that.

ymwneud ag amodau'r cymhorthdal, ac nid ydynt yn dangos fod unrhyw amodau cymhorthdal o'r fath. Fodd bynnag, ailadroddaf y cafeat yr edrychwyd ar hyn, yn amlwg, gan bobl a oedd yn edrych ar bapurau nad oedd ganddynt unrhyw gyfrifoldeb uniongyrchol amdanynt ar y pryd; hynny yw, drwy ddarllen drwy'r ffeiliau. Ar y cwestiwn ategol i hynny, d ceisiwn fanteisio ar ddoethineb a gwybodaeth pobl yn y swyddfa ynghylch beth oedd cyfranogiad y Swyddfa Gymreig ar yr adeg y gwnaethpwyd penderfyniadau.

[48] **Geraint Davies:** Ym mharagraff 15 eich papur, soniwch fod cais gan Rhondda Cynon Taf am gyllid i gynorthwyo gyda chostau cau'r domen. Pam y gwrthodwyd y cais hwn?

**Mr Macey:** Fe'i gwrthodwyd yn y bôn am y gwelid y byddai'n gosod cynsail annerbyniol yn arferion ariannu awdurdodau lleol. Gwelid mai mater i'r awdurdod lleol ei hun oedd y mater. Yr oedd yn benderfyniad y gallai'r awdurdod lleol ei gymryd o fewn yr adnoddau a oedd ar gael iddo, a buasai'n gynsail amhriodol yn nhermau cyfraniad y Swyddfa Gymreig yn gyntaf, ond wedyn y Cynulliad, oherwydd, mewn ffordd, ailadroddwyd y penderfyniad ac mae'n perthyn i'r naill ochr a'r llall i broses sefydlu'r Cynulliad. Fe'i gwelid fel cynsail na fuasai'n briodol ei gosod yn nhermau perthynas y Cynulliad ag awdurdodau lleol. Fe'i gwelid fel rhywbeth i'w ariannu gan awdurdodau lleol, yn ei hanfod, ac nid yn rhywbeth a ddylai gael grant penodol gan y Swyddfa Gymreig.

[49] **Geraint Davies:** A ydych yn cofio a wnaethpwyd unrhyw geisiadau eraill ar y pryd?

**Mr Macey:** Mewn perthynas â chyllid?

[50] **Geraint Davies:** Na, mewn perthynas â rheolaeth.

**Mr Macey:** Yn sicr, gofynnodd y cyngor am ein cyngor ynghylch a ellid cymryd y safle'n ôl i feddiant yr awdurdod lleol, oddi wrth y cwmni gwaredu gwastraff awdurdod lleol. Ein barn ni ar y sefyllfa gyfreithiol oedd ei bod yn amlwg yn fater i'r awdurdod lleol

Our view of the legal position at the time, I think, was that we saw no route back under the existing legislation, which was the Environmental Protection Act 1990.

[51] **Helen Mary Jones:** For clarification purposes, may I say very briefly that when Bob Macey refers to the Assembly, he is obviously talking about the Assembly civil service and the administration. I do not think that this was a decision that was taken to full Plenary, was it? That would not have been appropriate. This is just a quick clarification of language, Bob. We talk about the Assembly when we mean the civil service, the Assembly when we mean the Government of Wales and the Assembly when we mean the whole body, and I just want us to be clear about the level at which the decision was made.

**Mr Macey:** In relation to the funding issue and the issue that Geraint Davies has just raised, the decision was certainly taken at Cabinet Secretary level.

[52] **Helen Mary Jones:** But not by the whole Assembly.

**Mr Macey:** Not in Plenary, no. It was taken under delegated authority.

[53] **Richard Edwards:** My understanding was that it was done under delegated functions.

[54] **Helen Mary Jones:** That is completely appropriate. It is just a question of language for the sake of members of the public here. When Bob said that the Assembly made the decision, the public will naturally assume that the whole Assembly made the decision when, quite appropriately, it was made by the Cabinet Minister responsible.

[55] **Geraint Davies:** I think that this is a very important issue because much of the trouble was the formation of the LAWDC in the first place. The authority, I think, wanted to take the site over and be similar to Carmarthenshire, Gwynedd, Cardiff and Newport, which have direct management of

lunio'i farn ei hun ar hynny. Ein barn ni ar y sefyllfa gyfreithiol ar y pryd, yr wyf yn meddwl, oedd na welem unrhyw ffordd yn ôl o dan y ddeddfwriaeth gyfredol, sef Deddf Gwarchod yr Amgylchedd 1990.

[51] **Helen Mary Jones:** Er mwyn eglurhad, a gaf i ddweud yn fyr iawn pan fydd Bob Macey'n sôn am y Cynulliad, cyfeirio y mae yn amlwg at wasanaeth sifil a gweinyddiaeth y Cynulliad. Nid wyf yn meddwl fod hwn yn benderfyniad a ddaeth i'r Cynulliad llawn, ydoedd? Ni fuasai hynny wedi bod yn briodol. Dim ond eglurhad brys o iaith yw hyn, Bob. Soniwn am y Cynulliad pan olygwn y gwasanaeth sifil, y Cynulliad pan olygwn Llywodraeth Cymru a'r Cynulliad pan olygwn y corff cyfan, ac yr wyf am inni fod yn glir ynghylch ar ba lefel y gwnaethpwyd y penderfyniad.

**Mr Macey:** Parthed y cwestiwn ariannu a'r mater y mae Geraint Davies newydd ei godi, yn sicr fe wnaethpwyd y penderfyniad ar lefel Ysgrifenyddion Cabinet.

[52] **Helen Mary Jones:** Ond nid gan y Cynulliad cyfan.

**Mr Macey:** Nid mewn Cyfarfod Llawn, na. Fe'i gwnaethpwyd dan awdurdod dirprwyedig.

[53] **Richard Edwards:** Fy nealltwriaeth i oedd y'i gwnaethpwyd dan swyddogaethau dirprwyedig.

[54] **Helen Mary Jones:** Mae hynny'n gwbl briodol. Dim ond cwestiwn o iaith er mwyn aelodau'r cyhoedd yma yw hyn. Pan ddywedodd Bob mai'r Cynulliad a wnaeth y penderfyniad, bydd y cyhoedd yn naturiol yn cymryd bod y Cynulliad cyfan wedi gwneud y penderfyniad, ac yntau yn gwbl briodol wedi'i wneud gan y Gweinidog Cabinet cyfrifol.

[55] **Geraint Davies:** Mae hyn yn fater pwysig iawn yn fy marn i oherwydd mae llawer o'r drwg yn deillio o ffurfio cwmni gwaredu gwastraff yr awdurdod lleol yn y lle cyntaf. Yr oedd yr awdurdod, mi gredaf, eisiau cymryd rheolaeth dros y safle a bod yn debyg i Sir Gaerfyrddin, Gwynedd, Caerdydd

landfill sites. Why do you allow those authorities to continue to manage sites while you force Rhondda Cynon Taff to operate a LAWDC?

**Mr Macey:** The Environmental Protection Act 1990 required all local authorities to establish either a local authority waste disposal company—an arm's length company from the local authority—or to pass over the responsibility to the private sector, with perhaps a mix and match between those, with companies partially owned by the local authority. It is fair to say that the degree of enthusiasm with which individual authorities took forward the provisions of the Environmental Protection Act varied somewhat; some LAWDCs were established fairly early and there were some transfers to private sector organisations fairly early on in the process. The point that I think is pertinent here is that once responsibility has transferred to either a LAWDC or to a private sector company, the Act would appear not to allow any way in which the operational management of the facility could transfer back to the local authority.

The legislation created some difficulties, it would be fair to say, for those trying to implement it. Whereas local authorities could be directed to establish LAWDCs, if the direction period came to an end and none had been established, there was a rather unpalatable set of options, which essentially revolved around the local authority acting illegally or leaving the waste in the street with nowhere to put it. Some local authorities, it would be fair to say, recognised the potential difficulties that were faced by Central Government in seeking to enforce the legislation.

[56] **Richard Edwards:** Thank you for your contribution this afternoon. The next body to give evidence will be the Environment Agency. Good afternoon, gentlemen. I ask you to introduce yourselves briefly and be as

a Chasnewydd, sydd â rheolaeth uniongyrchol dros safleoedd tirlenwi. Pam yr ydych yn caniatáu i'r awdurdodau hynny barhau i reoli safleoedd ond yn gorfodi Rhondda Cynon Taf i weithredu cwmni gwaredu gwastraff awdurdod lleol?

**Mr Macey:** Yr oedd Deddf Gwarchod yr Amgylchedd 1990 yn mynnu bod pob awdurdod lleol yn sefydlu naill ai gwmni gwaredu gwastraff awdurdod lleol—cwmni hyd braich i'r awdurdod lleol—neu drosglwyddo'r cyfrifoldeb i'r sector preifat, gyda chymysgedd efallai rhwng y rheini, â chwmnïau a oedd yn rhannol ym meddiant yr awdurdod lleol. Mae'n deg dweud y bu cryn amrywiaeth yn y radd o frwdfrydedd a ddangosodd awdurdodau unigol tuag at weithredu darpariaethau Deddf Gwarchod yr Amgylchedd; sefydlwyd rhai cwmnïau gwaredu gwastraff awdurdod lleol yn weddol gynnar a chafwyd rhai trosglwyddiadau i sefydliadau'r sector cyhoeddus yn weddol gynnar yn y broses. Y pwynt perthnasol yma, mi gredaf, yw unwaith y byddid wedi trosglwyddo dyletswydd naill ai i gwmni gwaredu gwastraff awdurdod lleol neu i gwmni yn y sector preifat, nad yw'n ymddangos bod y Ddeddf yn caniatáu unrhyw ffordd y gellid trosglwyddo rheolaeth weithredol y cyfleuster yn ôl i'r awdurdod lleol.

Creodd y ddeddfwriaeth rai anawsterau, mae'n deg dweud, i'r rheini a geisiai ei gweithredu. Tra gellid cyfarwyddo awdurdodau lleol i sefydlu cwmnïau gwaredu gwastraff awdurdod lleol, os deuai cyfnod y cyfarwyddyd i ben a bod cwmni heb ei sefydlu, yr oedd set o ddewisiadau a oedd braidd yn anodd eu llyncu, a oedd yn cylchdroi yn ei hanfod o gwmpas un ai yr awdurdod lleol yn gweithredu'n anghyfreithlon neu adael y gwastraff yn y stryd heb unman i'w roi. Byddai'n deg dweud fod rhai awdurdodau lleol wedi gweld yr anawsterau potensial a wynebid gan y Llywodraeth Ganolog wrth geisio gorfodi'r ddeddfwriaeth.

[56] **Richard Edwards:** Diolch am eich cyfraniad y prynhawn yma. Asiantaeth yr Amgylchedd fydd y corff nesaf i roi tystiolaeth. Prynawn da, foneddigion. Gofynnaf ichi gyflwyno'ch hunain yn fyr a



brief and concise as possible in your presentation so that Members can ask questions.

**Mr Thomas:** Thank you, Chair. I am Roger Thomas, Director of the Environment Agency in Wales. With me are John Harrison, South East Area Environment Protection Manager, who has been responsible for the technical management of our interface with Nantygwyddon, and Anthony Weare, Legal Services Manager, who is responsible for legal services in Wales. John is here, as I say, because of his technical management of the site. Anthony is here because of the novel—I think that I can say novel throughout—procedures that we have had to use legally in our regulation and approach to the site's management.

I will take the paper as read, as you said, Chair. I would like to say by way of introduction that we welcome the opportunity to participate in this inquiry and for there to be a full, frank and open appraisal of what has gone on in this site. All our information and all relevant staff will be made available to the investigator at his behest. I think that we have three key areas in which we can contribute to this inquiry. The first relates to whether we have exercised our powers proportionately to the risk. Secondly, whether we are confident that the current operator is fit and proper, and the third area is about what lessons we can learn to take forward into the waste strategy for Wales.

I understand that today is about a broad introduction of the agency's role rather than anything detailed. I would not have the detailed knowledge to answer detailed questions. Certainly, my colleagues have some of that. By way of introduction to the paper and to put this in context, we have been the regulator for four of the 15 years that this site has been around. In the third part of the paper, I set out the regulatory responsibilities. You have already heard about those from other bodies this afternoon. Our duties are set out under paragraph 3.3 of the paper. One of those duties, of course, relates to harm to human health. In that respect our role is to understand, describe and control exposure of

bod mor fyr a chryno ag y gallwch wrth wneud eich cyflwyniad er mwyn i Aelodau allu gofyn cwestiynau.

**Mr Thomas:** Diolch, Gadeirydd. Roger Thomas ydwyf fi, Cyfarwyddwr Asiantaeth yr Amgylchedd yng Nghymru. Gyda mi y mae John Harrison, Rheolwr Diogelu'r Amgylchedd Ardal y De Ddwyrain, a fu'n gyfrifol am reolaeth dechnegol ein rhyngwyneb â Nantygwyddon, ac Anthony Weare, Rheolwr Gwasanaethau Cyfreithiol, sydd yn gyfrifol am wasanaethau cyfreithiol yng Nghymru. Mae John yma, fel y dywedaf, oherwydd ei reolaeth dechnegol dros y safle. Mae Anthony yma oherwydd y dulliau gwreiddiol—yr wyf yn meddwl y gallaf ddweud gwreiddiol—y bu'n rhaid inni eu defnyddio yn ein gwaith rheoleiddiol ac yn ein hagwedd at reolaeth y safle.

Cymeraf y bydd y papur wedi'i ddarllen, Gadeirydd, fel y dywedaso. Hoffwn ddweud i ddechrau ein bod yn croesawu'r cyfle i gymryd rhan yn yr ymchwiliad hwn ac i gael gwerthusiad llawn, gonest ac agored o'r hyn a fu'n mynd ymlaen ar y safle hwn. Bydd ein holl wybodaeth a'n staff perthnasol ar gael i'r ymchwilydd ar ei gais. Yr wyf yn meddwl fod gennym dri maes allweddol lle gallwn gyfrannu at yr ymchwiliad hwn. Mae a wnelo'r cyntaf â ph'run ai yr ydym wedi arfer ein pwerau yn gymesur â'r perygl. Yn ail, a ydym yn hyderus fod y gweithredwr cyfredol yn addas a phriodol, a'r trydydd maes yw pa wersi y gallwn eu dysgu i'w cynnwys yn y strategaeth wastraff ar gyfer Cymru.

Deallaf mai cyflwyniad bras o rôl yr asiantaeth sydd i fod heddiw yn hytrach nag unrhyw beth manwl. Ni fyddai'r wybodaeth fanwl gennyf i ateb cwestiynau manwl. Yn sicr, mae rhywfaint o hynny gan fy nghydweithwyr. O ran cyflwyniad i'r papur ac i roi hyn yn ei gyd-destun, ni oedd y corff rheoleiddio am bedair o'r 15 mlynedd y bu'r safle hwn yn bodoli. Yn nhrydedd ran y papur, amlinellaf y cyfrifoldebau rheoleiddio. Clywsoch am y rheini eisoes gan gyrff eraill y prynhawn yma. Amlinellir ein dyletswyddau dan baragraff 3.3 y papur. Mae un o'r dyletswyddau hynny, wrth gwrs, yn ymwneud â niwed i iechyd dynol. Yn hynny o beth ein rôl ni yw deall, disgrifio a rheoli

people to pollutants. We rely on health professionals to define appropriate levels of protection. Those can be nationally or internationally prescribed standards but can also be linked to local exposure—to list risk on a localised basis. We have a number of statutory duties and powers, which are listed in paragraph 3.5. We exercise these within guidance of a statutory and non-statutory nature, which is provided to us by Government.

In terms of what we inherited, we inherited a licence in 1996 that had already been granted. I think that Councillor Pauline Jarman said that we had been responsible for two transfers of licence but it is, in fact, one. We transferred the licence once and we inherited a licence in 1995. In June 1996, we received the first complaint about odour problems at the site. These increased very rapidly so that by September we were getting a lot of complaints about odour. In January of the following year, we took precautionary action to stop the calcium sulphate filter cake being deposited on the site while we engaged Entec Limited to research into the problem and to advise us of the action that was necessary. We have, throughout this process, had to take, as I said earlier, some novel legal approaches to regulation, which have been successful—we have had a High Court injunction, we have had to take the company in administration to court, and that included a High Court appeal.

We ultimately ended up with the transfer of the licence to Amgen Rhondda in September 1999. That was a decision based upon our very firm belief that mere abandonment of the site would not do anything to solve its problems. The transfer of the licence to Amgen came with just under £1 million, which meant that there would be remedial works on site that would improve its condition and reduce its environmental and health effects. So that was the reasoning behind that decision.

The current situation is set out in the report. We are working closely with Amgen Rhondda. It is undertaking the works that it is required to undertake and as an agency we

dinoethiad pobl i lygrynnau. Dibynnwn ar weithwyr iechyd proffesiynol i ddiffinio lefelau priodol o warchodaeth. Gall y rheini fod yn safonau a bennwyd yn genedlaethol neu'n rhyngwladol ond gallant hefyd fod yn gysylltiedig â dinoethiad lleol—rhestru perygl ar sail leol. Mae gennym nifer o ddyletswyddau a phwerau statudol, a restrir ym mharagraff 3.5. Arferwn y rhain o fewn canllawiau statudol ac anstatudol eu natur, a ddarperir inni gan y Llywodraeth.

Yn nhermau'r hyn a etifeddwyd gennym, etifeddasom drwydded yn 1996 a oedd eisoes wedi'i rhoi. Credaf i'r Cynghorydd Pauline Jarman ddweud y buom yn gyfrifol am ddau drosglwyddiad trwydded, ond un ydoedd mewn gwirionedd. Trosglwyddasom y drwydded un waith ac etifeddasom drwydded yn 1995. Ym Mehefin 1996, cawsom y gŵyn gyntaf am broblemau aroglau ar y safle. Cynyddodd y rhain yn gyflym iawn nes ein bod erbyn mis Medi yn cael llawer o gwynion am aroglau. Ym mis Ionawr y flwyddyn ganlynol, bu inni weithredu'r rhagofal o atal gadael y gramen hidlo sylffad calsiwm ar y safle tra'n bod yn cyflogi Entec Cyfyngedig i ymchwilio i'r broblem ac i ddweud wrthym sut yr oedd angen gweithredu. Yr ydym, drwy gydol y broses hon, wedi gorfod defnyddio, fel y dywedais eisoes, rai dulliau cyfreithiol gwreiddiol yn ein gwaith rheoleiddio, a fu'n llwyddiannus—cawsom orfodeb Uchel Lys, bu raid inni fynd â'r cwmni mewn gweinyddiad i'r llys, ac yr oedd hynny'n cynnwys apêl i'r Uchel Lys.

Yn y diwedd, trosglwyddwyd y drwydded i Amgen Rhondda ym Medi 1999. Penderfyniad oedd hwnnw yn seiliedig ar ein cred gadarn iawn na fyddai gadael y safle yn gwneud dim i ddatrys ei broblemau. Daeth trosglwyddiad y drwydded i Amgen gydag ychydig dan £1 filiwn, a olygai y byddai gwaith adfer ar y safle a fyddai'n gwella'i gyflwr ac yn lleihau ei effeithiau ar iechyd a'r amgylchedd. Felly dyna oedd y rhesymeg y tu ôl i'r penderfyniad hwnnw.

Amlinellir y sefyllfa bresennol yn yr adroddiad. Yr ydym yn gweithio'n agos gydag Amgen Rhondda. Mae'n cyflawni'r gwaith y mae'n ofynnol iddo'i gyflawni ac

have, very recently—in fact yesterday at our board meeting—commissioned a £600,000 study to research into the potential risk to human health of landfill sites. That is in partnership with the Department of Health, with the National Assembly and with the Department for the Environment, Transport and the Regions.

I will stop there, Chair, and give you the opportunity to ask questions rather than say any more about our role.

[57] **Richard Edwards:** Thank you very much for that brief report, Roger. I will again start the questions off, again reflecting some of the concerns voiced last week by local residents. There were complaints about delays in responding to reports of pollution. What are the procedures for responding to such reports and how do you monitor complaints?

**Mr Thomas:** We set out our standards of service in our customer charter and we attempt to respond to pollution complaints within prescribed timescales. That is not always possible, of course, because if you get a lot of complaints, then it becomes impossible to deal with them all. Within working hours we try to get to a complaint within two hours. Outside working hours, we try to respond to a complaint within four hours. We generally achieve that, except, as I say, in those circumstances where we get a number of complaints simultaneously. I will pass the question over to John for the specifics, because he has been managing the team that has been responding to these complaints.

**Mr Harrison:** As Roger said, the standards of service that the agency aims to achieve are based upon the risks posed by any particular incident of which we are notified. During the period of the agency's regulation of this site we have received just over 2,500 complaints. We can provide further detail as to how those are spread over time and how we have responded to them during office hours and out of office hours. However, that has obviously resulted in quite a significant resource demand, particularly when a large number of complaints come in at the same time. We have endeavoured to reply to each

fel asiantaeth yr ydym, yn ddiweddar iawn—ddoe, mewn gwirionedd, yn ein cyfarfod bwrdd—wedi comisiynu astudiaeth £600,000 i ymchwilio i berygl potensial safleoedd tirlenwi i iechyd dynol. Gwnaethpwyd hynny mewn partneriaeth â'r Adran Iechyd, y Cynulliad Cenedlaethol, ac Adran yr Amgylchedd, Trafnidiaeth a'r Rhanbarthau.

Tawaf yn awr, Gadeirydd, i roi cyfle i chi ofyn cwestiynau yn hytrach na dweud dim mwy am ein rôl.

[57] **Richard Edwards:** Diolch yn fawr am yr adroddiad byr hwnnw, Roger. Fe ofynnaf fi'r cwestiwn cyntaf eto, gan adlewyrchu eto rai o'r pryderon a leisiwyd yr wythnos diwethaf gan drigolion lleol. Cafwyd cwynion ynghylch oedi wrth ymateb i adroddiadau am lygredd. Beth yw'r gweithdrefnau ar gyfer ymateb i gwynion o'r fath a sut y byddwch yn monitro cwynion?

**Mr Thomas:** Amlinellwn ein safonau gwasanaeth yn ein siarter cwsmeriaid a cheisiwn ymateb i gwynion am lygredd o fewn rhaglenni amser penodol. Nid yw hynny bob amser yn bosibl, wrth gwrs, oherwydd os cewch chi lawer o gwynion, yna mae'n mynd yn amhosibl delio â phob un ohonynt. O fewn oriau gwaith ceisiwn fynd at gŵyn o fewn dwy awr. Y tu allan i oriau gwaith, ceisiwn ymateb i gŵyn o fewn pedair awr. Byddwn yn llwyddo i wneud hynny ar y cyfan, ac eithrio, fel y dywedais, yn yr amgylchiadau hynny lle cawn nifer o gwynion ar yr un pryd. Pasiaf y cwestiwn ymlaen at John ar gyfer y manylion, gan ei fod ef wedi bod yn rheoli'r tîm a fu'n ymateb i'r cwynion hyn.

**Mr Harrison:** Fel y dywedodd Roger, mae'r safonau gwasanaeth y mae'r asiantaeth yn anelu at eu cyrraedd yn seiliedig ar y peryglon a achosir gan unrhyw ddigwyddiad unigol y cawn wybod amdano. Yn ystod cyfnod yr asiantaeth yn rheoleiddio'r safle hwn, cawsom ychydig dros 2,500 o gwynion. Gallwn ddarparu manylion pellach parthed sut y mae'r rhain wedi'u gwasgaru dros amser a sut yr ymatebwyd iddynt yn ystod oriau swyddfa a'r tu allan i oriau swyddfa. Fodd bynnag, mae hynny'n amlwg wedi achosi galw eithaf sylweddol ar ein hadnoddau, yn enwedig pan ddaw nifer fawr

and every request for information about the site, as well as to take information proactively to residents' groups such as Rhondda Against Nantygwyddon Tip to bring them up to speed on what the agency has done in relation to any specific incident. We continue to do that.

[58] **Sue Essex:** I have two main areas of concern to ask about. Listening to the residents last week, there were grave concerns about whether the original construction of the site, particularly the lining and the ability to control leachate, was done properly. Therefore, when you took over the licence in 1995/96, did you have any worries about the fundamental safety of the construction? There were also concerns about the way that Environment Agency staff responded to complaints and whether they provided adequate protection on behalf of the public in ensuring that the site was managed in a due and proper way. Those are the two areas of concern about which I would like answers.

**Mr Thomas:** I think again, Chair, I will perhaps refer to John to answer both of those questions. However, in response to the second question, we obviously have standards to which we expect our staff to adhere in responding to complaints and in the way that they deal with members of the public.

**Mr Harrison:** In answer to the first question about the fundamental condition of the site, it is fair to say that when this site was established, it was the first lined landfill in south Wales to accept domestic waste and it was held up as best practice. However, obviously, any site is only as good as it is managed. What the agency inherited in terms of operational management and the critical factor of what was happening with the waste is obviously of concern to the Committee. That began to show its effects as the agency took over, with that increase in complaints towards the end of 1996.

o gwynion i mewn ar yr un pryd. Yr ydym wedi ceisio ateb pob un cais am wybodaeth am y safle, ynghyd â mynd â gwybodaeth yn rhagweithiol at grwpiau trigolion fel Rhondda yn Erbyn Tomen Nantygwyddon iddynt hwy gael yr wybodaeth ddiweddaraf ar yr hyn y mae'r asiantaeth wedi'i wneud ynghylch unrhyw ddigwyddiad penodol. Yr ydym yn dal i wneud hynny.

[58] **Sue Essex:** Mae gennyf fi ddau brif faes pryder i holi yn eu cylch. Wrth wrando ar drigolion yr wythnos diwethaf, mynegid pryderon difrifol ynghylch a oedd adeiladwaith gwreiddiol y safle, yn enwedig y leinin a'r gallu i reoli trwytholchion, wedi'i wneud yn iawn. Felly, pan ymgymeroch chi â'r drwydded yn 1995/96, a oedd gennych unrhyw bryderon ynghylch diogelwch sylfaenol yr adeiladwaith? Yr oedd pryderon hefyd ynghylch y modd yr ymatebodd Asiantaeth yr Amgylchedd i gwynion ac a oeddent yn darparu gwarchodaeth ddigonol ar ran y cyhoedd drwy sicrhau fod y safle wedi'i reoli mewn modd dyledus a phriodol. Dyna'r ddau faes pryder yr hoffwn gael atebion arnynt.

**Mr Thomas:** Yr wyf yn meddwl, eto, Gadeirydd, y cyfeiriaf at John efallai i ateb y ddau gwestiwn hynny. Fodd bynnag, mewn ymateb i'r ail gwestiwn, yn amlwg mae gennym safonau y disgwyliwn i'n staff lynu atynt wrth ymateb i gwynion ac yn y modd yr ymdriniant ag aelodau'r cyhoedd.

**Mr Harrison:** I ateb y cwestiwn cyntaf ynghylch cyflwr sylfaenol y safle, mae'n deg dweud pan sefydlwyd y safle hwn, mai hwn oedd y safle tirlenwi â leinin cyntaf yn ne Cymru i dderbyn gwastraff domestig, a chafodd ei ddal i fyny fel enghraifft o ymarfer gorau. Fodd bynnag, yn amlwg, nid yw unrhyw safle ond mor dda â'r rheolaeth arno. Mae'r hyn a etifeddodd yr asiantaeth yn nhermau rheolaeth weithredol a'r ffactor critigol o beth oedd yn digwydd gyda'r gwastraff yn amlwg o bwys i'r Pwyllgor. Dechreuodd hynny ddangos ei effeithiau wrth i'r asiantaeth gymryd yr awenau, gyda'r cynnydd hwnnw mewn cwynion tua diwedd 1996.

In terms of the fundamental security of the Yn nhermau diogelwch sylfaenol y safle a'i

site and its design parameters, it was as good and probably better than most in south Wales. However, as we all know, technical developments are always taking place. That is why the agency, we believe, took prompt action to try to understand why this site was causing the problems to the extent that it was in the adjoining communities and to try to understand the reasons behind those complaints. What was happening on the site? What was the difference between the design and operation of the site? That is why, in January 1997, we took the step of preventing any further deposits of the calcium sulphate filter cake by regulatory action. Then, in partnership with Rhondda Cynon Taff, Bro Taf and in meetings with the residents' group, we agreed to employ specialist environmental consultants to understand the technically complex matters that were ongoing on site that generated landfill gas problems as well as leachate problems in the adjoining environment. We have always gone along the line of trying to achieve the solution to these complex problems in the shortest possible time. We will present further detailed submissions on that to the investigator.

[59] **Sue Essex:** You said that there was a problem of people not understanding what was happening and that the site was seen as an example of best practice. However, clearly from the number of complaints that were received in a short space of time, there were some real, fundamental problems. Did you not think that you should have taken the action of asking for the tip to be closed down at that stage? You mentioned that people did not understand what was happening.

**Mr Harrison:** I think that understanding the implications of what was happening at the site was the key priority. Regarding closing the site, we took the step of preventing any further deposits of the calcium sulphate filter cake, which we were very strongly of the opinion was the underlying cause of this particularly noxious odour that was finding its way into the communities. However, closing the landfill would not have stopped that odour being generated. Therefore, we felt that the most appropriate action in terms of the guidance of how we apply our regulation, was to go for modification, which the law

baramedrau dyluniad, yr oedd cystal, ac mae'n debyg yn well, na'r rhan fwyaf yn ne Cymru. Fodd bynnag, fel y gwyddom i gyd, mae datblygiadau technegol yn digwydd o hyd. Dyna pam y credwn i'r asiantaeth weithredu'n syth i geisio deall pam yr oedd y safle'n achosi problemau i'r fath raddau yn y cymunedau cyfagos ac i geisio deall y rhesymau y tu ôl i'r cwynion hynny. Beth oedd yn digwydd ar y safle? Beth oedd y gwahaniaeth rhwng dyluniad a gweithrediad y safle? Dyna pam, yn Ionawr 1997, y cymerwyd y cam i rwystro gadael dim mwy o gramen hidlo sylffad calsiwm yno drwy weithred reoleiddio. Wedyn, ar y cyd â Rhondda Cynon Taf, Bro Taf ac mewn cyfarfodydd â grŵp y trigolion, cytunasom i gyflogi ymgynghorwyr amgylcheddol arbenigol i ddeall y materion technegol gymhleth a oedd yn bodoli ar y safle ac yn cynhyrchu problemau nwy tirlenwad yn ogystal â phroblemau trwytholchiad yn yr amgylchedd o'i gwmpas. Yr ydym bob amser wedi ceisio sicrhau'r ateb i'r problemau cymhleth hyn yn yr amser lleiaf posibl. Byddwn yn cyflwyno sylwadau manwl pellach ar hynny i'r ymchwilydd.

[59] **Sue Essex:** Dywedasoich fod problem gyda phobl ddim yn deall beth oedd yn digwydd ac y gwelid y safle fel enghraifft o ymarfer gorau. Fodd bynnag, mae'n amlwg o'r nifer o gwynion a dderbyniwyd o fewn amser byr, fod rhai problemau sylfaenol gwirioneddol. Oni wnaethoch feddwl y dylech fod wedi gweithredu drwy ofyn am gau'r domen bryd hynny? Sonioch nad oedd pobl yn deall beth oedd yn digwydd.

**Mr Harrison:** Yr wyf yn meddwl mai deall goblygiadau'r hyn oedd yn digwydd ar y safle oedd y flaenoriaeth allweddol. Parthed cau'r safle, cymerasom y cam o atal unrhyw arllwysladau pellach o gramen hidlo sylffad calsiwm, sef, yn ein barn gadarn iawn ni, yr achos gwaelodol dros y drewdod arbennig o ffiaidd hwn a oedd yn treiddio i'r cymunedau. Fodd bynnag, ni fuasai cau'r safle tirlenwi wedi atal y drewdod hwnnw rhag cael ei gynhyrchu. Felly, teimlem mai'r ffordd fwyaf priodol i weithredu yn nhermau'r canllawiau ar y modd y gweithredwn ein rheoleiddiad, oedd mynd am

requires us to do, to require the operators, initially, to understand the problems that they have created. We also felt it appropriate for the agency to take its regulatory role very seriously by employing consultants to understand and advise us about what the next steps may be to require the necessary works to be carried out. It is a complex situation.

We were satisfied, once we received the reports from our consultants and the work that was done by Rhondda Waste Disposal Limited's consultants, that quite extensive works needed to be carried out. We agree that that did take time, but we believe that it was the shortest possible time, given the circumstances that surrounded the operation of the company at the time.

**Mr Thomas:** May I just ask Anthony to also explain the legal position because that is important here?

**Mr Weare:** I will be brief. On the question of closure, which is clearly very important indeed, you must understand that the agency inherited responsibility for regulating the licence. There are legal grounds on which to close a tip. The only way that you can close it is to revoke or suspend, that is, get rid of the licence. To achieve closure you have to destroy the licence. The law gives you specific grounds on which that can be done. I submit that there were no grounds for doing that. I will read one short paragraph from the management statement, which is a statutory guidance:

'revocation is a last resort which can only be used if the harm cannot be avoided by modifying the conditions of the licence.'

Of course, the agency's submission is that such harm, as was perceived, could be addressed through modification of the licence. So the point that I make is that to close the site you have to, effectively, destroy the licence. The law gives you set criteria to meet and I suggest that those criteria were not met.

[60] **Helen Mary Jones:** I have two specific questions, Chair. One is to pursue this issue of the bond. We all know that the previous

orchymyn diwygio, yn unol â gofyniad y gyfraith, i fynnu bod y gweithredwyr, yn gyntaf, yn deall y problemau y maent wedi'u creu. Teimlem hefyd ei bod yn briodol i'r asiantaeth gymryd ei rôl reoleiddiol yn ddifrifol iawn drwy gyflogi ymgynghorwyr i ddeall a'n cynghori ynghylch beth allai'r camau nesaf fod i fynnu cyflawni'r gwaith angenrheidiol. Mae'n sefyllfa gymhleth.

Yr oeddem yn fodlon, unwaith y cawsom yr adroddiadau gan ein hymgyngorwyr a'r gwaith a wnaethpwyd gan ymgynghorwyr Rhondda Waste Disposal Cyfyngedig, fod angen gwneud gwaith eithaf helaeth. Cytunwn y cymerodd amser, ond credwn mai dyma'r amser lleiaf posibl yn wyneb yr amgylchiadau o gwmpas gwaith y cwmni ar y pryd.

**Mr Thomas:** A gaf i ofyn i Anthony egluro hefyd beth oedd y sefyllfa gyfreithiol gan fod hynny'n bwysig yma?

**Mr Weare:** Byddaf yn gryno. Ar gwestiwn cau, sydd yn amlwg yn bwysig dros ben yn wir, rhaid ichi ddeall yr etifeddodd yr asiantaeth gyfrifoldeb am reoleiddio'r drwydded. Y mae seiliau cyfreithiol ar gyfer cau tomen. Yr unig ffordd y gallwch ei chau yw diddymu neu atal, hynny yw, cael gwared â'r drwydded. I gau'r domen mae'n rhaid dileu'r drwydded. Mae'r gyfraith yn pennu seiliau penodol dros wneud hynny. Cynigiau fi nad oedd sail dros wneud hynny. Darllenaf un paragraff byr o'r datganiad rheoli, sydd yn arweiniad statudol:

'cam olaf yw diddymu, na ellir ddim ond ei ddefnyddio os na ellir osgoi'r niwed drwy ddiwygio amodau'r drwydded.'

Wrth gwrs, dadl yr asiantaeth yw y gellid unioni'r niwed a welid drwy ddiwygio'r drwydded. Felly y pwynt a wnaif fi yw bod yn rhaid, er mwyn cau'r safle, diddymu'r drwydded i bob pwrpas. Mae'r gyfraith yn pennu meini prawf penodol ac awgrymaf nad oedd y meini prawf hynny wedi'u cyflawni.

[60] **Helen Mary Jones:** Mae gennyf ddau gwestiwn penodol, Gadeirydd. Un yw mynd ar ôl mater y bond. Gwyddom i gyd fod

holders of this licence got themselves into trouble, basically because although people were originally told that it was a cash-rich company, it clearly was not. I would like to know why the Environment Agency proceeded to grant an operator's licence for the new company without insisting on a bond. Given the situation that arose with the previous company failing, it does seem extraordinary that that was not done.

Secondly, I want to pursue some of the questions that Sue Essex has asked. There is certainly a perception among residents that the Environment Agency's approach to the tip has not always been consistent and that there have been times when their concerns and complaints were taken seriously and appeared to be acted on, but that there have been other times and other circumstances where those appeared to have been dismissed. Roger Thomas, in responding to Sue Essex's question, said that there were set standards that he expected staff to meet. Are you satisfied that at all times your staff have met those standards? If half of what we heard from the residents last week is true, they have not. What action has been taken to ensure that this situation—at least in terms of perception, because I would obviously not ask you to talk about disciplinary action against individual members of staff or whatever—will not happen again? I think that you will acknowledge that there is a perception of inconsistency and that there has been a perception of discourtesy. I would like to know how the Environment Agency has reacted to that, building on what you briefly said in response to Sue Essex.

**Mr Thomas:** I will deal first with the issue of the bond, or financial provisions as they are more properly called in law. The law states that we cannot actually transfer a licence or grant a licence unless there are financial provisions in place. Those financial provisions can be made in many ways. In the case of the transfer licence to Amgen Rhondda, those provisions are being accumulated. It is not a bond in the sense of something being deposited and put by on the first day. It is an accumulation of money. We accepted that approach, which is perfectly legal, because the alternative was simply for

deiliaid blaenorol wedi mynd i drybini, yn y bôn oherwydd er y dywedwyd wrth bobl ar y dechrau fod hwn yn gwmni ariannol gyfoethog, yn amlwg nid ydoedd. Hoffwn wybod pam yr aeth Asiantaeth yr Amgylchedd ymlaen i ganiatáu trwydded gweithredwr i'r cwmni newydd heb fynnu cael bond. O gofio'r sefyllfa a fu gyda'r cwmni blaenorol yn methu, y mae'n ymddangos yn rhyfedd iawn na wnaethpwyd hynny.

Yn ail, mae arnaf eisiau dilyn rhai o'r cwestiynau a ofynnodd Sue Essex. Yn sicr, mae'n ymddangos i drigolion nad yw agwedd Asiantaeth yr Amgylchedd at y domen bob amser wedi bod yn gyson ac y bu adegau pryd y cymerwyd eu pryderon a'u cwynion o ddifrif a gweithredu arnynt i bob golwg, ond y bu adegau eraill ac amgylchiadau eraill lle'r ymddangosai iddynt gael eu diystyru. Dywedodd Roger Thomas, wrth ateb cwestiwn Sue Essex, fod yna safonau penodol y disgwyliai i staff eu cyrraedd. A ydych yn fodlon fod eich staff ar bob achlysur wedi cwrdd â'r safonau hynny? Os yw hanner yr hyn a glywsom gan y trigolion yr wythnos diwethaf yn wir, nid ydynt wedi gwneud hynny. Beth sydd wedi'i wneud i sicrhau na ddigwydd y sefyllfa yma eto—o leiaf yn nhermau argraff, oherwydd yn amlwg ni fyddwn yn gofyn ichi siarad am weithredu disgyblaeth yn erbyn aelodau staff unigol na dim felly. Yr wyf yn meddwl y cydnabyddwch fod argraff o anghysondeb ac y cafwyd argraff o anghwrteisi. Hoffwn wybod sut y mae Asiantaeth yr Amgylchedd wedi adweithio i hynny, gan adeiladu ar yr hyn a ddywedasoch yn fyr mewn ateb i Sue Essex.

**Mr Thomas:** Deliaf yn gyntaf â chwestiwn y bond, neu ddarpariaethau ariannol fel y'u gelwir yn fwy priodol yn y gyfraith. Dywed y gyfraith na allwn drosglwyddo trwydded na rhoi trwydded os nad oes darpariaethau ariannol yn eu lle. Gellir gwneud y darpariaethau ariannol hynny mewn sawl ffordd. Yn achos trosglwyddo'r drwydded i Amgen Rhondda, mae'r darpariaethau hynny'n cael eu cronni. Nid bond ydyw yn yr ystyr fod rhywbeth yn cael ei roi wrth gefn ar y diwrnod cyntaf. Arian yn cronni ydyw. Derbyniasom y dull hwnnw, sydd yn berffaith gyfreithlon, am mai'r dewis arall yn

the site to be abandoned. Amgen Rhondda brought with them £1 million to be spent immediately on improving that site. That is entirely consistent with our earlier approach when we took out a High Court injunction in, I think, 1997, when Rhondda Waste Disposal Limited pulled its employees off the site, because abandonment of the site simply exacerbated the problems that were present there. Therefore, we brought those employees back on site. The same philosophy underpinned our decision to transfer the licence to Amgen Rhondda.

[61] **Helen Mary Jones:** May I briefly ask a supplementary question?

[62] **Richard Edwards:** Very briefly.

[63] **Helen Mary Jones:** I understand the accumulator factor. However, what would be the consequences of the company going bust before the amount would have been accumulated? Who carries the financial can if that happens?

**Mr Thomas:** Our decision, as you can clearly see, was not a black and white decision. However, of course, if the company went broke the day after we had transferred that licence, there would nevertheless have been £1 million to be spent on remedial works, which had not been there the day before. So, the very worst situation would be that we would have £1 million to spend. The longer the company is in operation, the better it gets.

On the second question, I will have to defer to John because he knows the staff who have been operating on site.

**Mr Harrison:** I can only say that the staff in the agency have always tried to be courteous and have a full understanding of the residents' situation. We have provided a 24-hour incident response line. I have had many conversations with members of the community in the early hours of the morning—wholly appropriately—and when we are not able to get to the respondents, if complaints are coming in in large numbers, we have always endeavoured to provide written information or briefing notes on a regular basis. I have not taken any

syml oedd gadael y safle fel yr oedd. Wedyn daeth Amgen Rhondda ag £1 filiwn gyda hwy i'w wario'n syth ar wella'r safle. Mae hynny'n gwbl gyson â'n dull cynharach wrth inni sicrhau gorfodeb Uchel Lys yn, yr wyf yn meddwl, 1997, pan dynnodd Rhondda Waste Disposal Cyfyngedig ei weithwyr oddi ar y safle, am na fyddai gadael y safle ddim ond yn gwaethgu'r problemau a oedd yn bresennol yno. Felly, daethom â'r gweithwyr hynny'n ôl i'r safle. Yr un athroniaeth oedd wrth wraidd ein penderfyniad i drosglwyddo'r drwydded i Amgen Rhondda.

[61] **Helen Mary Jones:** A gaf i ofyn cwestiwn atodol, yn fyr?

[62] **Richard Edwards:** Yn fyr iawn.

[63] **Helen Mary Jones:** Deallaf y ffactor cronni. Fodd bynnag, beth fyddai canlyniadau y cwmni'n mynd i'r wal cyn i'r swm gronni? Pwy sydd yn cario'r baich ariannol os digwydd hynny?

**Mr Thomas:** Nid penderfyniad du a gwyn oedd ein penderfyniad, fel y gallwch weld yn glir. Fodd bynnag, wrth gwrs, petasai'r cwmni'n mynd yn fethdalwr y diwrnod wedi inni drosglwyddo'r drwydded, serch hynny buasai gennym £1 filiwn i'w wario ar waith adfer, na fuasai yno'r diwrnod cynt. Felly, y sefyllfa waethaf un fyddai fod gennym £1 filiwn i'w wario. Gorau po hwyaf wedyn y mae'r cwmni'n dal i weithredu.

Ar yr ail gwestiwn, bydd yn rhaid imi ildio i John gan mai ef sydd yn adnabod y staff sydd wedi bod yn gweithio ar y safle.

**Mr Harrison:** Ni allaf ond dweud fod y staff yn yr asiantaeth bob amser wedi ceisio bod yn gwrtais a chael dealltwriaeth lawn o sefyllfa'r trigolion. Yr ydym wedi darparu llinell ymateb i ddigwyddiadau 24 awr y dydd. Cefais sawl sgwrs gydag aelodau'r gymuned yn oriau mân y bore—yn gwbl briodol—a phan nad ydym yn gallu cyrraedd pawb, os oes niferoedd mawr o gwynion yn dod i mewn, yr ydym bob amser wedi ceisio darparu gwybodaeth ysgrifenedig neu nodiadau cyfarwyddo ar sail reolaidd. Nid wyf wedi disgyblu neb o'm staff sydd wedi



disciplinary action against any of my staff who have been dealing with the community over the years. I appreciate that there are circumstances where we have differences of opinion that are emotive. However, as I say, we will be providing details to the investigator about the manner in which we have tried to meet all the requirements placed upon us, both individual information requests and group requests. As Roger said, we have had to balance our service level of responding to incidents within set time periods with making sure that we are putting most of our efforts into trying to resolve the problems on site, when we have complaints where the impacts are well known. It is really a matter of trying to decide on the best and appropriate use of resources. We will provide full information about our incident management arrangements to the investigator.

[64] **Richard Edwards:** Thank you very much. I remind Members to take care to be impartial in the way they couch questions. Prevention is better than cure.

[65] **Delyth Evans:** I have two questions. Sue Essex has already mentioned the liner that was put down; I appreciate that the Environment Agency was not responsible for the site at that time. We were told last week that somebody had received good evidence that the liner that was originally put down was designed to break down. Also, there were tears in the original liner that people saw with their own eyes, before any waste went into the tip, which meant that any harmful matter could drain straight through it. I would like to know your view on the condition of that original liner, whether it was designed to break down and what kind of condition you feel it is in at the moment. There is another issue related to that, which is that any attempts to cover the landfill get into trouble because a cover cannot be attached to the original liner in places, because it cannot be found. I would like your view on that.

My second question relates to what is actually in that site now. The biggest concern of people who spoke to us last week is their continuing anxiety about what is actually up there and they are worried that they still do

bod yn delio â'r gymuned dros y blynyddoedd. Sylweddolaf fod yna amgylchiadau lle cawn wahaniaethau barn sydd yn corddi teimladau cryfion. Fodd bynnag, fel y dywedais, byddwn yn darparu manylion i'r ymchwilydd ynglŷn â'r modd yr ydym wedi ceisio ateb yr holl ofynion a wnaethpwyd arnom, yn geisiadau unigol am wybodaeth ac yn geisiadau ar y cyd. Fel y dywedodd Roger, yr ydym wedi gorfod sicrhau cydbwysedd rhwng ein lefel gwasanaeth o ran ymateb i ddigwyddiadau o fewn cyfnodau amser penodol a gwneud yn siŵr ein bod yn rhoi'r rhan fwyaf o'n hymdrechion i geisio datrys y problemau ar y safle, pan gawn gwynion lle mae'r effeithiau'n hysbys iawn. Mater ydyw mewn gwirionedd o geisio penderfynu ar y defnydd gorau a mwyaf priodol o adnoddau. Darparwn wybodaeth lawn am ein trefniadau rheoli digwyddiadau i'r ymchwilydd.

[64] **Richard Edwards:** Diolch yn fawr. Atgoffaf Aelodau i ofalu bod yn amhleidiol yn y ffordd y geiriant gwestiynau. Mae atal yn well na iacháu.

[65] **Delyth Evans:** Mae gennyf ddau gwestiwn. Mae Sue Essex eisoes wedi sôn am y leinin a osodwyd; sylweddolaf nad Asiantaeth yr Amgylchedd oedd yn gyfrifol am y safle bryd hynny. Dywedwyd wrthym yr wythnos diwethaf fod rhywun wedi cael tystiolaeth dda fod y leinin a osodwyd yn wreiddiol wedi'i gynllunio i ddadfeilio. Hefyd, yr oedd rhwygiadau yn y leinin gwreiddiol a welodd pobl â'u llygaid eu hunain, cyn i unrhyw wastraff fynd i mewn i'r domen, a olygai y gallai defnydd niweidiol draenio'n syth drwyddo. Hoffwn wybod eich barn ar gyflwr y leinin gwreiddiol, a ydoedd wedi'i gynllunio i ddadfeilio a pha fath o gyflwr y teimlwch ei fod ynddo ar y funud. Mae mater arall cysylltiedig â hynny, sef bod unrhyw ymgeisiau i roi gorchudd ar y tirlenwad yn mynd i drafferth oherwydd nad oes modd cysylltu gorchudd â'r leinin gwreiddiol mewn mannau, am na ellir dod o hyd iddo. Hoffwn eich sylw ar hynny.

Mae a wnelo fy ail gwestiwn â'r hyn sydd yn y safle hwnnw yn awr. Pryder mwyaf y bobl a siaradodd gyda ni'r wythnos diwethaf yw eu hanniddigrwydd cynyddol ynghylch beth yn union sydd i fyny yn y fan honno ac maent

not know what is there. We saw an aerial photograph, which was very alarming, showing a big, red luminous patch in a section of the landfill, and they had never been able to get any explanation from anybody as to what that was. It was very alarming and they are clearly concerned about what is up there now. What measures are you taking to establish for certain what is actually contained within that landfill, and how confident can people be that you are dealing with anything hazardous up there?

**Mr Thomas:** Again these are very specific questions about the site that I will have to ask John about because I was not there when the agency inherited the site. Perhaps you could comment on the condition of the liner, John? We may need to come back on this; I am not sure that we have the answer here now.

**Mr Harrison:** The general comment that I would make to that member of the public about the condition of the liner and liners in general, is that when the site was designed and when all landfill sites that took lining systems were designed, experience worldwide had shown that lining systems deteriorate over a period of time. However, the philosophy was based upon the idea that they were better than what was previously achievable within the technical knowledge available at the time. The philosophy is that the protection afforded by the liner, when it does have integrity, deals with the site while most of the degradation processes that occur in landfills are taking place. When the site becomes stable, after a period of closure and monitoring, that is the time that liners are expected to degrade. That is all based on experience and, to date, the lining system at Nantygwyddon has been found to be in a satisfactory condition. Tears are known to have occurred during construction, and construction quality assurance systems were in place to repair those.

As regards the agency's concern about the condition of the liner, part of the site has not yet had any waste deposited on it. As part of the modification that we imposed on Rhondda Waste Disposal in May 1998, there was a requirement to carry out a detailed

yn poeni eu bod yn dal heb wybod beth sydd yno. Gwelsom lun o'r awyr, a oedd yn ddychrynlyd iawn, yn dangos clwt mawr coch golau ar ddarn o'r safle tirlenwi, ac nid oeddent byth wedi gallu cael unrhyw eglurhad gan neb ynghylch beth oedd hwnnw. Yr oedd yn ddychrynlyd iawn ac maent yn amlwg yn pryderu ynglŷn â beth sydd yno yn awr. Pa gamau yr ydych chi'n eu cymryd i ganfod i sicrwydd beth yn union sydd yn y tirlenwad hwnnw, a pha mor hyderus all pobl fod eich bod yn delio ag unrhyw beth peryglus i fyny yno?

**Mr Thomas:** Eto, mae'r rhain yn gwestiynau penodol iawn am y safle a bydd raid imi ofyn i John amdanynt oherwydd nid oeddwn i yno pan etifeddodd yr asiantaeth y safle. Hwyrach y gallech chi roi sylw ar gyflwr y leinin, John? Efallai y bydd angen inni ddod yn ôl ar hyn; nid wyf yn siŵr fod yr ateb gennym yma yn awr.

**Mr Harrison:** Fy sylw cyffredinol i i'r aelod hwnnw o'r cyhoedd ynglŷn â chyflwr y leinin a leininau'n gyffredinol, yw pan ddyluniwyd y safle a phan ddyluniwyd pob safle tirlenwi a gymerai system leinin, fod profiad ledled y byd wedi dangos fod systemau leinin yn dirywio dros gyfnod o amser. Fodd bynnag, yr oedd yr athroniaeth yn seiliedig ar y syniad eu bod yn well na'r hyn y gellid ei gyflawni cyn hynny o fewn yr wybodaeth dechnegol a oedd ar gael ar y pryd. Yr athroniaeth yw fod y warchodaeth a roddir gan y leinin, pan yw'n gyfan, yn gofalu am y safle tra bod y rhan fwyaf o'r prosesau diraddio sydd yn digwydd mewn tirlenwadau yn digwydd. Pan fydd y safle wedi sadio, ar ôl cyfnod o gau a monitro, dyna pryd y disgwylir i'r leinin ddiraddio. Mae hynny i gyd yn seiliedig ar brofiad a, hyd yma, canfuwyd fod y system leinin yn Nantygwyddon mewn cyflwr boddhaol. Gwyddys fod rhwygiadau wedi digwydd yn ystod y gwaith adeiladu, ac yr oedd systemau sicrhau ansawdd adeiladwaith yn eu lle i atgyweirio'r rheini.

Parthed pryder yr asiantaeth ynghylch cyflwr y leinin, mae rhan o'r safle heb gael unrhyw wastraff arni eto. Fel rhan o'r gorchymyn diwygio a roesom ar Rhondda Waste Disposal ym Mai 1998, yr oedd gofyniad i wneud archwiliad manwl o'r leinin presennol

examination of the existing liner that is exposed. That has been carried out. It was found to have some areas that needed repair and that has been achieved. However, that is an area where waste has not been deposited.

In terms of what it is in the site and the question of the anxiety of the residents, we fully appreciate that anxiety. Over the years we have investigated each and every concern that has come forward as to a specific waste stream. The agency, by employing the consultants Entec and carrying out its own monitoring, has tried to establish what pollutants are generated by the site in terms of atmospheric emissions as well as what is contained in the leachate. The precise deposit of anything in terms of hazardous waste has been investigated, but the site was not licensed to receive any special or hazardous wastes, although some sites are obviously allowed to do so.

On the last point about the aerial photograph, we did have sight of an aerial photograph previously. However, I was not able to see the one at last week's meeting. If that is presented to us by the investigator, we may well be able to provide some information as to why a particular bright colour was shown on that photograph. However, not having seen the photograph, I would not wish to comment on it today.

**Mr Thomas:** It is also important to point out, of course, that it is only since 1996 that we have been regulating the site and would have detailed knowledge of what goes in and out of the site. It is quite a complex task to try to build up a picture of what is there over a long period of time.

[66] **Richard Edwards:** We need to establish what that luminous bit is.

**Mr Thomas:** Absolutely.

[67] **Geraint Davies:** There are 30,000 tonnes of calcium sulphate in the site and that is likely to create an environmental problem for over 980 years. Do you think that it is significant that you did not take action for approximately six months? You had

sydd yn y golwg. Gwnaethpwyd hynny. Canfuwyd bod rhai mannau angen eu hatgyweirio a chyflawnwyd hynny. Fodd bynnag, man yw hwnnw lle na chafodd gwastraff ei arllwys.

O ran beth sydd yn y safle a chwestiwn pryder y trigolion, yr ydym yn llawn sylweddoli'r pryder hwnnw. Dros y blynyddoedd yr ydym wedi ymchwilio i bob un pryder a fynegwyd ynghylch ffrwd wastraff benodol. Mae'r asiantaeth, drwy gyflogi'r ymgynghorwyr Entec a gwneud ei monitro ei hun, wedi ceisio sefydlu pa lygrynnau a gynhyrchir gan y safle yn nhermau gollyngiadau atmosfferaid yn ogystal â'r hyn sydd wedi'i gynnwys yn y trwytholchion. Ymchwiliwyd i unrhyw achos manwl o arllwys unrhyw beth yn nhermau gwastraff peryglus, ond nid oedd y safle wedi'i drwyddedu i dderbyn unrhyw wastraffau arbennig na pheryglus, er y caniateir i rai safleoedd wneud hynny, yn amlwg.

Ar y pwynt olaf ynglŷn â'r llun a dynnwyd o'r awyr, cawsom weld llun o'r awyr o'r blaen. Fodd bynnag, ni lwyddais i weld yr un a grybwyllwyd yng nghyfarfod yr wythnos diwethaf. Os cyflwynir hwnnw inni gan yr ymchwilydd, efallai'n wir y gallwn roi rhyw wybodaeth ynghylch pam y byddai lliw llachar arbennig wedi ymddangos ar y llun hwnnw. Fodd bynnag, heb weld y llun, ni hoffwn roi sylw arno heddiw.

**Mr Thomas:** Mae'n bwysig nodi hefyd, wrth gwrs, mai dim ond ers 1996 yr ydym wedi bod yn rheoleiddio'r safle ac y byddai gennym wybodaeth fanwl am yr hyn sydd yn mynd i mewn ac allan o'r safle. Mae'n dasg eithaf cymhleth ceisio adeiladu darlun o'r hyn sydd yno dros gyfnod maith.

[66] **Richard Edwards:** Mae angen inni sefydlu beth yw'r tamaid llachar hwnnw.

**Mr Thomas:** Yn bendant.

[67] **Geraint Davies:** Mae 30,000 o dunelli o galsiwm sylffad yn y safle ac mae hynny'n debygol o greu problem amgylcheddol am dros 980 o flynyddoedd. A ydych chi'n meddwl ei bod yn arwyddocaol na wnaethoch chi weithredu am oddeutu chwe mis?

complaints in—what was it?—June 1996 and then did not take action until January 1997. Do you think that you could have acted quicker in that instance? You had the complaints and you knew that the problem was coming from the tip. You should have gone to see the tip company, seen exactly what they were tipping and then you could have stopped it straightaway instead of waiting six months. How many thousands of tonnes went in as a consequence of your delay?

**Mr Thomas:** We had the first complaint about odour in June 1996 but, in fact, we did not start getting numbers of complaints until September. We looked immediately at that and, as John has said, our immediate suspicion rested with calcium sulphate, because of course it had been a problem at Trecatti. Also, as Councillor Syd Morgan pointed out to you earlier, there is a 1989 Government report that states that you should not dispose of calcium sulphate with household waste. It is a well-known problem. However, we have, as I think Anthony pointed out earlier, to be quite certain of our ground before we try to ban anything going on to a site. When we had that relative certainty—we commissioned a report to look into what was going on, but in the meantime we notified the council in December, in fact, of 1996 that we felt that that was the problem. In January we got that waste disposal suspended so that there was no more calcium sulphate going onto the site. So I think that it was more a question of three or four months than six or seven months and we had to have certainty because otherwise we would have been open to legal action by the waste disposer.

[68] **Geraint Davies:** Are you satisfied by the way that you have handled the leachate issue? The leachate pipe has been a problem ever since the tip was established. What action have you taken with regard to the leachate pipe?

**Mr Thomas:** For the detail of that, again I will have to defer to John. However, you have seen in the list of modifications to licences that we have undertaken and High

Cawsoch gwynion yn—beth ydoedd?—Mehefin 1996 ac wedyn ni weithredoch tan Ionawr 1997. A ydych chi'n meddwl y gallech fod wedi gweithredu'n gynt yn yr achos hwnnw? Yr oedd y cwynion gennych ac yr oeddech yn gwybod fod y broblem yn dod o'r domen. Dylasech fod wedi mynd i weld cwmni'r domen, gweld yn union beth yr oeddent yn ei dipio ac wedyn gallech fod wedi rhoi terfyn arno'n syth yn lle aros chwe mis. Sawl mil o dunelli aeth i mewn o ganlyniad i'ch oedi?

**Mr Thomas:** Cawsom y gŵyn gyntaf am arogl ym Mehefin 1996 ond, mewn gwirionedd, ni ddechreusom gael niferoedd o gwynion tan fis Medi. Edrychasom ar hynny yn syth ac, fel y dywedodd John, ein hamheuaeth gyntaf oedd calsiwm sylffad, oherwydd wrth gwrs yr oedd wedi bod yn broblem yn Nhrecati. Hefyd, fel y dywedodd y Cynghorydd Syd Morgan wrthyf yn gynharach, mae adroddiad 1989 gan y Llywodraeth sydd yn datgan na ddylid gwaredu calsiwm sylffad gyda gwastraff domestig. Mae'n broblem adnabyddus. Fodd bynnag, mae'n rhaid, fel y nododd Anthony yn gynharach mi gredaf, inni fod yn gwbl sicr o'n tir cyn ceisio gwahardd unrhyw beth rhag mynd i safle. Pan gawsom y sicrwydd cymharol hwnnw—comisiynwyd adroddiad i edrych i mewn i beth oedd yn mynd ymlaen, ond yn y cyfamser dywedasom wrth y cyngor yn Rhagfyr 1996, mewn gwirionedd, ein bod yn teimlo mai dyna oedd y broblem. Yn Ionawr cawsom atalio y gwaredu gwastraff hwnnw fel nad oedd dim mwy o calsiwm sylffad yn mynd i'r safle. Felly yr wyf yn meddwl ei bod yn debycach i dri neu bedwar mis na chwe neu saith mis ac yr oedd yn rhaid inni gael sicrwydd oherwydd fel arall buasem wedi bod yn agored i achos cyfreithiol gan y gwardwr gwastraff.

[68] **Geraint Davies:** A ydych yn fodlon gyda'r modd yr ydych wedi delio â mater y trwytholchion? Mae'r bibell drwytholchion yn broblem byth er sefydlu'r domen. Beth ydych chi wedi'i wneud ynglŷn â'r bibell drwytholchion?

**Mr Thomas:** Am y manylion ynghylch hynny, eto bydd yn rhaid imi ildio i John. Fodd bynnag, yr ydych wedi gweld yn y rhestr o ddiwygiadau i drwyddedau yr ydym

Court injunctions to notices, that there has been a lot of regulatory action and there has been substantially more effort in terms of manpower than would have been expended on the site before the agency was established—far more than we had inherited, for example, from the local authority.

**Mr Harrison:** The issue of leachate management is an important issue on the site and it is related to how leachate and landfill gas must be managed in an integrated manner. I think that Sue Essex made a point earlier about the original design. The difference between design and operation gave rise to the observation by the agency that the leachate system was not capable of handling the leachate produced by the site as a result of the changed operation of the site over the years. Therefore, we put that in as one of the key areas that had to be examined by the company in our modification in January 1997. It had to look at the landfill gas and leachate issues together and not in isolation. We then included the recommended works necessary to amend the site's infrastructure to enable it to cope with what it was actually producing in terms of leachate and landfill gas. Those works were finally carried out by Amgen Rhondda over the last 12 months. The works on the leachate management system are now complete. However, leachate is a very important part of the overall picture. This is not just a matter of landfill gas.

wedi'u gwneud a gorfodebau'r Uchel Lys i rybuddion, y bu llawer o weithredu rheoleiddiol ac y bu cryn dipyn yn fwy o ymdrech yn nhermau gweithlu nag a fyddai wedi'i dreulio ar y safle cyn sefydlu'r asiantaeth—llawer mwy nag yr oeddem wedi'i etifeddu, er enghraifft, gan yr awdurdod lleol.

**Mr Harrison:** Mae cwestiwn rheoli trwytholchiad yn fater pwysig ar y safle ac mae'n ymwneud â'r modd y mae'n rhaid rheoli trwytholchion a nwy tirlenwad mewn modd integredig. Credaf i Sue Essex wneud pwynt yn gynharach ynghylch y dyluniad gwreiddiol. Arweiniodd y gwahaniaeth rhwng y dyluniad a'r gweithrediad at sylw gan yr asiantaeth nad oedd y system drwytholchiad yn gallu ymdopi â thrwytholchion a gynhyrchwyd gan y safle o ganlyniad i newid gweithrediad y safle dros y blynyddoedd. Felly, bu inni gynnwys hynny fel un o'r manau allweddol yr oedd yn rhaid i'r cwmni ei archwilio yn ein gorchymyn diwygio yn Ionawr 1997. Yr oedd yn rhaid iddo edrych ar y materion nwy tirlenwad a thrwytholchiad gyda'i gilydd ac nid ar wahân. Wedyn bu inni gynnwys y gwaith angenrheidiol a argymhellid i addasu isadeiledd y safle i'w alluogi i ymdopi â'r hyn yr oedd yn ei gynhyrchu yn nhermau trwytholchiad a nwy tirlenwad. Gwnaethpwyd y gwaith hwnnw o'r diwedd gan Amgen Rhondda dros y 12 mis diwethaf. Mae'r gwaith ar y system reoli trwytholchiad bellach wedi'i gwblhau. Fodd bynnag, mae trwytholchiad yn rhan bwysig iawn o'r darlun cyfan. Nid mater nwy tirlenwad yn unig yw hyn.

[69] **Geraint Davies:** Is there evidence of any pollution—

[69] **Geraint Davies:** A oes tystiolaeth o unrhyw lygredd—

[70] **Richard Edwards:** This is your last question, Geraint.

[70] **Richard Edwards:** Hwn yw eich cwestiwn olaf, Geraint.

[71] **Geraint Davies:** I have one more question.

[71] **Geraint Davies:** Mae gennyf un cwestiwn arall.

[72] **Richard Edwards:** Several other Members also want to ask questions, and we only have so much time.

[72] **Richard Edwards:** Mae sawl Aelod arall eisiau gofyn cwestiynau hefyd, a dim ond hyn a hyn o amser sydd gennym.

[73] **Geraint Davies:** Is there any evidence of pollution of streams and watercourses as a

[73] **Geraint Davies:** A oes unrhyw dystiolaeth o lygredd i nentydd a chyrsgau

consequence of inadequate control of the leachate coming from the site, whether through the pipe or leaking through the defective liner?

**Mr Harrison:** There was evidence that the leachate system was not coping with the volumes and causing pollution in the adjoining stream, and on occasion it was discharging into the sewage system and the associated pipework was overflowing. That occurred usually during high periods of leachate generation, but soon after the cessation of those periods, the streams returned to good quality. However, we will provide detailed information to the investigator of the various impacts that the leachate has had in the surrounding environment. We will also provide information on how we responded to the wider concerns from residents about water quality in general, not directly at the site, but at other locations about which residents also expressed concern last week.

**Mr Thomas:** May I ask Anthony Weare to very briefly explain the complex legal position in terms of the management of this site given the company, a licence without financial provisions, injunctions and administrators? That made it very difficult in regulatory terms as well.

**Mr Weare:** I will try to be brief and explain those unusual events. Clearly, the importance of the injunction in 1997 was that when the licence was modified to require further steps to be taken and those actions were not being taken, the agency felt it very important that the company be forced to do what the regulatory licence required. That is why we had the injunction. I think that the important point on the insolvency side of it, again to get the periods right, we intervened in January 1999, much much later, in these insolvency proceedings, because of course our worry was that this site could effectively be abandoned.

The important point there is that while these proceedings were going on there was a period of some eight months when the legal owner, or the legal person responsible for the licence

dŵr o ganlyniad i reolaeth annigonol ar y trwytholchiad a ddaw o'r safle, boed drwy'r bibell neu'n gollwng drwy'r leinin diffygiol?

**Mr Harrison:** Yr oedd tystiolaeth nad oedd y system drwytholchiad yn ymdopi â'r cyfeintiau a'i bod yn llygru'r nant gyfagos, ac ar adegau yr oedd yn gollwng i'r system garthffosiaeth ac yr oedd y pibellau cysylltiedig yn gorlifo. Digwyddodd hynny fel arfer yn ystod cyfnodau brig o gynhyrchu trwytholchiad, ond yn fuan wedi i'r cyfnodau hynny ddod i ben, byddai'r nentydd yn dychwelyd i ansawdd da. Fodd bynnag, fe roddwn wybodaeth fanwl i'r ymchwilydd am y gwahanol effeithiau a gafodd y trwytholchiad yn yr amgylchedd cyfagos. Darparwn wybodaeth hefyd ar y modd y bu inni ymateb i'r pryderon ehangach gan drigolion ynghylch ansawdd dŵr yn gyffredinol, nid yn uniongyrchol ar y safle, ond mewn lleoliadau eraill y mynegwyd pryder yn ei gylch gan drigolion yr wythnos diwethaf hefyd.

**Mr Thomas:** A gaf fi ofyn i Anthony Weare egluro'n fyr iawn y sefyllfa gyfreithiol gymhleth yn nhermau rheoli'r safle hwn oherwydd y cwmni, trwydded heb ddarpariaethau ariannol, gorfodebau a gweinyddwyr? Gwnaeth hynny hi'n anodd iawn yn nhermau rheoleiddio hefyd.

**Mr Weare:** Ceisiaf fod yn fyr ac egluro'r digwyddiadau anarferol hynny. Yn amlwg, pwysigrwydd yr orfodeb yn 1997 oedd pan gafodd y drwydded ei diwygio i gamau pellach gael eu cymryd, ac nad oedd y gweithredu hwnnw'n digwydd, y teimlai'r asiantaeth ei bod yn bwysig iawn gorfodi'r cwmni i wneud yr hyn yr oedd y drwydded reoleiddio yn ei fynnu. Dyna pam y cawsom yr orfodeb. Credaf mai'r pwynt pwysig ar fater y methdaliad, eto i gael y cyfnodau'n iawn, gwnaethom ymyrryd yn Ionawr 1999, sef yn llawer iawn diweddarach, yn y gweithdrefnau methdaliad hyn, oherwydd wrth gwrs, ein pryder oedd y gellid cefnu ar y safle hwn i bob pwrpas.

Y pwynt pwysig yn y fan honno yw tra bod y digwyddiadau hyn yn mynd yn eu blaen, yr oedd cyfnod o ryw wyth mis pan mai'r perchennog cyfreithiol, neu'r person oedd yn

and complying with it, was the administrator. The best that could be achieved was for the site to be kept on 'tick-over'. To get any improvements was not feasible when you had an administrator running the company. So I think that in relation to the question from Geraint Davies, that period was always very difficult for the agency. It was an interim period while the administrator was trying to sell the company to a viable purchaser, and it meant that no improvement, really, could be done during that period. The best that could be done was to ensure that the site did not get any worse, and my understanding is that it did not in terms of what was done. However that eight-month period was, if you like, lost in terms of what could be improved, because the administrator at law could not be required to improve it, just to maintain it.

[74] **David Davies:** First, there was a suggestion by one resident last week that tyres had been burnt on the site. I wondered whether the Environment Agency had any evidence of that, or whether it investigated it. Secondly, and more pertinent really to this investigation, could you tell us what you think the technical solution is, because clearly there is an ongoing problem. Very powerful evidence was given. There must be something that can be done. What is the solution?

**Mr Thomas:** With respect to tyres, there was a stockpile of tyres on the site that caught light, in mysterious circumstances, it has to be said. John will know more about that, but I am very much aware of that occurring. It was widely reported at the time.

On the technical solutions for the site, we believe that it needs to be actively managed to reduce its impact on the environment and health. Simply abandoning it would not solve the problem. In fact, locally, the conditions would get worse.

[75] **David Davies:** The residents made a particular point about the ongoing smells making their lives a misery. Is there a solution to that problem? If this site were actively managed, can we solve that

gyfreithiol gyfrifol am y drwydded ac am gydymffurfio â hi, oedd y gweinyddwr. Y gorau y gellid ei gyflawni oedd cadw'r safle i rygnu ymlaen. Nid oedd yn ymarferol cael unrhyw welliannau pan oedd gennych weinyddwr yn rhedeg y cwmni. Felly mi gredaf, mewn perthynas â'r cwestiwn gan Geraint Davies, fod y cyfnod hwnnw wastad yn un anodd iawn i'r asiantaeth. Cyfnod drosdro ydoedd tra'r oedd y gweinyddwr yn ceisio gwerthu'r cwmni i brynwr hyfyw, a golygai na ellid gwneud dim gwelliannau, â dweud y gwir, yn ystod y cyfnod hwnnw. Y gorau y gellid ei wneud oedd sicrhau nad âi'r safle'n ddim gwaeth, a'm dealltwriaeth i yw na wnaeth, yn nhermau'r hyn a wnaethpwyd. Fodd bynnag, os mynnwch, collwyd y cyfnod wyth mis hwnnw yn nhermau yr hyn y gellid ei wella, oherwydd na ellid mynnu bod y gweinyddwr yn y gyfraith yn ei wella, dim ond yn ei gynnal.

[74] **David Davies:** Yn gyntaf, cafwyd awgrym gan un o'r trigolion yr wythnos diwethaf fod teiars wedi'u llosgi ar y safle. Tybed a oes gan Asiantaeth yr Amgylchedd unrhyw dystiolaeth o hynny, neu a ymchwiliodd iddo. Yn ail, ac yn fwy perthnasol, â dweud y gwir, i'r astudiaeth hon, a allech ddweud wrthym beth yw'r ateb technegol yn eich barn chi, oherwydd yn amlwg mae problem yn parhau. Rhoddwyd dystiolaeth rymus iawn. Rhaid bod rhywbeth y gellir ei wneud. Beth yw'r ateb?

**Mr Thomas:** Ynglŷn â'r teiars, yr oedd pentwr o deiars wedi cronni ar y safle a aeth ar dân mewn amgylchiadau rhyfedd, mae'n rhaid dweud. Bydd John yn gwybod mwy am hynny, ond yr wyf yn ymwybodol iawn fod hynny wedi digwydd. Yr oedd llawer o sylw yn y wasg amdano ar y pryd.

Ar yr atebion technegol i'r safle, credwn fod angen ei reoli'n weithredol i leihau ei effaith ar iechyd a'r amgylchedd. Ni fyddai cefnu arno yn datrys y problem. Yn wir, yn lleol, byddai amgylchiadau'n gwaethygu.

[75] **David Davies:** Gwnaeth y trigolion bwynt arbennig am y drewdod parhaus sydd yn gwneud eu bywyd yn boen. A oes ateb i'r problem honno? Pe bai'r safle hwn yn cael ei reoli'n weithredol, a allwn ddatrys y problem

problem?

**Mr Thomas:** John will explain the action that Amgen Rhondda is taking to try to solve that problem.

**Mr Harrison:** There is a solution that was set out in the agency's modification of May 1998, that utilised feedback from the consultants appointed by the agency, Entec, along with that from the consultants known as CL Associates, who were commissioned by Rhondda Waste Disposal Limited. The majority of those works were put in place by Rhondda Waste Disposal. However, the company hit financial difficulties towards the end of 1998 and did not complete all the works. As Anthony explained, the consequential administration meant that it is only recently that Amgen Rhondda has completed all the necessary works. We are currently going through a final audit of the site so that we can provide the investigator with the information that the works have been completed. The important point that Roger mentioned is that any controls on site and any processes are only as good as they are maintained. That is why the agency is very pleased by Amgen Rhondda's commitment to carrying out comprehensive air monitoring on site, on the perimeter of the site and in the community, in order to demonstrate that the controls that it has in place will be effective for a significant period of time. So, the company has applied a solution that, we believe, shows that in any situation like this, which is fairly unique within Wales and not often seen in the UK, there is a way forward, which should build some confidence. However, it is early days, and I can appreciate the situation as far as the residents are concerned because they need to feel that the effectiveness of this solution can be proven over time.

[76] **John Marek:** Your evidence seems to be in a different style to what we have heard before. You talked about it being difficult to ban any particular disposal of waste unless there is a cast iron case for doing so and you were at pains to assure us that only for the last four years did you have any responsibility for the tip. Mr Weare said that it was difficult to withdraw a particular licence and that the best that can be achieved

honno?

**Mr Thomas:** Eglura John yr hyn y mae Amgen Rhondda yn ei wneud i geisio datrys y broblem honno.

**Mr Harrison:** Y mae ateb a amlinellwyd yng ngorchymyn diwygio'r asiantaeth ym Mai 1998, a ddefnyddiai atborth gan yr ymgynghorwyr a benodwyd gan yr asiantaeth, Entec, ynghyd â'r atborth gan yr ymgynghorwyr a elwid CL Associates, a gomisiynwyd gan Rhondda Waste Disposal Cyfyngedig. Gwnaethpwyd y rhan fwyaf o'r gwaith hwnnw gan Rhondda Waste Disposal. Fodd bynnag, aeth y cwmni i drafferthion ariannol tua diwedd 1998 ac ni chwblhaodd y gwaith i gyd. Fel yr eglurodd Anthony, golygodd y gweinyddiad yn sgîl hynny mai dim ond yn ddiweddar y mae Amgen Rhondda wedi cwblhau'r gwaith angenrheidiol i gyd. Yr ydym ar hyn o bryd yn mynd drwy archwiliad terfynol o'r safle fel y gallwn roi'r wybodaeth i'r ymchwilydd fod y gwaith wedi'i gwblhau. Y pwynt pwysig a grybwyllwyd gan Roger yw bod unrhyw fesurau rheoli ar y safle ac unrhyw brosesau ddim ond mor dda ag y cânt eu cynnal. Dyna pam y mae'r asiantaeth yn falch iawn gydag ymrwymiad Amgen Rhondda i wneud gwaith cynhwysfawr i fonitro aer ar y safle, ar ffiniau'r safle ac yn y gymuned, er mwyn dangos y bydd y mesurau rheoli y mae wedi'u sefydlu yn effeithiol am gyfnod arwyddocaol. Felly, mae'r cwmni wedi gweithredu ateb sydd, fe gredwn, yn dangos bod ffordd ymlaen mewn unrhyw sefyllfa fel hyn, sydd yn eithaf unigryw yng Nghymru ac yn un na welir yn aml yn y DU, a dylai hynny adeiladu peth hyder. Fodd bynnag, mae'n ddyddiau cynnar, a gallaf ddeall y sefyllfa o safbwynt y trigolion oherwydd y mae angen iddynt deimlo y gellir profi effeithiolrwydd yr ateb hwn dros gyfnod o amser.

[76] **John Marek:** Mae'ch tystiolaeth fel pe bai'n wahanol o ran arddull i'r hyn a glywsom o'r blaen. Sonioch ei bod yn anodd gwahardd unrhyw waredu gwastraff penodol oni bai fod achos cwbl gyfiawn dros wneud hynny ac yr oeddech yn awyddus iawn i'n sicrhau ni mai dim ond am y pedair blynedd diwethaf y bu gennyh chi unrhyw gyfrifoldeb am y domen. Dywedodd Mr Weare ei bod yn anodd tynnu trwydded



is tick-over. The word 'try' has been used on several occasions and I think that the record will show that. I wonder whether this is just a sorry tale of not sorting out the nuisance. I have two very easy questions—easy to ask, at least. Do you believe that you are in any way at fault and could you have done better during the last four years? If you feel that you could, would it have helped if you had had more powers than you currently do?

**Mr Thomas:** Clearly, the investigation will undoubtedly find better ways of doing things. We will learn from it as much as everybody else in this room. I am sure that there are better ways of doing things and, in that sense, criticism of our approach is very constructive. We welcome it in the sense that it will help us do our job better. So, yes, I am expecting that as a consequence of this inquiry, we will have a better approach in the future. However, I have gone through the records and I am not sure how much more we could have done in our situation, because it absorbed an enormous amount of our resources. If we had had more powers and more resources perhaps we could have done more, but I am not sure of that.

**Mr Weare:** I will quickly clarify two points. My remark about 'tick-over' was intended to mean that when the administrator was responsible for this company for a nine-month period while it was insolvent, we could not insist on any improvements. Mr Marek is totally incorrect if he perceived that as meaning that throughout the whole of the agency's regulation period the site was on tick-over. That is not what we are saying. It was simply true for that period of administration.

My second point—

[77] **John Marek:** Just to put you right, I did not say that. I said that you had quoted 'tick-over' for the six-month period or whatever, that is all.

benodol yn ôl ac mai'r gorau y gellir ei sicrhau yw cadw'r safle i rygnu ymlaen. Defnyddiwyd y gair 'ceisio' ar sawl achlysur ac yr wyf yn meddwl y bydd y cofnod yn dangos hynny. Tybed ai dim ond hanes truenus o fethu gwneud dim am y niwsans yw hyn. Mae gennyf ddau gwestiwn hawdd iawn—hawdd i'w gofyn, o leiaf. A ydych yn credu eich bod chi ar fai mewn unrhyw ffordd ac y gallech fod wedi gwneud yn well yn ystod y pedair blynedd diwethaf? Os teimlwch y gallech, a fuasai wedi helpu pe bai gennych fwy o bwerau nag sydd gennych ar hyn o bryd?

**Mr Thomas:** Yn amlwg, bydd yr astudiaeth yn ddi-os yn canfod dulliau gwell o wneud pethau. Fe ddysgw'n ni o'r broses gymaint â phawb arall yn yr ystafell hon. Yr wyf yn siŵr bod ffyrdd gwell o wneud pethau ac, yn yr ystyr hwnnw, mae beirniadaeth ar y ffordd yr aethom ni ati yn adeiladol iawn. Fe'i croesawn yn yr ystyr y bydd yn ein helpu i wneud ein gwaith yn well. Felly, ydw, yr ydwyf yn disgwyl y bydd gennym well ffordd o fynd ati yn y dyfodol yn sgîl yr ymchwiliad hwn. Fodd bynnag, yr wyf wedi mynd drwy'r cofnodion ac nid wyf yn siŵr faint yn fwy y gallasem fod wedi'i wneud yn ein sefyllfa ni, oherwydd fe lyncodd gyfran anferth o'n hadnoddau. Pe bai gennym fwy o bwerau a mwy o adnoddau efallai y gallasem fod wedi gwneud mwy, ond nid wyf yn siŵr o hynny.

**Mr Weare:** Egluraf ddau bwynt yn gyflym. Ystyr bwriedig fy sylw ynghylch 'rygnu ymlaen' oedd na allem fynnu unrhyw welliannau tra'r oedd y gweinyddwr yn gyfrifol am y cwmni hwn am gyfnod naw mis tra'i fod mewn methdaliad. Mae Mr Marek yn gwbl anghywir os cymerodd ef fod hynny'n golygu mai rhygnu ymlaen yr oedd y safle drwy gydol cyfnod rheoleiddio'r asiantaeth. Nid dyna yr hyn yr ydym yn ei ddweud. Yr oedd hynny'n wir am y cyfnod hwnnw mewn gweinyddiad yn unig.

Fy ail bwynt—

[77] **John Marek:** I'ch cywiro, ni ddywedais hynny. Dywedais eich bod wedi sôn am 'rygnu ymlaen' dros y cyfnod chwe mis neu beth bynnag, dyna'r cwbl.

**Mr Weare:** I am sorry, but I wanted that to be clear in case it came across to anyone that we were suggesting that we could not achieve more than tick-over in other than that period. I do not, myself, believe that the legal powers are seen to be wanting. I think that the agency has a wide toolkit of powers. What I was trying to point out when I referred to whether the licence could be revoked and therefore, effectively, the site closed, was that the range of powers are incremental. You use the right size spanner for the nut, is what I was trying to say. As the agency technically believed that the problems could be solved by better management, the modification of the licence was the correct spanner. If it had tried to go beyond that, then, legally, it would have been in difficulty. Therefore, I do not believe that the agency has a lack of legal powers. The appropriate thing is that it uses the correct power for the size of the problem.

[78] **Rhodri Glyn Thomas:** I have three very specific questions. Mention has been made of the level of complaints. I think that a figure of 2,500 was quoted. It seems to me to be a very large number. You referred also to 1996 being a particularly busy time in terms of the number of complaints. Is that 2,500 the sum total of complaints you received, or does it relate to a period of time? To quantify that and to be clear about the level of complaint, how does that compare in general terms? I am not asking you to quote figures for other sites, but there are local authority controlled sites in Carmarthen, Cardiff and Newport. How does the figure compare to the number of complaints that you receive for those sites?

Also, in terms of the legal interpretation of how modifications improve or solve the situation, we have had a number of references to the leachate pipeline. I think that there is an acceptance that that has caused environmental and health problems. Reference was made to the fact that it is early days. If you have been living with this problem for years, I do not think that 'early days' is perhaps a description that you would want to hear. Are you now saying that, with the modifications—I take the point that the audit has not been completed—you are confident that those problems have been

**Mr Weare:** Mae'n ddrwg gennyf, ond yr oedd arnaf eisiau i hynny fod yn glir rhag ofn i unrhyw un gael yr argraff na allem sicrhau dim mwy na rhygnu ymlaen y tu allan i'r cyfnod hwnnw. Nid wyf fi, fy hun, yn credu fod y pwerau cyfreithiol i'w gweld yn ddiffygiol. Credaf fod gan yr asiantaeth stôr eang o bwerau. Yr hyn yr oeddwn yn ceisio'i nodi pan gyfeiriais at y cwestiwn a ellid diddymu'r drwydded ac felly gau'r safle i bob pwrpas, oedd bod amrediad y pwerau'n gynyddrannol. Defnyddir sbaner o'r maint iawn ar gyfer nyten, dyna'r hyn a oedd gennyf. Gan fod yr asiantaeth yn credu'n dechnegol y gellid datrys y problemau drwy well rheolaeth, diwygio'r drwydded oedd y sbaner iawn. Pe bai wedi ceisio mynd y tu hwnt i hynny yna, yn gyfreithiol, buasai wedi mynd i helynt. Felly, ni chredaf fod gan yr asiantaeth ddiffyg pwerau cyfreithiol. Y peth priodol yw ei bod yn defnyddio'r pŵer iawn ar gyfer maint y broblem.

[78] **Rhodri Glyn Thomas:** Mae gennyf dri chwestiwn penodol iawn. Soniwyd am lefel y cwynion. Yr wyf yn meddwl y dyfynnwyd ffigur o 2,500. Mae'n ymddangos i mi yn rhif mawr iawn. Dywedasoeh hefyd fod 1996 yn gyfnod arbennig o brysur yn nhermau nifer y cwynion. Ai cyfanswm llawn y cwynion a dderbyniwyd yw'r 2,500, ynteu a ydyw'n cyfeirio at gyfnod penodol? Er mwyn mesur hynny a bod yn glir ynghylch lefel y cwyno, sut mae hynny'n cymharu mewn termau cyffredinol? Nid wyf yn gofyn ichi ddyfynnu ffigurau o safleoedd eraill, ond y mae safleoedd dan reolaeth yr awdurdod lleol yng Nghaerfyrddin, Caerdydd a Chasnewydd. Sut mae'r ffigur yn cymharu â nifer y cwynion a dderbynioch am y safleoedd hynny?

Hefyd, yn nhermau dehongliad cyfreithiol y modd y mae diwygiadau'n gwella neu'n datrys y sefyllfa, cawsom nifer o gyfeiriadau at y bibell drwytholchion. Credaf y derbynnir fod honno wedi achosi problemau iechyd ac amgylcheddol. Soniwyd am y ffaith ei bod yn ddyddiau cynnar. Os ydych yn byw gyda'r broblem hon ers blynyddoedd, nid wyf yn credu fod 'dyddiau cynnar' efallai'n ddisgrifiad y byddech am ei glywed. A ydych yn dweud yn awr eich bod, gyda'r diwygiadau—derbyniad y pwynt nad yw'r archwiliad wedi'i gwblhau—yn hyderus fod y problemau hynny wedi'u datrys?

solved?

My last question is to Mr Thomas. I think that you made a statement that the Environment Agency stopped the filter cake. I think that that is what you said. Are you saying that it was your decision, based on your assessment of the situation, that stopped the filter cake? Or was it, in fact, the protesters who actually pressurised you into stopping the filter cake?

**Mr Thomas:** I will deal with the last question first. It was our decision to stop the filter cake coming on the site. Of course, it had been going to Trecatti and had been stopped there by Merthyr Borough Council, as I think it was then. We stopped it going onto this site once we were convinced that that was the cause of the problems. Remember that the complaints were building up over the autumn of that year, when we stopped it. That is the answer to that question.

On the level of complaints, the 2,500 complaints related to the entire period that we have been responsible for the regulation. That is four years. We have had 2,500 complaints and they have involved a very large number of the local residents as well. Well over 300 local residents have complained. Therefore, as well as the complaints being frequent, there was a widespread local population complaining. However, that is not unusual and I could take you to sites around Wales where there are similar—perhaps this site has the highest frequency, but there are similar, or approaching similar, levels of complaints for a number of sites in north-east Wales and north-west Wales. You have mentioned Carmarthen; I assume that you are referring to Nant-y-caws. So there are sites all around Wales that have attracted problems. At the end of the day, dumping our waste in landfills is a filthy habit that we all need to learn to stop. That is the lesson for society in this.

[79] **Rhodri Glyn Thomas:** I am trying to identify whether local authority owned sites have a lower level of complaints than private sites.

**Mr Thomas:** We would have to come back

I Mr Thomas y mae fy nghwestiwn olaf. Credaf ichi ddatgan fod Asiantaeth yr Amgylchedd wedi rhoi terfyn ar y talpiau hidlo. Yr wyf yn meddwl mai dyna a ddywedasoeh chi. A ydych yn dweud mai eich penderfyniad chi, ar sail eich asesiad o'r sefyllfa, a roddodd derfyn ar y talpiau hidlo? Ynteu ai'r protestwyr, mewn gwirionedd, a'ch gorfododd i roi terfyn ar y talpiau hidlo?

**Mr Thomas:** Deliaf â'r cwestiwn olaf yn gyntaf. Ein penderfyniad ni oedd atal y talpiau hidlo rhag dod i'r safle. Wrth gwrs, bu'n mynd i Drecati a chawsai ei atal yno gan Gyngor Bwrdeistref Merthyr, fel yr oedd bryd hynny mi gredaf. Bu i ni ei hatal rhag dod i'r safle hwn unwaith yr oeddem yn argyhoeddedig mai dyna oedd achos y problemau. Cofiwch fod y cwynion yn cynyddu drwy hydref y flwyddyn honno, pan roesom derfyn arno. Dyna'r ateb i'r cwestiwn hwnnw.

Parthed lefel y cwynion, yr oedd y 2,500 o gwynion yn cyfeirio at y cyfnod cyfan y buom yn gyfrifol am y rheoleiddio. Pedair blynedd yw hynny. Cawsom 2,500 o gwynion, a hynny gan nifer fawr iawn o'r trigolion lleol hefyd. Mae ymhell dros 300 o drigolion lleol wedi cwyno. Felly, ar ben y ffaith fod y cwynion yn digwydd yn aml, yr oedd poblogaeth leol eang yn cwyno. Fodd bynnag, nid yw hynny'n anarferol, a gallwn fynd â chi at safleoedd yng Nghymru lle ceir lefelau tebyg—efallai mai'r safle hwn sydd â'r amledd mwyaf, ond y mae lefelau tebyg, neu'n agos at fod yn debyg, o gwynion am nifer o safleoedd yn y gogledd-ddwyrain a'r gogledd-orllewin. Yr ydych wedi sôn am Gaerfyrddin; yr wyf yn cymryd eich bod yn cyfeirio at Nant-y-caws. Felly ceir safleoedd ledled Cymru sydd wedi denu problemau. Ar ddiwedd y dydd, mae tomennu ein gwastraff mewn safleoedd tirlenwi'n arfer aflan y mae angen inni i gyd ddysgu rhoi'r gorau iddo. Dyna'r wers i gymdeithas yn hyn oll.

[79] **Rhodri Glyn Thomas:** Yr wyf yn ceisio canfod a oes lefel is o gwynion am safleoedd awdurdodau lleol nag am safleoedd preifat.

**Mr Thomas:** Byddai'n rhaid inni ddod yn ôl

to you on that. I would not have the answer to that here. May I ask John to answer your question on the modification of the licence?

**Mr Harrison:** The modification regarding the works of the leachate system was really there to address environmental impacts. We have had no evidence that we have received from any of our sources that health impacts have occurred as a result of the leachate matters on site, because they tended to flow either into surface drainage or into the stream that adjoins the site. We are aware of wider concerns about health risks from watercourses in the area and can provide details on that.

We are confident that a complex, technical solution has been arrived at by the various consultants' reports and put in place by the agency's modification and the subsequent works by Amgen Rhondda. However, any solution needs to be maintained to the required standards. Controls on this site need to be higher than on many other landfill sites because of the odorous nature of the particular gas. That is why we have placed this unique air monitoring requirement on Amgen Rhondda in order to demonstrate that the controls that we believe will solve the problem are providing that necessary level of control.

If it would help the Committee, I will give you the numbers of complaints on a year-by-year basis. In 1996, we received 74; in 1997, 1,095; in 1998, 745; in 1999, 375 and, to the end of September this year, 264 complaints. However, we appreciate, in our liaison with the residents, that comments have been made that many of the residents who originally complained no longer do so. Therefore, during that early period, we would not take any comfort from those statistics.

[80] **John Griffiths:** Last week we heard residents state that the site is inherently unsuitable in terms of its elevation and exposed position. I accept what you said earlier about the need to control the situation from now on, and that that is the current position. However, in general, do you have a view on whether this site is inherently

atoch ar hynny. Ni fyddai'r ateb i hynny gennyf yma. A gaf fi ofyn i John ateb eich cwestiwn ar ddiwygio'r drwydded?

**Mr Harrison:** Cafodd y gorchymyn diwygio ynghylch gwaith y system drwytholchiad ei lunio mewn gwirionedd i ddelio ag effeithiau amgylcheddol. Ni chawsom unrhyw dystiolaeth o unrhyw un o'n ffynonellau yr effeithiwyd ar iechyd o ganlyniad i faterion trwytholchion ar y safle, oherwydd tueddent i lifo naill ai i'r draeniau arwyneb neu i'r nant sydd nesaf at y safle. Yr ydym yn ymwybodol o bryderon ehangach am beryglon i iechyd o gyrsiau dŵr yn yr ardal a gallwn roi manylion ynghylch hynny.

Yr ydym yn hyderus fod ateb technegol cymhleth wedi'i ganfod drwy adroddiadau'r gwahanol ymgynghorwyr ac wedi'i roi ar waith drwy orchymyn diwygio'r asiantaeth a'r gwaith a gyflawnwyd wedyn gan Amgen Rhondda. Fodd bynnag, rhaid i unrhyw ateb gael ei gynnal i'r safonau gofynnol. Mae angen i fesurau rheoli ar y safle hwn fod yn uwch nag ar lawer o safleoedd tirlenwi eraill oherwydd natur ddrewllyd y nwy arbennig. Dyna pam yr ydym wedi gosod y gofyniad monitro aer unigryw hwn ar Amgen Rhondda er mwyn dangos fod y mesurau rheoli a fydd yn datrys y broblem yn ein barn ni yn darparu'r lefel angenrheidiol honno o reolaeth.

Os byddai o gymorth i'r Pwyllgor, rhoddaf ichi niferoedd y cwynion flwyddyn wrth flwyddyn. Yn 1996, cawsom 74; yn 1997, 1,095; yn 1998, 745; yn 1999, 375 ac, hyd ddiwedd Medi eleni, 264 o gwynion. Fodd bynnag, yr ydym yn sylweddoli, yn ein cysylltiadau â'r trigolion, y dywedwyd fod llawer o'r trigolion a gwynodd yn wreiddiol wedi rhoi'r gorau i wneud hynny bellach. Felly, yn ystod y cyfnod cynnar hwnnw, ni fyddem yn cymryd unrhyw gysur o'r ystadegau hynny.

[80] **John Griffiths:** Yr wythnos diwethaf clywsom drigolion yn dweud fod y safle yn gynhenid anaddas yn nhermau ei uchder a'i leoliad agored. Derbyniaf yr hyn a ddywedasoeh yn gynharach ynglŷn â'r angen i reoli'r sefyllfa o hyn ymlaen, ac mai dyna'r sefyllfa ar hyn o bryd. Fodd bynnag, yn gyffredinol, a oes gennyf farn ynghylch a

unsuitable? What is the position with regard to other sites in Wales? Are they similar? For example, you referred to other sites in the Valleys. Are they similar in terms of exposure and elevation and if so, what problems have they created?

**Mr Thomas:** There are problems in a number of sites that have nowhere near the exposure of Nantygwyddon. As you know, Nantygwyddon is on top of a hill and the precipitation there is broadly similar to that of Capel Curig or Llyn Tegid and the most excessive rainfall that we get in Wales in Snowdonia, so it is very exposed. However, there are problems in sites that are not exposed to the same degree. I am not sure to what extent exposure of the site plays a part, because it is a very complex situation. It is a lined site, which means that precipitation stays within it. There is some evidence to suggest that calcium sulphate deposition in lined sites is more of a problem than in unlined sites because of the anaerobic, oxygen-deficient nature of lined sites. Therefore, it is a very complex issue, which cannot simply be stated as one that is associated with elevation or, indeed, the annual rainfall that the site receives. As I said earlier, the problem that we have in Wales is that we have many landfill sites that are an issue, and also we have no more space for them. However, they are dotted all around the country.

[81] **Richard Edwards:** Thank you for answering so many questions. We will now break for 10 minutes.

*Cynhaliwyd egwyl goffi o 4.10 tan 4.20 p.m.  
A coffee break was held from 4.10 to 4.20 p.m.*

[82] **Richard Edwards:** The next body to give evidence is Bro Taf Health Authority. Dr Mark Temple and Dr Stephen Monaghan will make a brief presentation. Can you be brief, please, so that Members can spend most of the time asking questions?

**Dr Monaghan:** I am a public health medicine consultant with the authority and also the deputy director of public health. I am

ydyw'r safle hwn yn gynhenid anaddas? Beth yw'r sefyllfa gyda safleoedd eraill yng Nghymru? A ydynt yn debyg? Er enghraifft, cyfeiriasoch at safleoedd eraill yn y Cymoedd. A ydynt yn debyg yn nhermau uchder a lleoliad agored ac os ydynt, pa broblemau a grëwyd ganddynt?

**Mr Thomas:** Y mae problemau mewn nifer o safleoedd nad ydynt yn agos mor agored â Nantygwyddon. Fel y gwyddoch, mae Nantygwyddon ar ben bryn ac mae'r glawiad yno'n debyg yn fras i'r hyn a geir yng Nghapel Curig neu Llyn Tegid a'r glawiad trymaf a gawn yng Nghymru yn Eryri, felly mae'n agored iawn. Fodd bynnag, ceir problemau mewn safleoedd nad ydynt yn agored i'r un graddau. Nid wyf yn sicr i ba raddau y mae pa mor agored yw'r safle yn chwarae rhan, oherwydd mae'n sefyllfa gymhleth iawn. Mae'n safle â leinin, sydd yn golygu fod glawiad yn aros oddi mewn iddo. Ceir rhywfaint o dystiolaeth i awgrymu fod dyddodiad calsiwm sylffad mewn safleoedd â leinin yn fwy o broblem nag mewn safleoedd heb leinin oherwydd natur anerobig, ocsigen-ddiffygiol safleoedd â leinin. Felly, mae'n fater cymhleth iawn, na ellir dweud yn syml ei fod yn un sydd yn gysylltiedig ag uchder nac, yn wir, y glawiad blynyddol a gaiff y safle. Fel y dywedais yn gynharach, y broblem sydd gennym yng Nghymru yw bod gennym lawer o safleoedd tirlenwi sydd yn faterion dadleuol, a hefyd nad oes gennym ragor o le iddynt. Fodd bynnag, maent i'w cael hwnt ac yma drwy'r wlad.

[81] **Richard Edwards:** Diolch am ateb cymaint o gwestiynau. Cymerwn egwyl yn awr am 10 munud.

[82] **Richard Edwards:** Y corff nesaf i roi tystiolaeth yw Awdurdod Iechyd Bro Taf. Bydd Dr Mark Temple a Dr Stephen Monaghan yn rhoi cyflwyniad byr. A allwch fod yn fyr, os gwelwch yn dda, fel y gall Aelodau dreulio'r rhan fwyaf o'r amser yn gofyn cwestiynau?

**Dr Monaghan:** Yr wyf yn ymgynghorydd iechyd cyhoeddus gyda'r awdurdod, ac hefyd yn ddirprwy gyfarwyddwr iechyd cyhoeddus.

standing in for Dr Sharon Hopkins, who is away this week for family reasons. I am accompanied by Dr Mark Temple from Bro Taf Health Authority, who is a consultant in environmental public health medicine and who has recently been appointed by the authority. He will deal with the more technical aspects.

Bro Taf welcomes this innovative public investigation into the management of all aspects of the concerns surrounding Nantygwyddon and hopes that the investigator will be able to guide all of us on how best to manage the complex issues surrounding environmental health impact assessments and so on in future. Dr Temple will now take you through the points raised in his briefing submission, and after that we will be happy to take questions.

**Dr Temple:** I hope that you will agree that a very quick run-through, basically for the public's benefit, will be helpful. The first thing is that when Nantygwyddon came into operation, the health authority had no direct role in the planning or regulation of landfill operations. As from 1 August this year, under integrated pollution prevention and control measures, the health authority will be a statutory consultee in any future applications. There is considerable doubt as to the evidence base that would allow the health authority to give meaningful advice to planning authorities on that issue. The methodology of health impact assessment, which this feeds upon, is currently being developed in this country and worldwide.

On the issue of responding to health concerns, the responsibility of the health authority is mixed in that it has a role to provide healthcare services, by purchasing them from providers, as well as a duty to work with partners—local authority, private sector and others—to address the determinants of health. In other words, can we do anything to alleviate the causes of ill health? It is under that second responsibility, which is definitely a secondary responsibility of the health authority, that the investigations and the health concerns regarding Nantygwyddon were exercised. You must realise that the health authority is responsible

Yr wyf yn dirprwyo dros Dr Sharon Hopkins, sydd i ffwrdd yr wythnos hon oherwydd rhesymau teuluol. Gyda mi mae Dr Mark Temple o Awdurdod Iechyd Bro Taf, sydd yn ymgynghorydd mewn meddygaeth iechyd cyhoeddus amgylcheddol ac sydd wedi'i benodi'n ddiweddar gan yr awdurdod. Ef fydd yn delio â'r materion mwy technegol.

Mae Bro Taf yn croesawu'r astudiaeth arloesol hon i reolaeth pob agwedd ar y pryderon ynghylch Nantygwyddon ac yn gobeithio y bydd yr ymchwilydd yn gallu'n harwain ni i gyd ar y ffordd orau i reoli'r materion cymhleth ynghylch asesiadau effaith iechyd amgylcheddol ac ati yn y dyfodol. Mae Dr Temple yn awr am amlinellu'r pwyntiau ichi a godwyd yn ei gyflwyniad briffio, ac wedyn byddwn yn hapus i gymryd cwestiynau.

**Dr Temple:** Gobeithio y cytunwch y bydd yn ddefnyddiol mynd drwy'r cyflwyniad yn frysio, yn bennaf er budd y cyhoedd. Y peth cyntaf yw pan ddechreuodd Nantygwyddon weithredu, nid oedd gan yr awdurdod iechyd unrhyw rôl uniongyrchol yng nghynllunio na rheoleiddio gwaith tirlenwi. Ers 1 Awst eleni, dan fesurau integredig i atal a rheoli llygredd, bydd yr awdurdod iechyd yn gorff y mae'n rhaid ymgynghori ag ef mewn unrhyw geisiadau yn y dyfodol. Mae cryn amheuaeth am y sail tystiolaeth a fyddai'n caniatáu i'r awdurdod iechyd roi cyngor ystyrlon i awdurdodau cynllunio ar y mater hwnnw. Mae methodoleg asesu effaith ar iechyd, y mae hyn yn bwydo arno, wrthi'n cael ei datblygu ar hyn o bryd yn y wlad hon a ledled y byd.

Ar gwestiwn ymateb i bryderon iechyd, mae cyfrifoldeb yr awdurdod iechyd yn gymysg gan fod ganddo rôl i ddarparu gwasanaethau gofal iechyd, drwy eu prynu gan ddarparwyr, yn ogystal â dyletswydd i weithio gyda phartneriaid—yr awdurdod lleol, y sector preifat ac eraill—i drafod y ffactorau sydd yn penderfynu iechyd. Mewn geiriau eraill, a allwn wneud unrhyw beth i liniaru achosion afiechyd? Dan yr ail gyfrifoldeb hwnnw, sydd yn bendant yn is-gyfrifoldeb i'r awdurdod iechyd, yr arferwyd yr astudiaethau a'r pryderon iechyd parthed Nantygwyddon. Rhaid ichi sylweddoli fod yr awdurdod iechyd yn gyfrifol am wario arian

for the expenditure of public money to provide healthcare as its first obligation, so any money and resources that are diverted into investigating determinants have to come out of the healthcare expenditure, which is a bit of a bind for all concerned.

The current systems that are in place to investigate the allegations are very complex, for the simple reason that the issues raised, as we heard today and last week, are by their very nature extremely complex. It often appears that the health authority is not doing very much, but that is because what we are doing is to go away to try to find out more information so as to come back with a sensible answer. It is easy to give a quick answer based on no information, but it is rather harder to give a sensible, comprehensive answer based on good information. Our current approach is the one that is recommended worldwide, which is to act in conjunction with other responsible organisations and people. That includes local representatives, who may be elected or self-appointed. All concerns should be, and are, taken seriously, from whatever source they come. Initially, you have to try to refine the general concern into some sort of hypothesis that you can test in a scientific manner. The problem is that if you have a general expression of concern, it is extraordinarily difficult to tie it down in such a way that you can actually say 'x has caused y', which is what legal enforcement authorities require.

A review of the routine data that is available is then undertaken to establish whether the hypothesis stands up. In other words, before we expend a lot of money and effort in investigating a problem by means of special studies, we want to see whether the concern appears to have some validity in fact. If evidence is found to suggest that there is a problem, or if there is no evidence to support the view either way, independent and special studies have to be commissioned—if it is felt that the problem is a significant one. In this instance, it was considered that further studies were needed, and they were commissioned. Clearly, the commissioning of studies has to take place within the commissioning agenda of the whole health

cyhoeddus i ddarparu gofal iechyd fel ei ddyletswydd cyntaf, felly rhaid i unrhyw arian ac adnoddau a arallgyfeirir i ymchwilio i ffactorau penderfynu ddod allan o'r gwariant ar ofal iechyd, sydd yn dipyn o lyffethair i bawb ohonom.

Mae'r systemau sydd yn eu lle ar hyn o bryd i ymchwilio i'r honiadau'n rhai cymhleth iawn, am y rheswm syml fod y materion a godwyd, fel y clywsom heddiw a'r wythnos diwethaf, yn eu hanfod yn gymhleth dros ben. Mae'n ymddangos yn aml nad yw'r awdurdod iechyd yn gwneud llawer iawn, ond y rheswm am hynny yw mai'r hyn yr ydym yn ei wneud yw mynd i ffrwd i geisio canfod mwy o wybodaeth er mwyn gallu dod yn ôl gydag ateb call. Mae'n hawdd rhoi ateb cyflym ar sail dim gwybodaeth, ond mae ychydig yn anoddach rhoi ateb cynhwysfawr call ar sail gwybodaeth dda. Ein dull cyfredol o weithredu yw'r un a argymhellir drwy'r byd, sef gweithredu ar y cyd â chyrrff a phobl gyfrifol eraill. Mae hynny'n cynnwys cynrychiolwyr lleol, a all fod yn etholedig neu'n hunan-benodedig. Dylid cymryd pob pryder o ddifrif, o ba bynnag ffynhonnell y deuant, a dyna a wneir. I ddechrau, mae'n rhaid ichi geisio crisialu'r consym cyffredinol yn rhyw fath o ddamcaniaeth y gallwch roi prawf gwyddonol arni. Y broblem yw, os oes gennych fynegiant cyffredinol o bryder, mae'n eithriadol o anodd ei glymu i lawr yn y fath fodd fel y gallwch ddweud 'mae x wedi achosi y', sef yr hyn sydd yn ofynnol gan awdurdodau gorfodi'r gyfraith.

Wedyn gwneir adolygiad o'r data rheolaidd sydd ar gael er mwyn sefydlu a yw'r ddamcaniaeth yn dal dŵr. Mewn geiriau eraill, cyn inni wario llawer o arian ac ymdrech yn ymchwilio i broblem drwy gyfrwng astudiaethau arbennig, mae arnom eisiau gweld a yw'n ymddangos fod rhyw ddilysrwydd ffeithiol i'r pryder. Os ceir tystiolaeth i awgrymu fod problem, neu os nad oes dim tystiolaeth i gefnogi'r farn y naill ffordd neu'r llall, rhaid comisiynu astudiaethau annibynnol ac arbennig—os teimlir fod y broblem yn un arwyddocaol. Yn yr achos hwn, barnwyd fod angen astudiaethau pellach, ac fe'u comisiynwyd. Yn amlwg rhaid i gomisiynu astudiaethau ddigwydd o fewn agenda comisiynu'r

authority. In this case, the health authority's response consisted of quite a lot of studies which were either directly commissioned by the health authority, undertaken by the health authority, or commissioned in co-operation with the health authority by other responsible organisations such as the local authority, in this case Rhondda Cynon Taff.

As you know, those studies have suggested that there may be health problems in the area. As you also know, there has been some difficulty in elucidating the causal nature of these problems. It is likely, if we are looking to the future, that this sort of work within the health authority is going to grow. I would urge the Assembly—not perhaps this Committee, but the Health and Social Services Committee—to consider whether within its planning for the health improvement process, the resources that are available to health authorities to undertake and support their requirements as the statutory consultee have been addressed. It is likely that the work requirement will grow.

Within the health authority, as you probably know, things tend to move fairly slowly because the health service changes very slowly. With things like planning applications, you have 28 days to respond or you have missed the boat. That is a completely different concept from the normal process of a three-month public consultation for a change in the health service. You have to go out to public consultation, come back after three months and go out again with a proposal. So, there will be changes within the health authority.

**Dr Monaghan:** We will be happy to take questions.

[83] **Richard Edwards:** Thank you for that succinct address. I will start by asking you about the clinics that I understand that were set up for residents living near the site. Can you tell us something about the clinics, the response rate, and also how you dealt with the responses?

**Dr Monaghan:** I think that Mark will possibly take you through the detail on that.

awdurdod iechyd cyfan. Yn yr achos hwn, ymateb yr awdurdod iechyd oedd nifer go helaeth o astudiaethau naill ai wedi'u comisiynu'n uniongyrchol gan yr awdurdod iechyd, wedi'u cyflawni gan yr awdurdod iechyd, neu wedi'u comisiynu mewn cydweithrediad â'r awdurdod iechyd gan gyrff cyfrifol eraill fel yr awdurdod lleol, sef Rhondda Cynon Taf yn yr achos hwn.

Fel y gwyddoch, mae'r astudiaethau hynny wedi awgrymu y gall fod problemau iechyd yn yr ardal. Fel y gwyddoch hefyd, cafwyd peth anhawster i ddatrys achos y problemau hynny. Mae'n debygol, os ydym yn edrych i'r dyfodol, y bydd y math hwn o waith yn tyfu o fewn yr awdurdod iechyd. Anogaf y Cynulliad—nid y Pwyllgor hwn efallai, ond y Pwyllgor Iechyd a Gwasanaethau Cymdeithasol—i ystyried a roddwyd sylw o fewn ei waith cynllunio ar gyfer y broses gwella iechyd i'r adnoddau sydd ar gael i awdurdodau iechyd i gyflawni a chynnal eu gofynion fel y corff y mae'n rhaid ymgynghori ag ef. Mae'n debygol y bydd y gofyniad gwaith yn tyfu.

O fewn yr awdurdod iechyd, fel y gwyddoch mae'n debyg, tuedda pethau i symud yn weddol araf oherwydd fod y gwasanaeth iechyd yn newid mor araf. Gyda phethau fel ceisiadau cynllunio, mae gennych 28 diwrnod i ymateb neu byddwch wedi colli'r cwch. Mae hynny'n gysyniad cwbl wahanol i broses arferol ymgynghoriad cyhoeddus tri mis ar gyfer newid yn y gwasanaeth iechyd. Mae'n rhaid mynd allan i ymgynghori â'r cyhoedd, dod yn ôl wedi tri mis a mynd allan eto gyda chynnig. Felly, fe fydd newidiadau o fewn yr awdurdod iechyd.

**Dr Monaghan:** Byddwn yn hapus i gymryd cwestiynau.

[83] **Richard Edwards:** Diolch am yr anerchiad cryno hwnnw. Dechreuaf drwy eich holi am y clinigau a sefydlwyd i drigolion oedd yn byw'n agos at y safle, yn ôl a ddeallaf. A allwch ddweud rhywbeth wrthym am y clinigau, y gyfradd ymateb, a hefyd sut y gwnaethoch ddelio â'r ymatebion?

**Dr Monaghan:** Yr wyf yn meddwl yr aiff Mark efallai â chi drwy'r manylion ar hynny.



A number of studies were carried out or commissioned by the authority. I think that you have seen a list of those at the back of the original paper that we have submitted. They are quite considerable. One of the studies was of walk-in clinics and self-reported symptoms.

**Dr Temple:** These clinics were undertaken before I joined the authority, so I do not have direct personal knowledge of the process by which they were set up. They were—according to the report, though I can only go by what I have seen in the papers—made available to residents in the five electoral wards closest to the landfill site. They have a population of 21,000, almost 22,000, people. A total of 1,822 questionnaires were issued to people who attended and 1,223 were returned. That is a 67 per cent return. That represents about 5.5 per cent of the exposed population, if we regard the five wards around the site as the exposed population.

The nature of the clinics was actually a hypothesis generating exercise. It was not primarily designed to test any hypothesis. However, if you have, as I said earlier, concerns about health, one of the first things that you must try to do is establish what are the likely investigations that are going to give you direct answers: simple 'yes', 'no' type answers. So, what you must do as an early part of your investigation is ask what you think your health problems are. Say that everybody thinks that their left foot is dropping off. Well, if it is as obvious as that, you go out and investigate whether there have been problems of amputations to the left foot in that area. You can go away and look in the routine records from the hospitals. If it is more complex—. For example, in this case there were problems such as breathing difficulties and coughs, obviously a lot of patients—and I think that I can use that term in this context—will have seen their own general practitioner. Now you start running into trouble there because general practitioners, as you know, hold their own records and the health authority is not party to those. So there is a difficulty in establishing what is going on within a practice.

Gwnaethpwyd neu fe gomisiynwyd nifer o astudiaethau gan yr awdurdod. Yr wyf yn meddwl eich bod wedi gweld rhestr ohonynt ar gefn y papur gwreiddiol a gyflwynwyd gennym. Maent yn eithaf sylweddol. Un o'r astudiaethau oedd astudiaeth o glinigau cerdded-i-mewn a syntomau a adroddwyd gan bobl eu hunain.

**Dr Temple:** Rhoddwyd y clinigau hyn ar waith cyn i mi ymuno â'r awdurdod, felly nid oes gennyf wybodaeth bersonol uniongyrchol am y modd y'u sefydlwyd. Sicrhawyd eu bod—yn ôl yr adroddiad, er mai dim ond mynd yn ôl yr hyn a welais yn y papurau a allaf fi—ar gael i drigolion yn y pum ward etholiadol agosaf at y safle tirlenwi. Mae ganddynt boblogaeth o 21,000, bron 22,000, o bobl. Rhoddwyd cyfanswm o 1,822 o holiaduron i bobl a fynychodd, a dychwelwyd 1,223. Dyna ddychweliad 67 y cant. Mae hynny'n cynrychioli rhyw 5.5 y cant o'r boblogaeth ddinoethedig, os ystyriwn y pum ward o amgylch y safle fel y boblogaeth ddinoethedig.

Natur y clinigau mewn gwirionedd oedd ymarferiad creu damcaniaeth. Ni chynlluniwyd y peth yn bennaf i brofi unrhyw ddamcaniaeth. Fodd bynnag, os oes gennych, fel y dywedais yn gynharach, bryderon ynghylch iechyd, un o'r pethau cyntaf y mae'n rhaid ichi geisio'u gwneud yw sefydlu beth yw'r astudiaethau tebygol sydd yn mynd i roi atebion uniongyrchol ichi: atebion syml 'ie' a 'na'. Felly, beth sy'n rhaid ei wneud yn gynnar yn eich astudiaeth yw gofyn beth yr ydych yn meddwl yw'ch problemau iechyd. Dyweder fod pawb yn meddwl fod ei droed chwith yn disgyn i ffwrdd. Wel, os ydyw mor amlwg â hynny, gallwch fynd allan ac ymchwilio a gafwyd problemau gorfod torri traed chwith i ffwrdd yn yr ardal honno. Gallwch fynd i ffwrdd ac edrych yn y cofnodion rheolaidd yn yr ysbytai. Os ydyw'n fwy cymhleth—. Er enghraifft, yn yr achos hwn ceid problemau fel anawsterau anadlu a pheswch, yn amlwg byddai llawer o'r cleifion—ac yr wyf yn meddwl y gallaf ddefnyddio'r term hwnnw yn y cyd-destun hwn—wedi gweld eu meddyg teulu. Yn awr dechreuwn fynd i drafferthion yn y fan yma gan fod meddygon teulu, fel y gwyddoch, yn dal eu cofnodion eu hunain ac nid yw'r awdurdod iechyd yn

gyfrannog o'r rheini. Felly ceir anhawster sefydlu beth sydd yn mynd ymlaen o fewn practis.

[84] **Helen Mary Jones:** I have a couple of specific questions. One is about the perceived ill-health survey. I would be interested to know how the response rates compare with response rates for similar studies. I know that it is very difficult to compare across. I wonder also if you are aware that there is a perception among some of the people in the area that the study was not necessarily very easy to participate in. People who would have wanted to provide you with evidence did not necessarily feel that they got the chance to do that. So I would be interested to know whether you are aware of that perception and what steps—because you have said that this is an ongoing process—you will take to ensure, if you are aware of that perception, that that perception does not arise again in any future study.

[84] **Helen Mary Jones:** Mae gennyf un neu ddau gwestiwn penodol. Un yw ynghylch yr arolwg afiechyd canfyddedig. Byddai gennyf ddiddordeb mewn gwybod sut y mae'r cyfraddau ymateb yn cymharu â chyfraddau ymateb i astudiaethau tebyg. Gwn ei bod yn anodd iawn cymharu ar draws. Tybed hefyd a ydych yn ymwybodol fod yna argraff ymhlith rhai o'r bobl yn yr ardal nad oedd yr astudiaeth o reidrwydd yn hawdd iawn cymryd rhan ynddi. Nid oedd pobl a fuasai wedi bod eisiau rhoi tystiolaeth ichi yn teimlo o reidrwydd eu bod wedi cael y cyfle i wneud hynny. Felly byddai gennyf ddiddordeb mewn gwybod a ydych yn ymwybodol o'r argraff honno a gafwyd, a pha gamau—oherwydd yr ydych wedi dweud mai proses barhaus yw hon—a gymerwch i sicrhau, os ydych yn ymwybodol o'r argraff honno, na cheir yr argraff honno eto mewn unrhyw astudiaeth yn y dyfodol.

The next question is a bit of an idiot question, really. Obviously the investigator will look at this in depth and will study all the studies, but this is just for today's meeting and for our general information. There are an extensive number of studies listed in your paper. Did these studies show a higher than average incidence of any conditions in the five wards or in the area in general? I would not want you, of course, to comment on cause and effect because I know that there are problems with that. However, were there certain conditions that were occurring more in the immediate vicinity of Nantygwyddon than you would have expected in an average or comparable population?

Mae'r cwestiwn nesaf yn dipyn o gwestiwn ynfyd, â dweud y gwir. Yn amlwg bydd yr ymchwilydd yn edrych ar hyn yn fanwl ac yn astudio'r holl astudiaethau, ond dim ond er mwyn ein cyfarfod heddiw a'n gwybodaeth gyffredinol gofynnaf hyn. Rhestrir nifer helaeth o astudiaethau yn eich papur. A ddangosodd yr astudiaethau hyn gyfradd uwch na'r cyfartaledd o unrhyw gyflyrau yn y pum ward neu yn yr ardal yn gyffredinol? Ni fyddai arnaf eisiau ichi, wrth gwrs, roi sylw ar achos ac effaith oherwydd gwn fod problemau gyda hynny. Fodd bynnag, a oedd rhai cyflyrau yn digwydd mwy yng nghyffiniau Nantygwyddon nag y buasech wedi'i ddisgwyl mewn poblogaeth gymharol neu ar gyfartaledd?

The last question that I want to ask is about co-operation with other authorities, because you have already mentioned that. This is a question that I have already put to Rhondda council. The survey of perceived ill-health was supposed to be carried out contemporaneously with some air quality monitoring by the authority. We are now aware that that did not happen. I would be interested to know whether the health authority has a view about why that did not

Y cwestiwn olaf yr hoffwn ei ofyn ichi yw ynghylch cydweithrediad ag awdurdodau eraill, oherwydd yr ydych eisoes wedi crybwyll y mater. Dyma gwestiwn yr wyf eisoes wedi'i ofyn i gyngor y Rhondda. Yr oedd yr arolwg o afiechyd canfyddedig i fod i gael ei wneud ar yr un pryd â gwaith monitro ansawdd yr aer gan yr awdurdod. Gwyddom yn awr na ddigwyddodd hynny. Byddai gennyf ddiddordeb mewn gwybod a oes gan yr awdurdod iechyd farn ynghylch pam na

happen and to receive your comments about how that affects taking this forward in terms of being able to look at making some causal links in future.

**Dr Monaghan:** On the air quality monitoring, all we can do is stand by what the papers state. I am afraid that neither of us is party to why the air quality monitoring did not take place concurrently with the study. However, it is recorded in the papers that it was requested that that should be the case. In the papers, it states that cause could not be linked to effect because of that. Of course, there is an intermediate step, which would be that association could not have been made. Cause would have been one step further. The health conditions in the vicinity of the tip are reported at several levels. There are the self-reported symptoms, which are mainly in the study to which you alluded, and in some previous data collection from the Welsh Combined Centres of Public Health in about 1997. Yes, there was an elevation in self-reported symptoms.

As regards disease states, however, taking the studies covering routine data through to ad-hoc studies and specific studies for particular disease states, to put it synoptically really, no elevation was found in mortality rates or hospital admissions. An elevation was found in congenital abnormalities, but that elevation in congenital abnormality rates predated the foundation of the tip as well as post-dated it. It is similar for sarcoidosis, I think I am right in saying. Although, also, there was a cluster of familial cases of sarcoidosis locally in any case. There was a time to pregnancy study, following up on the congenital abnormalities issue, which found no difference in time to pregnancy for ladies in this area compared to the control areas, after allowing for the usual confounders. Those are several, but the typical confounders for a lot of this, are, say, social class and so on. Have I missed anything out, there, on the conditions?

**Dr Temple:** No not really. The only other

ddigwyddodd hynny a chael eich sylwadau ynghylch sut y mae hynny'n effeithio ar y gallu i fynd ymlaen â hyn yn nhermau edrych ar wneud cysylltiadau achosol yn y dyfodol.

**Dr Monaghan:** Ar gwestiwn monitro ansawdd yr aer, y cyfan y gallwn ei wneud yw cadw at yr hyn a ddywed y papurau. Mae gennyf ofn nad yw'r naill na'r llall ohonom yn gwybod pam na ddigwyddodd y monitro ansawdd aer ar yr un pryd â'r astudiaeth. Fodd bynnag, mae wedi'i gofnodi yn y papurau y gofynnwyd am i hynny ddigwydd. Yn y papurau, dywedir na allwyd cysylltu achos ag effaith oherwydd hynny. Wrth gwrs, y mae cam rhwng y ddau beth, sef na fyddai wedi bod yn bosibl cysylltu'r ddau. Buasai achos wedi bod yn un cam pellach. Mae cyflyrau iechyd yng nghylch y domen wedi'u hadrodd ar sawl lefel. Ceir symptomau a adroddwyd gan y dioddefwyr, sydd yn bennaf yn yr astudiaeth y cyfeiriasoch ati, ac mewn data a gasglwyd yn flaenorol gan Ganolfannau Iechyd Cyhoeddus Cyfunedig Cymru yn oddeutu 1997. Oedd, yr oedd mwy o syptomau hunan-adroddedig.

O ran cyflyrau afiechyd, fodd bynnag, o gymryd yr astudiaethau ar ddata rheolaidd drwodd i astudiaethau ad-hoc ac astudiaethau penodol am gyflyrau afiechyd arbennig, a'i roi'n gyfolwg yn y bôn, ni welwyd unrhyw ddyrchafiad mewn cyfraddau marwoldeb na derbyniadau i'r ysbyty. Gwelwyd dyrchafiad mewn annormaleddau cydenedigol, ond yr oedd y dyrchafiad hwnnw mewn cyfraddau annormaledd cydenedigol yno cyn i'r domen gael ei sefydlu yn ogystal â wedyn. Darlun tebyg a geir gyda sarcoidosis, credaf fy mod yn gywir yn dweud. Er, yn ogystal, cafwyd clwstwr o achosion teuluol o sarcoidosis yn lleol beth bynnag. Gwnaethpwyd astudiaeth amser-i-feichiogrwydd, i ddilyn y cwestiwn am annormaleddau cydenedigol, na chanfu unrhyw wahaniaeth yn yr amser i feichiogrwydd i fenywod yn yr ardal hon o gymharu â'r ardaloedd cymharol, wedi caniatáu am yr elfennau drysu arferol. Mae llawer o'r rheini, ond yr elfennau drysu nodweddiadol ar gyfer llawer o hyn yw, dyweder, dosbarth cymdeithasol ac yn y blaen. A ydwyf wedi gadael unrhyw beth allan, yn y fan yma, ar y cyflyrau?

**Dr Temple:** Na, ddim mewn gwirionedd. Yr

thing I would stress is that one of the difficulties with the health information clinic information is that since it is self-reported and by definition there is no control group, it is very hard to say whether any observed variation in the environment is in fact related to anything that you observe in self-reported symptoms. The difficulty we have is that we know—and I will attest to this—that because of arthritis, when the weather is bad and it is overcast, your bones ache. That is very hard to pin down. What I am trying to say in that rather flippant example is how you feel about your environment is very important to how you perceive your health status. We are in this very difficult area of what health is as opposed to a state of non-illness. I would be quite clear that many people within the area felt that the tip was affecting their health even if it was not making them ill. There is a difference between that and where medical intervention comes into play.

[85] **Helen Mary Jones:** What about the way in which the study was conducted?

**Dr Monaghan:** May I come back on one thing that I missed out, which was the cancer incidence. We looked at total mortality, respiratory mortality and cancer mortality. There was no difference between the exposed and unexposed wards. We also looked at cancer incidence from the Welsh cancer registry and, again, there was no difference. To go back to the study, I think that the response rate was around 67 per cent. That was not bad. Certainly, it is pretty good for a postal study and similar to a rate that I obtained for a postal survey of general health status in Pembrokeshire two or three years before that. As regards the future, we are willing to learn whatever lessons there are.

**Dr Temple:** We are well aware, and the members of RANT have made it plain to me on more than one occasion, that we have not fully met public concerns. We have done our best and that is where I would rest my case. I am only too willing to take on board any tips that anyone can give me to improve. Clearly, the mere fact that you are having this

unig beth arall a bwysleisiwn i yw mai un o'r anawsterau gyda gwybodaeth y clinigau gwybodaeth iechyd yw gan mai'r cleifion eu hunain sydd yn adrodd am eu cyflyrau, a chan nad oes grŵp cymharu, trwy ddiffiniad, mae'n anodd iawn dweud a yw unrhyw amrywiad a welir yn yr amgylchedd mewn gwirionedd yn gysylltiedig ag unrhyw beth a welwch mewn symptomau hunan-adrodd. Yr anhawster sydd gennym yw y gwyddom—ac fe dystiaf i hyn—fod arthritis yn achosi poenau yn eich esgyrn pan yw'r tywydd yn ddrwg ac yn gymylog. Mae hynny'n anodd iawn rhoi'ch bys arno. Yr hyn yr wyf yn ceisio'i ddweud yn yr enghraifft wamal braidd honno yw bod eich teimladau tuag at eich amgylchedd yn bwysig iawn i'r ffordd y gwelwch eich statws iechyd. Yr ydym yn y maes anodd iawn hwn o beth yw iechyd o gymharu â chyflwr o afiechyd. Fe ddywedwn i'n eithaf clir fod llawer o bobl yn yr ardal yn teimlo fod y domen yn effeithio ar eu hiechyd hyd yn oed os nad oedd yn eu gwneud yn sâl. Mae gwahaniaeth rhwng hynny a sefyllfa lle mae angen ymyriad meddygol.

[85] **Helen Mary Jones:** Beth am y modd y cynhaliwyd yr astudiaeth?

**Dr Monaghan:** A gaf fi ddod yn ôl at un peth na soniais amdano, sef amledd canser. Edrychasom ar farwoldeb yn gyfanswm, marwoldeb o glefydau anadlu a marwoldeb o ganser. Nid oedd unrhyw wahaniaeth rhwng y wardiau dinoethedig a heb eu dinoethi. Edrychasom hefyd ar amledd canser yn ôl cofrestrfa ganser Cymru ac, eto, nid oedd unrhyw gwahaniaeth. I fynd yn ôl at yr astudiaeth, yr wyf yn meddwl mai oddeutu 67 y cant oedd y gyfradd ymateb. Nid oedd hynny'n ddrwg. Yn sicr, mae'n eithaf da am astudiaeth bost ac yn debyg i ymateb a gefais i arolwg post o statws iechyd cyffredinol yn Sir Benfro ddwy neu dair blynedd cyn hynny. Ar gyfer y dyfodol, yr ydym yn barod i ddysgu pa bynnag wersi a ddaw i'r golwg.

**Dr Temple:** Yr ydym yn ymwybodol iawn, ac mae aelodau RANT wedi dweud hynny'n blaen wrthyf ar sawl achlysur, nad ydym wedi ateb pryderon y cyhoedd yn llawn. Yr ydym wedi gwneud ein gorau a dyna lle y gorffwysaf fy achos. Yr wyf yn ddigon bodlon derbyn unrhyw awgrymiadau y gall unrhyw un eu gwneud imi er mwyn gwella.

investigation today and last week, and the fact that an investigator has been appointed, indicates that there were failures to address the public's concerns.

[86] **Delyth Evans:** I appreciate the difficulty of trying to prove conclusively links between cause and effect. We all appreciate that, but I find it very difficult to accept, on the basis of all the studies that you have done, that you are not able to come to some conclusions about the levels of health and ill-health in this community and draw some kind of conclusions about likely links with the tip. Can you not give your best assessment as professionals about health and ill-health in this community in relation to the environment? It must be very frustrating for the community here. You talk very technically about these matters—and I appreciate that you are technicians and professionals—but we would like some pointers from you as to the comparative levels of health here.

My second question is that the community is very aware of the possibility that levels of ill-health may be connected to people's own views of their environment and that there is some kind of psychological impact at work here, but an example was given last week of a three-year old child from the community whose health clearly improved when he went away and deteriorated on his return. A three-year-old child cannot be expected to have any kind of psychological awareness of its environment that would cause its health to vary in the way that an adult's might. I would like some comment on that.

**Dr Monaghan:** Regarding comparative levels of health, concerning the objective health measures, the disease states and time to pregnancy and congenital abnormalities, it is not a case of proving cause and effect. We have not found the first step, which is an association. We have not demonstrated an elevated level of those various health states anyway. It would then be a second step to do a further analytic study to look at whether it is caused by certain exposure. Therefore, first of all, we have not found elevated levels of ill-health in terms of total mortality, the two other types of mortality, congenital

Yn amlwg, mae'r ffaith ynddi'i hun eich bod yn cynnal yr astudiaeth hon heddiw a'r wythnos diwethaf, a'r ffaith fod ymchwilydd wedi'i benodi, yn dangos y bu methiannau i ateb pryderon y cyhoedd.

[86] **Delyth Evans:** Yr wyf yn sylweddoli mor anodd yw ceisio profi'n derfynol gysylltiadau rhwng achos ac effaith. Yr ydym i gyd yn sylweddoli hynny, ond fe'i caf yn anodd iawn derbyn, ar sail yr holl astudiaethau a wnaethoch, na allwch ddod i ryw gasgliadau ynghylch lefelau iechyd ac afiechyd yn y gymuned hon a thynnu rhyw fath o gasgliadau ynghylch cysylltiadau tebygol â'r domen. Oni allwch roi'ch asesiad gorau fel gwŷr proffesiynol ynghylch iechyd ac afiechyd yn y gymuned hon mewn perthynas â'r amgylchedd? Mae'n rhaid ei bod yn rhwystredig iawn i'r gymuned yma. Siaradwch yn dechnegol iawn am y materion hyn—ac yr wyf yn sylweddoli mai technegwyr a phobl broffesiynol ydych—ond hoffem ryw arwyddion gennych ynghylch y lefelau iechyd cymharol yma.

Fy ail gwestiwn yw bod y gymuned yn ymwybodol iawn o'r posibilrwydd y gall lefelau afiechyd fod yn gysylltiedig â'r ffordd y mae pobl yn gweld eu hamgylchedd a bod rhyw fath o effaith seicolegol ar waith yma, ond rhoddwyd enghraifft yr wythnos diwethaf o blentyn teirblwydd o'r gymuned yr oedd ei iechyd yn amlwg yn gwella pan âi i ffwrdd ac yn dirywio pan ddeuai'n ôl. Ni ellir disgwyl i blentyn teirblwydd fod ag unrhyw fath o ymwybyddiaeth seicolegol o'i amgylchedd a fyddai'n achosi i'w iechyd amrywio fel y gallai iechyd oedolyn. Hoffwn ryw sylw ar hynny.

**Dr Monaghan:** O ran lefelau iechyd cymharol, parthed y mesurau iechyd gwrthrychol, y cyflyrau afiechyd ac amser i feichiogrwydd ac annormaleddau cydunedigol, nid mater ydyw o brofi achos ac effaith. Nid ydym wedi canfod y cam cyntaf, sef cysylltiad. Nid ydym wedi dangos lefel uwch o'r cyflyrau iechyd amrywiol hynny beth bynnag. Ail gam wedyn fyddai gwneud astudiaeth ddadansoddol bellach i edrych ai dinoethiad i rywbeth sydd yn ei achosi. Felly, yn gyntaf oll, nid ydym wedi canfod lefelau uwch o afiechyd yn nhermau cyfanswm marwoldeb, y ddau fath arall o farwoldeb,

abnormalities—or at least one that only post-dated the tip—hospital admissions, time to pregnancy, sarcoidosis or cancer incidence. So there is the answer to that, in a sense.

As regards perceived health status, there are other factors. We have some reason to believe, from what people have said about their perceived health status—the symptoms that they are feeling—and also some supporting information from prescription levels from GPs for things such as bronchodilators—the drugs for dealing with wheeze—and various types of eyedrops for eye irritation, that there is an elevation of those symptoms. However, that does not quite translate to some of the major disease states that we have also been asked to look at.

I do not know whether Mark wants to say something about the psychological impact and so on. On the one case, it is not a happy situation if someone is ill and they, hopefully, recover and then get ill again. However, one case is not enough on which to draw any conclusions. There are so many different confounders or possible reasons as to why one person gets well or improves when he or she goes away and gets worse when he or she returns that we cannot do much from one case. That is why all the studies are based on looking at a population.

**Dr Temple:** On the specific issue of psychological responses, I would stress that when I say that, I do not mean it in any sneering sense. The fact is that we are sentient beings. We are aware of our environment and are very much aware of the social ambience in which we live. Certainly, when I had small children, they were very aware of any tension within the environment and of what was going on. Many babies will not settle. In the days when I was a GP in a valley not a million miles from here, it was quite remarkable how, when mum would ring, you would hear this screaming baby in the background, but your arrival, often in the small hours of the morning, and the calming influence that the arrival of the professional has on the household would mean that the child suddenly popped off to sleep. Mum was calmer because you could reassure her that

annormaleddau cydenedigol—neu o leiaf un a fodolai wedi sefydlu'r domen yn unig—derbyniadau i'r ysbyty, amser i feichiogrwydd, sarcoidosis na chanser. Felly y mae ateb i hynny, mewn un ystyr.

O ran statws iechyd a deimlir, mae ffactorau eraill. Mae gennym ryw reswm i gredu, o'r hyn a ddywedodd pobl am y ffordd y gwelant eu statws iechyd—y syptomau y maent yn eu teimlo—a hefyd ryw faint o wybodaeth gefnogol oddi wrth lefelau presgripsiynau gan feddygon teulu am bethau fel broncoledyddion—y cyffuriau i ddelio â gwich—a gwahanol fathau o ddiferion llygaid ar gyfer llid ar y llygaid, fod lefel uwch o'r syptomau hyn. Fodd bynnag, nid yw hynny'n cyfieithu'n hollol i rai o'r cyflyrau afiechyd mawr y gofynnwyd inni edrych arnynt hefyd.

Ni wn a yw Mark am ddweud rhywbeth am yr effaith seicolegol ac ati. Ar y naill achos, nid yw'n sefyllfa hapus os yw rhywun yn sâl a'u bod, gobeithio, yn gwella ac wedyn yn mynd yn sâl eto. Fodd bynnag, nid yw un achos yn ddigon i dynnu casgliadau ohono. Mae cymaint o wahanol ffactorau dyrys neu resymau posibl pam y mae un person yn gwella'n llwyr neu'n gwella ychydig pan aiff i ffwrdd ac yn gwaethygu pan ddaw'n ôl fel na allwn wneud llawer ar sail un achos. Dyna pam y mae pob astudiaeth wedi'i seilio ar edrych ar boblogaeth.

**Dr Temple:** Ar fater penodol ymatebion seicolegol, pan ddywedaf hynny, pwysleisiaf nad wyf yn ei olygu mewn unrhyw synnwyr gwatwarus. Y ffaith yw ein bod yn fodau ymdeimladol. Yr ydym yn ymwybodol o'n hamgylchedd ac yn ymwybodol iawn o'r awyrgylch cymdeithasol yr ydym yn byw ynddo. Yn sicr, pan oedd gennyf fi blant bach, yr oeddent yn ymwybodol iawn o unrhyw densiwn yn yr amgylchedd ac o'r hyn a oedd yn mynd ymlaen. Mae llawer o fabanod yn methu â setlo. Yn y dyddiau pan oeddwn yn feddyg teulu mewn cwm nid nepell o'r fan hon, yr oedd yn eithaf hynod sut y byddech yn clywed, wrth i'r fam ffonio, faban yn sgrechian yn y cefndir, ond wrth ichi gyrraedd, yn aml yn oriau mân y bore, a chyda'r dylanwad tawelol a gaiff dyfodiad y person proffesiynol ar yr aelwyd, byddai'r plentyn yn sydyn wedi mynd i gysgu. Yr

there was nothing seriously wrong with the child. All I am saying is that that is true of infants. I am not saying that that does not mean that there are not genuine health problems, but the view that children of a young age do not respond to their social environment is misguided. They are very aware of their social environment and that is, I think, why we think that having a good home is vital to the good upbringing and successful maturation of children. Good parenting is one of the most important things that we can offer to our children if we want them to grow into mature, fit adults. I urge you to consider that perhaps children are equally sensitive to the wider environment as we, as adults, are.

[87] **Richard Edwards:** Thank you, gentlemen, for your contributions. We are over-running by 35 minutes.

[88] **Geraint Davies:** I have a question.

[89] **Richard Edwards:** Very quickly then, Geraint.

[90] **Geraint Davies:** Are you concerned that the problems of the clusters, the gastroschisis and the sarcoidosis, were not discovered by the health authority but by the residents? Do you think that you should have found them out before the residents did? Should you have some sort of register, so that you are aware if there is a problem and you look at it before other people do so?

**Dr Monaghan:** We are happy to learn those lessons. The health information systems that are routinely in existence are not as good as they should be in the UK. We are as frustrated as anyone about how far we can go with routine data, which means that we frequently have to go to specialist ad-hoc studies, particularly on gastroschisis. There is a notification system that is operated by the Office of National Statistics that collects information on that. Various statistical models are applied to that. Unfortunately, the report into that system was not as good previously, but it has now been improved. We have also set up a new system for the whole of Wales called CARIS, which is based at Singleton Hospital to work initially

oedd y fam yn dawelach am ichi allu ei sicrhau nad oedd unrhyw beth difrifol o'i le ar y plentyn. Y cwbl yr wyf yn ei ddweud yw bod hynny'n wir am fabanod. Nid wyf yn dweud nad yw hynny'n golygu nad oes problemau iechyd gwirioneddol, ond mae'r farn nad yw plant ifanc yn ymateb i'w hamgylchedd cymdeithasol yn anghywir. Maent yn ymwybodol iawn o'u hamgylchedd cymdeithasol a dyna, yn fy marn i, pam y meddyliwn fod cael cartref da yn hanfodol i fagwraeth dda ac aeddfedu llwyddiannus i blant. Bod yn rhieni da yw un o'r pethau pwysicaf y gallwn ei gynnig i'n plant os ydym am iddynt dyfu'n oedolion aeddfed, iach. Fe'ch anogaf i ystyried efallai bod plant yr un mor sensitif i'r amgylchedd ehangach ag yr ydym ni, oedolion.

[87] **Richard Edwards:** Diolch, foneddigion, am eich cyfraniadau. Yr ydym yn rhedeg 35 munud ar ei hôl hi.

[88] **Geraint Davies:** Mae gennyf gwestiwn.

[89] **Richard Edwards:** Yn gyflym iawn, felly, Geraint.

[90] **Geraint Davies:** A ydych yn bryderus nad yr awdurdod iechyd a ddarganfu problemau'r clystyrau, y gastrosgisis a'r sarcoidosis, ond y trigolion? A ydych yn meddwl y dylasech chi fod wedi'u darganfod cyn y trigolion? A ddylech gael rhyw fath o gofrestr, fel y byddwch yn ymwybodol os oes problem ac y gallwch edrych arni cyn i bobl eraill wneud hynny?

**Dr Monaghan:** Yr ydym yn hapus i ddysgu'r gwersi hynny. Nid yw'r systemau gwybodaeth iechyd sydd mewn bodolaeth yn arferol gystal ag y dylent fod yn y DU. Yr ydym ni mor rhwystredig ag unrhyw un ynghylch pa mor bell y gallwn fynd gyda data arferol, sydd yn golygu bod yn rhaid inni'n aml droi at astudiaethau arbenigol *ad-hoc*, yn enwedig ar gastrosgisis. Mae system hysbysu a weithredir gan y Swyddfa Ystadegau Cenedlaethol sydd yn casglu gwybodaeth ar hynny. Caiff modelau ystadegol amrywiol eu cymhwyso i hynny. Yn anffodus, nid oedd yr adroddiad ar y system honno gystal o'r blaen, ond erbyn hyn mae wedi'i gwella. Yr ydym hefyd wedi sefydlu system newydd ar gyfer Cymru gyfan

in parallel with other systems for collecting information in order to improve that situation. It is a congenital abnormalities register and has been running for about the last three years or so.

On sarcoidosis, our databases on actual disease states on a population basis are not as we would like them to be. We have not made a recommendation that there should be a sarcoidosis register. In an ideal world, we would like a register for all these disease states, but we are hampered by the fact that our major information sources are frequently mortality and, alternatively, hospital use. Of course, if there is a good service in place, there appears to be a greater health need, if you use the hospital statistics. If there is no service, there appears to be no health need. So that is not ideal.

The missing link is putting general practice information into some sort of central-linked record. Obviously, one must be careful of confidentiality issues and data protection issues in Caldicot. However, that is the vision. General practice is now increasingly quite well computerised, but often using differing systems that are not necessarily compatible. This is all very close to my heart and it is potentially an area that we would very much like to improve, both for the planning of health services and for public health protection.

[91] **Geraint Davies:** As health professionals, can you give us a categorical assurance that this tip is safe?

**Dr Temple:** I think that the answer to that is—and I have to don my political, with a small ‘p’, hat here—to ask you what you mean by ‘safe’. If you can give me a definition of safe, I can answer the question. I am very well aware of what Selwyn Gummer did, and I do not want to do that. All I can do is ask what you mean by ‘safe’. If you mean by that that there is no possibility of any risk, then I have to tell you that the answer is clearly ‘no’. I have to tell you that there is a risk from sitting in this building. The roof might fall in and you are sitting beneath the

o’r enw CARIS, sydd wedi’i lleoli yn Ysbyty Singleton i weithio ar y dechrau ochr yn ochr â systemau eraill i gasglu gwybodaeth er mwyn gwella’r sefyllfa. Cofrestr annormaleddau genedigol ydyw ac mae ar waith ers rhyw dair blynedd bellach.

Ar sarcoidosis, nid yw’n cronfeydd datab ar union gyflyrau afiechyd ar sail poblogaeth gystal ag yr hoffem iddynt fod. Nid ydym wedi gwneud argymhelliad y dylai fod cofrestr sarcoidosis. Mewn byd delfrydol, hoffem gofrestr i bob un o’r cyflyrau afiechyd hyn, ond cawn ein llesteirio gan y ffaith mai ein prif ffynonellau gwybodaeth yn aml yw cyfraddau marwolaeth ac, fel arall, defnydd o ysbytai. Wrth gwrs, os oes gwasanaeth da yn ei le, ymddengys fod mwy o angen iechyd, os defnyddiwch ystadegau’r ysbyty. Os nad oes gwasanaeth, ymddengys nad oes angen iechyd. Felly nid yw hynny’n ddefnydol.

Y ddolen goll yw rhoi gwybodaeth ymarfer cyffredinol mewn rhyw fath o gofnod canol-gysylltiedig. Yn amlwg, rhaid bod yn ofalus gyda materion cyfrinachedd a materion gwarchod data yng Nghaldicot. Fodd bynnag, dyna’r weledigaeth. Mae ymarfer cyffredinol yn fwyfwy erbyn hyn wedi’i gyfrifiaduro’n eithaf da, ond yn aml defnyddir systemau gwahanol nad ydynt o reidrwydd yn gydnaws. Mae hyn i gyd yn agos at fy nghalon ac mae’n faes y gallem ac yr hoffem yn fawr iawn ei wella, er mwyn cynllunio gwasanaethau iechyd ac er mwyn gwarchod iechyd y cyhoedd fel ei gilydd.

[91] **Geraint Davies:** Fel gweithwyr iechyd proffesiynol, a allwch roi sicrwydd diamwys inni fod y domen hon yn ddiogel?

**Dr Temple:** Credaf mai’r ateb i hynny yw—a rhaid imi wisgo fy het wleidyddol, gydag ‘w’ fach, yma—gofyn i chi beth a olygwch wrth ‘diogel’. Os gallwch roi diffiniad o ddiogel imi, gallaf ateb y cwestiwn. Yr wyf yn ymwybodol iawn o’r hyn a wnaeth Selwyn Gummer, ac nid wyf am wneud hynny. Y cwbl y gallaf ei wneud yw gofyn beth a olygwch wrth ‘diogel’. Os golygwch wrth hynny nad oes unrhyw bosiblirwydd o unrhyw berygl, yna rhaid imi ddweud wrthyich mai ‘na’ yw’r ateb yn amlwg. Rhaid imi ddweud wrthyich fod perygl o eistedd yn



glass partition, so it might fall on your head and that would be painful. It might happen, but I doubt that it will.

Clearly, if I were asked whether I thought it was safe to enter this room, I would say 'yes', in practical terms. If you are asking me whether we have been able to unearth any evidence that there is a direct illness effect caused by the tip, the answer to that is that, so far, we have not found it. We have looked and we are continuing to look. If you are asking whether it causes ill-health, then that is a separate question and a much more difficult one to answer, because the mere fact that we are having an investigation suggests that there is unhappiness or ill-ease, if you like, and that is within the World Health Organisation's definition of a lack of perfect health.

[92] **Richard Edwards:** Thank you very much for your contributions. We are running 40 minutes over time. We will press ahead now to Amgen Rhondda's evidence. I remind Members again, please, to take care not to compromise the independence of the Committee in the way that they couch their questions.

We will now hear from Adrian Poller, who is the managing director of Amgen Rhondda.

**Mr Poller:** Thank you, Chairman. On behalf of the directors of Amgen Rhondda Limited, may I say that we are delighted to have the opportunity to represent our views here this afternoon. We fully support the holding of the investigation and we will do everything practicable to support its progress. In view of the fact that we are behind in the proceedings, I will just pick out two or three points from the report that you have already received.

First, I hope that I have made the corporate position clear. If I have not, I can do so. Amgen Cymru was the company that submitted the bid, but, in the end, it formed a subsidiary, Amgen Rhondda, to take over the site. There were good legal and commercial reasons for that and that is the way that it has

yr adeilad hwn. Gallai'r to gwympo i mewn ac yr ydych chi'n eistedd o dan y pared gwydr, felly gallai gwympo ar eich pen a byddai hynny'n boenus. Gallai ddigwydd, ond yr wyf yn amau hynny.

Yn amlwg, pe gofynnid imi a oeddwn yn meddwl ei bod yn ddiogel dod i mewn i'r ystafell hon, byddwn yn dweud 'ydwyf', mewn termau ymarferol. Os ydych yn gofyn imi a ydym wedi gallu dod o hyd i unrhyw dystiolaeth fod y domen yn achosi salwch yn uniongyrchol, yr ateb i hynny yw nad ydym, hyd yma, wedi dod o hyd iddi. Yr ydym wedi chwilio ac yr ydym yn parhau i chwilio. Os ydych yn gofyn a ydyw'n achosi afiechyd, mae hwnnw'n gwestiwn gwahanol ac yn un llawer anos i'w ateb, oherwydd mae'r ffaith syml ein bod yn cael astudiaeth yn awgrymu bod anhapusrwydd neu anniddigrwydd, os mynnwch, ac mae hynny o fewn diffiniad Sefydliad Iechyd y Byd o ddiffyg iechyd perffaith.

[92] **Richard Edwards:** Diolch yn fawr am eich cyfraniadau. Yr ydym 40 munud ar ei hôl hi. Awn ymlaen yn awr at dystiolaeth Amgen Rhondda. Atgoffaf Aelodau eto, os gwelwch yn dda, i ofalu peidio â chyfaddawdu annibyniaeth y Pwyllgor yn y modd y geiriant eu cwestiynau.

Clywn yn awr gan Adrian Poller, rheolwr gyfarwyddwr Amgen Rhondda.

**Mr Poller:** Diolch, Gadeirydd. Ar ran cyfarwyddwyr Amgen Rhondda Cyfyngedig, a gaf ddweud ein bod wrth ein bodd o gael y cyfle i gyflwyno'n sylwadau yma y prynhawn yma. Cefnogwn yn llwyr y ffaith bod yr astudiaeth yn cael ei gynnal a gwnawn bopeth sydd yn ymarferol i gefnogi ei hynt. Yn wyneb y ffaith ein bod ar ei hôl hi o ran y trafodion, ni wnaf ond cymryd dau neu dri phwynt o'r adroddiad yr ydych eisoes wedi'i dderbyn.

Yn gyntaf, gobeithiaf fy mod wedi egluro'r sefyllfa gorfforaethol yn glir. Os nad ydwyf, gallaf wneud hynny. Amgen Cymru oedd y cwmni a gyflwynodd y cynnig, ond, yn y diwedd, ffurfiodd is-gwmni, Amgen Rhondda, i ymgymryd â'r safle. Yr oedd rhesymau cyfreithiol a masnachol da dros

been done.

Secondly, under acquisition history, I point out that there are three groups or teams with which we had to deal in this. Each of these was equally important. If we had not come to suitable arrangements with the administrator, the agency and the local authority, the deal would have fallen. No one arrangement was more important than the other. They all had to stand. We ended up with something like 30 legal documents on the table from all three parties. If all 30 had not been signed we would not be here today.

Under acquisition philosophy, I will just make the point that I have listed the commercial reasons why we took over the site, because it was a commercial decision to do so. I have not listed the reasons, the other things that we did look at, as to why we might not have taken it over. By that I mean that we did not ignore the health issues and concerns. I read all the reports before we submitted the bid and we simply concluded that other people were better placed and better qualified to make the decisions on epidemiological studies than we were. We were not in a position to do our own epidemiological assessments and, frankly, I do not think that it would have helped very much if we had done so. We were there to be guided by people better qualified than we were. It was not a case of hiding behind anybody. We simply did not have the expertise to make those judgments.

Finally, I draw your attention to the formidable array of remedial works that we agreed to undertake as part of this process. We ended up with a very detailed set of agreements with the agency and I do think that we can stand here today and say that we complied with them in very precise detail. I do not want to finish on a pompous note, but it is an important point. We do not think that we have reached the end of the problem. We do not think that we have reached the beginning of the end of the problem. However, I am convinced that we have now reached the end of the beginning, which was the first 12 or 13 months. There is still an

hynny a dyna'r ffordd y'i gwnaethpwyd.

Yn ail, dan hanes y caffaeliad, nodaf y bu'n rhaid inni ddelio â thri grŵp neu dîm yn y mater hwn. Yr oedd pob un o'r rhain cyn bwysiced â'i gilydd. Pe na baem wedi dod i drefniadau addas gyda'r gweinyddwr, yr asiantaeth a'r awdurdod lleol, buasai'r fargen wedi cwmpo. Nid oedd yr un trefniant unigol yn bwysicach na'r lleill. Yr oedd yn rhaid iddynt i gyd sefyll. Yn y diwedd yr oedd gennym ryw 30 o ddogfennau cyfreithiol ar y bwrdd gan y tri pharti. Pe na bai'r 30 i gyd wedi'u llofnodi ni fuasem yma heddiw.

Dan athroniaeth y caffaeliad, hoffwn wneud y pwynt fy mod wedi rhestru'r rhesymau masnachol pam yr ymgymerasom â'r safle, oherwydd mai penderfyniad masnachol oedd gwneud hynny. Nid wyf wedi rhestru'r rhesymau, y pethau eraill y buom yn edrych arnynt, pam y gallem fod wedi penderfynu peidio â'i gymryd. Drwy hynny golygaf na anwybyddasom y materion a'r pryderon iechyd. Darllenais bob adroddiad cyn inni gyflwyno'r cynnig a daethom i'r casgliad syml fod pobl eraill mewn sefyllfa well ac yn fwy cymwys i wneud y penderfyniadau ar astudiaethau epidemiolegol nag yr oeddem ni. Nid oeddem mewn sefyllfa i wneud ein hasesiadau epidemiolegol ein hunain ac, a dweud y gwir, nid wyf yn meddwl y buasai wedi helpu llawer petasem wedi gwneud hynny. Yr oeddem yno i gael ein harwain gan bobl â gwell cymwysterau na ni. Nid achos o guddio'r tu ôl i unrhyw un ydoedd. Yn syml, nid oedd yr arbenigedd gennym i farnu'r pethau hynny.

Yn olaf, tynnaf eich sylw at y rhestr hir o waith adfer y cytunasom i'w wneud fel rhan o'r broses hon. Erbyn y diwedd yr oedd gennym set fanwl iawn o gytundebau gyda'r asiantaeth ac yr wyf yn credu y gallwn sefyll yma heddiw a dweud ein bod wedi cydymffurfio â hwy yn fanwl gywir. Nid wyf am orffen ar nodyn hunan-bwysig, ond y mae'n bwynt pwysig. Nid ydym yn meddwl ein bod wedi cyrraedd diwedd y broblem. Nid ydym yn meddwl ein bod wedi cyrraedd dechrau diwedd y broblem. Fodd bynnag, yr wyf yn argyhoeddedig ein bod erbyn hyn wedi cyrraedd diwedd y dechrau, sef y 12 neu 13 mis cyntaf. Mae llawer iawn i'w

awful lot to do, and the philosophy of taking over the tip was that the best thing to do was to keep it trading and use the money gained to put the site right and, hopefully, in the long run to allay the health concerns of the community. I would be happy to take any questions.

[93] **Richard Edwards:** Perhaps I could start by asking you what is actually in the tip.

**Mr Poller:** We cannot have any detailed knowledge of what is in there. We have obviously only been in charge of what has gone in since we took over. There have been no detailed studies, as far as I know, of what is in there, but I think you take your clues about what is in there from what is coming out of it. I think that the agency made this point. We do extensive leachate, ground water, and surface water monitoring. We also do extensive air quality monitoring. If there were things in there that should not be in there or were reacting in ways that they should not be reacting, sooner or later that would show up in what comes out of the tip. You could spend an absolute fortune drilling holes and taking samples and possibly never find what it is you think is in there anyway. We have an extensive monitoring programme, which actually goes, I like to think, well beyond the requirements of the licence. We adopted a best practice approach at the site. All of those records will be available to the investigator. They are available to the agency and will be on the public record in due course.

[94] **Rhodri Glyn Thomas:** I think that you were present when I raised the issue with Councillor Morgan earlier that there is a lack of consistency between your statement about submitting the bid and the minutes of the council meeting on 23 July. I asked Councillor Morgan to comment and he clearly felt that it was the administrator who took the decision to appoint. Your statement suggests that you needed to convince the council and that the members decided. Could you comment on the lack of consistency there?

**Mr Poller:** The reality was that I think that

wneud o hyd, a'r athroniaeth o ymgymryd â'r domen oedd mai'r peth gorau i'w wneud oedd ei chadw i fasnachu a defnyddio'r arian a enillwyd i wneud y safle'n iawn a, gobeithio, yn y tymor hir, lliniaru pryderon iechyd y gymuned. Byddaf yn hapus i gymryd unrhyw gwestiynau.

[93] **Richard Edwards:** Efallai y gallwn i gychwyn drwy ofyn ichi beth yn union sydd yn y domen.

**Mr Poller:** Ni allwn fod ag unrhyw wybodaeth fanwl ynghylch beth sydd yno. Yn amlwg, dim ond yr hyn a aeth i mewn ers i ni gymryd yr awenau sydd yn gyfrifoldeb i ni. Ni fu unrhyw astudiaethau manwl, hyd y gwn, o'r hyn sydd i mewn yno, ond credaf y ceir cliwiau am yr hyn sydd i mewn yno o'r hyn sydd yn dod allan ohoni. Credaf i'r asiantaeth wneud y pwynt hwn. Gwnawn waith monitro helaeth ar drwytholchion, dŵr daear a dŵr wyneb. Gwnawn waith monitro helaeth hefyd ar ansawdd yr aer. Petai pethau yno na ddylent fod yno neu pe baent yn adweithio mewn ffyrdd na ddylent fod yn adweithio, yn hwyr neu'n hwyrach byddai hynny i'w weld yn yr hyn a ddaw allan o'r domen. Gallech wario ffortiwn yn tyllu ac yn cymryd samplau ac efallai na fydddech byth yn dod o hyd i'r hyn yr ydych yn meddwl sydd i mewn yno beth bynnag. Mae gennym raglen fonitro helaeth sydd mewn gwirionedd yn mynd, yr wyf yn hoffi meddwl, ymhell tu hwnt i ofynion y drwydded. Yr ydym wedi mabwysiadu ymagwedd o arfer gorau ar y safle. Bydd y cofnodion hynny i gyd ar gael i'r ymchwilydd. Maent ar gael i'r asiantaeth a byddant yn gofnodion cyhoeddus maes o law.

[94] **Rhodri Glyn Thomas:** Yr wyf yn meddwl eich bod chi'n bresennol pan godais y mater gyda'r Cyngorydd Morgan yn gynharach fod diffyg cysondeb rhwng eich datganiad ynghylch cyflwyno'r cynnig a chofnodion cyfarfod y cyngor ar 23 Gorffennaf. Gofynnais i'r Cyngorydd Morgan roi sylw ac, yn amlwg, teimlai ef mai'r gweinyddwr a wnaeth y penderfyniad i benodi. Mae eich datganiad chi'n awgrymu y bu angen ichi argyhoeddi'r cyngor a bod yr aelodau wedi penderfynu. A allech roi sylw ar y diffyg cysondeb yno?

**Mr Poller:** Y gwir oedd fy mod yn meddwl

we signed more agreements on this deal with the council than we did with the administrator. We bought the site from the administrator; we handed him an amount of money and that was the deal. However, that deal stood or fell in parallel with a pile of legal agreements that we signed with the local authority, all of which had to be signed simultaneously. It was only achieved after I was—or the directors were, more accurately—invited to give a presentation to the full cabinet of Rhondda Cynon Taff council and then subsequently to a full meeting of the council in open session, at which I was mercilessly grilled by the councillors. Then the chairman allowed the assembled public to grill me mercilessly for three-quarters of an hour. So I do not think that there is any doubt about how we arrived at where we did. There is no doubt that we have necessary legal agreements with everybody on this. They are not divisible.

[95] **Rhodri Glyn Thomas:** If you look at the council minutes, they clearly state that the council is noting these issues. That is very different to the assumption that you put in your statement, that you actually convinced the council of your bid and that the council members voted for that bid. What the minutes state is that they accepted the position which the administrator put to them.

**Mr Poller:** All I can say is that what came out of that meeting was subsequently enshrined in a shareholder's agreement which the council prepared and which we had to sign. This goes back to a question that David Davies asked earlier about what controls were placed by the council on the previous operators. We have entered into a very detailed agreement with the council on how we operate, including a tremendous flow of financial information from the company to the authority on a very regular basis. The council prepared that agreement based on the discussions that we had. The public council meeting was simply one element of that. I do not know how the council minutes are worded, but the council is our shareholder; it owned all the property and owned all the contracts. The reality was, if we could not

inni lofnodi mwy o gytundebau ar y fargen hon gyda'r cyngor nag a wnaethom gyda'r gweinyddwr. Prynasom y safle oddi wrth y gweinyddwr; rhoesom swm o arian iddo a dyna'r fargen. Fodd bynnag, yr oedd y fargen yn sefyll neu'n cwmpo yn gyfochrog â phentwr o gytundebau cyfreithiol a lofnodasom gyda'r awdurdod lleol, ac yr oedd yn rhaid i bob un gael ei lofnodi ar yr un pryd. Cyflawnwyd hyn dim ond wedi i mi—neu'r cyfarwyddwyr, i fod yn fwy cywir—gael ein gwahodd i roi cyflwyniad i gabinet llawn cyngor Rhondda Cynon Taf ac wedyn i gyfarfod llawn o'r cyngor mewn sesiwn agored, lle y'm croesholwyd yn ddidostur gan y cynghorwyr. Wedyn caniatodd y cadeirydd i'r cyhoedd a oedd wedi dod ynghyd fy nghroesholi'n ddidostur am dri-chwarter awr. Felly nid wyf yn meddwl bod unrhyw amheuaeth ynghylch sut y daethom i'r lle y daethom iddo. Nid oes amheuaeth fod gennym gytundebau cyfreithiol angenrheidiol gyda phawb ar hyn. Nid ydynt yn wahanadwy.

[95] **Rhodri Glyn Thomas:** Os edrychych ar gofnodion y cyngor, nodant yn glir fod y cyngor yn nodi'r materion hyn. Mae hynny'n wahanol iawn i'r dybiaeth a roesoch chi yn eich datganiad, sef eich bod mewn gwirionedd wedi darbwylllo'r cyngor o'ch cynnig a bod aelodau'r cyngor wedi pleidleisio dros y cynnig hwnnw. Yr hyn a noda'r cofnodion yw iddynt dderbyn y sefyllfa a roesai'r gweinyddwr ger eu bron.

**Mr Poller:** Y cwbl y gallaf ei ddweud yw bod yr hyn a ddeilliodd o'r cyfarfod hwnnw wedi'i gorffori wedyn mewn cytundeb cyfranddalwyr a baratowyd gan y cyngor ac y bu'n rhaid i ni ei lofnodi. Mae hyn yn mynd yn ôl at gwestiwn a ofynnodd David Davies yn gynharach ynghylch pa fesurau rheoli a osodwyd gan y cyngor ar y gweithredwyr blaenorol. Yr ydym wedi llofnodi cytundeb manwl iawn gyda'r cyngor ar y modd y gweithredwn, gan gynnwys llyf aruthrol o wybodaeth ariannol o'r cwmni i'r awdurdod ar sail reolaidd iawn. Paratôdd y cyngor y cytundeb hwnnw ar sail y trafodaethau a gawsom. Dim ond un elfen o hynny oedd y cyfarfod cyngor cyhoeddus. Ni wn sut y geiriwyd cofnodion y cyngor, ond mae'r cyngor yn gyfranddaliwr inni; ef oedd biau'r holl eiddo a'r holl gontractau. Y gwir oedd,

convince it to sign all of those over to us, the deal would never have happened. The council prepared the shareholder's agreement that allowed us to take the tip over. We did not write it, we simply ended up signing it.

[96] **Delyth Evans:** I would just like to ask whether you think that it is ever possible to alleviate the health concerns of the community as long as the tip is operational.

**Mr Poller:** I think that, in the short-term, the answer is no. The concerns are so deeply entrenched. I think that it has come out of our own discussions with members of RANT, that they have an admirably clear view of what they want out of this. Every meeting that we have with them is prefaced is by 'we simply want the tip closed and we want you out of here; no offence intended, but that is what we want—we want you out.' So I am not sure that we could do anything factual or provide any evidence that would alter or satisfy their concerns.

[97] **Delyth Evans:** Are you confident—you must feel confident—that you are able to operate the tip in a way that is not going to damage people's health? What are you going to do differently from what has been done in the past to make sure that that is indeed the case?

**Mr Poller:** The policy that was arrived at by the agency's consultants and the agency itself—and really it is common sense, it is our own approach—is containment of the problem and then to extract the gases and dispose of them to avoid them getting out into the atmosphere and to improve the leachate management and control. Do that and, sooner or later, the problems will disappear. The first and biggest part of the containment process has now happened. A major improvement of the leachate disposal facility has now been put in place and every piece of work that we do now reduces the risk of gases getting out of there.

[98] **John Griffiths:** We heard earlier, in evidence from the Environment Agency, I

os na allem ei ddarbwylllo i lofnodi'r rheini i gyd drosodd i ni, ni fuasai'r fargen byth wedi digwydd. Y cyngor a baratôdd y cytundeb cyfranddalwyr a ganiataodd inni gymryd rheolaeth dros y domen. Ni wnaethom ni ei ysgrifennu, dim ond ei lofnodi yn y diwedd.

[96] **Delyth Evans:** Hoffwn ofyn yn syml a ydych yn meddwl ei bod byth yn bosibl lleddfu pryderon iechyd y gymuned cyhyd ag y bo'r domen yn weithredol.

**Mr Poller:** Yr wyf yn meddwl, yn y tymor byr, mai na yw'r ateb. Mae'r pryderon wedi gwreiddio mor ddwfn. Yr wyf yn meddwl bod ein trafodaethau ein hunain gydag aelodau RANT wedi datgelu bod ganddynt syniad canmoladwy o glir o'r hyn y mae arnynt eisiau ei gael allan o hyn. Y rhagymadrodd i bob cyfarfod a gawn gyda hwy yw 'y cwbl sydd arnom ei eisiau yw cau'r domen ac i chi fynd oddi yma; nid ydym yn bwriadu tramgwyddo, ond dyna'r hyn sydd arnom ei eisiau—mae arnom eisiau i chi fynd.' Felly nid wyf yn siŵr y gallem wneud unrhyw beth ffeithiol na darparu unrhyw dystiolaeth a fyddai'n newid nac yn bodloni eu pryderon.

[97] **Delyth Evans:** A ydych yn hyderus—mae'n rhaid eich bod yn teimlo'n hyderus—y gallwch weithredu'r domen mewn modd na fydd yn niweidio iechyd pobl? Beth ydych chi'n mynd i'w wneud yn wahanol i'r hyn a wnaethpwyd yn y gorffennol er mwyn sicrhau hynny?

**Mr Poller:** Y polisi a gyraeddwyd gan ymgynghorwyr yr asiantaeth a'r asiantaeth ei hun—ac yn wir, synnwyr cyffredin ydyw, ein dull ein hunain ydyw—yw cyfyngu'r broblem ac wedyn tynnu'r nwyon allan a'u gwaredu i osgoi eu gollwng i'r atmosffer, a gwella'r rheolaeth dros drwytholchion. O wneud hynny, yn hwyr neu'n hwyrach, bydd y problemau'n diflannu. Mae rhan gyntaf a mwyaf y broses gyfyngu wedi digwydd erbyn hyn. Mae gwelliant mawr i'r cyfleuster gwaredu trwytholchion bellach wedi'i sefydlu ac mae pob darn o waith a wnawn yn awr yn lleihau'r perygl i nwyon ddianc oddi yno.

[98] **John Griffiths:** Clywsom yn gynharach, mewn tystiolaeth gan Asiantaeth yr

think, the view that continued use of the site and better control would be preferable to shutting the tip down in terms of the ongoing pollution problems and so on. If you share that view, could you explain whether you believe that that view is a matter of science or economics?

**Mr Poller:** I suppose, fundamentally, that it is economics. You could achieve the same degree of containment and gas extraction by closing the tip. You do not have to keep it open to effect the containment and the extraction. What we put to the council was, if you close it—and this, I think, would have been the council's own view anyway—it will still cost £5 million or £6 million to put the problems right. If we continue to operate it, it will cost £5 million or £6 million to put the problems right. You have a straight choice—we can either spend the £6 million out of operating receipts to put it right or you could in fact close it tomorrow and find the £6 million from somewhere else.

[99] **Geraint Davies:** My question revolves around the bond. Were you surprised that you took control of the company, or the tip, without a bond? What made you persuade the Environment Agency that you could operate properly without that safeguard?

**Mr Poller:** This comes back to Roger's point. I think that there is a wide misunderstanding about the bond. The waste management licensing regulations do not require a bond; they require financial provisions, and there are at least three ways of providing or making financial provisions. A bond is one way; it is not a particularly brilliant way and it is not the only way. It is a route that was simply unavailable to Amgen Rhondda anyway. At heart it is an insolvency bond and Amgen Rhondda is a new company that has been set up to take over the most troubled landfill in Britain, a landfill that has already bankrupted one company. You try getting an insolvency bond on that basis, I mean you just would not have got one. But it is not the only way of doing it. An escrow account is another perfectly valid way of doing it. Many, many sites in Britain operate by providing an escrow account. So the arrangement is, and it is a signed and sealed

Amgylchedd, mi gredaf, y farn y byddai parhau i ddefnyddio'r safle gyda gwell rheolaeth yn well na chau'r domen yn nhermau'r problemau llygredd parhaus ac ati. Os rhannwch y farn honno, a allech egluro ai mater o wyddoniaeth neu economeg yw'r farn honno yn eich barn chi?

**Mr Poller:** Mae'n debyg, yn y bôn, mai economeg ydyw. Gallech sicrhau'r un radd o gyfyngu a thynnu nwy drwy gau'r domen. Nid oes raid ei chadw ar agor i weithredu'r cyfyngu a'r tynnu nwy. Ein cynnig ni i'r cyngor oedd, os caewch hi—a hyn, yr wyf yn meddwl, a fuasai barn y cyngor ei hun beth bynnag—bydd yn dal i gostio £5 miliwn neu £6 miliwn i ddatrys y problemau. Os parhawn i'w gweithio, bydd yn costio £5 miliwn neu £6 miliwn i ddatrys y problemau. Mae gennych ddewis syml—gallwn naill ai wario'r £6 miliwn o dderbyniadau gweithredu i ddatrys y mater neu gallech gau'r lle yfory a dod o hyd i'r £6 miliwn o rywle arall.

[99] **Geraint Davies:** Mae a wnelo fy nghwestiwn â'r bond. A oeddech yn synnu ichi gymryd rheolaeth dros y cwmni, neu'r domen, heb fond? Beth wnaeth ichi berswadio Asiantaeth yr Amgylchedd y gallech weithredu'n briodol heb y mesur diogelwch hwn?

**Mr Poller:** Daw hyn â ni'n ôl at bwynt Roger. Credaf fod camddealltwriaeth mawr am y bond. Nid yw'r rheoliadau trwyddedu rheoli gwastraff yn gofyn am fond; maent yn gofyn am ddarpariaethau ariannol, ac mae o leiaf dair ffordd o ddarparu neu wneud darpariaethau ariannol. Bond yw un ffordd; nid yw'n ffordd arbennig o glyfar ac nid dyna'r unig ffordd. Mae'n ffordd nad oedd ar gael i Amgen Rhondda beth bynnag. Yn y bôn, bond methdaliad ydyw ac mae Amgen Rhondda'n gwmni newydd a sefydlwyd i gymryd rheolaeth dros y tirlenwad mwyaf trafferthus ym Mhrydain, tirlenwad sydd eisoes wedi gyrru un cwmni i'r wal. Ceisiwch chi gael bond methdaliad ar y sail honno, ni fuasech byth wedi ei gael. Ond nid dyna'r unig ffordd o wneud pethau. Mae cyfrif ysgrow yn ffordd arall berffaith ddilys o'i wneud. Mae llawer iawn, iawn o safleoedd ym Mhrydain yn gweithredu drwy ddarparu cyfrif ysgrow. Felly y trefniant yw, ac mae'n

legal arrangement—

drefniant cyfreithiol wedi'i lofnodi a'i selio—

[100] **Geraint Davies:** Can you explain an escrow account?

[100] **Geraint Davies:** A allwch esbonio cyfrif ysgrow?

**Mr Poller:** We deposit a sum of money in a bank account that is ours but controlled by the Environment Agency. We are not allowed to draw money from it; we have to sign a legal agreement that effectively tells the bank that, although it is our money, we cannot take any of it out. We have a defined set of criteria that we have to fulfil to take the money out. The arrangement is that it is there for dealing with only two things. One is the long-term aftercare of the site. They can also be set up to deal with sudden pollution incidents. The only way that we could then get our hands on the money is to go to the agency and say that we have either had a sudden pollution incident or the site is closed and we need to spend money on the aftercare. We have to justify every penny that we are going to spend, and only when the agency is satisfied will it let the bank give us our money to do the work.

**Mr Poller:** Byddwn yn rhoi swm o arian mewn cyfrif banc sydd yn eiddo i ni ond a reolir gan Asiantaeth yr Amgylchedd. Nid ydym yn cael tynnu arian allan ohono; mae'n rhaid inni lofnodi cytundeb cyfreithiol sydd i bob pwrpas yn dweud wrth y banc na chawn dynnu dim o'r arian allan, er mai ein harian ni ydyw. Mae gennym set o feini prawf diffiniedig y mae'n rhaid inni eu cyflawni er mwyn tynnu'r arian allan. Y trefniant yw mai yno y mae'r arian i ddelio â dau beth yn unig. Un yw ôl-ofal y safle yn y tymor hir. Gellir eu sefydlu hefyd i ddelio â digwyddiadau llygredd sydyn. Yr unig ffordd y gallem gael gafael ar yr arian wedyn fyddai mynd at yr asiantaeth a dweud naill ai ein bod wedi cael digwyddiad llygredd sydyn neu fod y safle wedi cau a bod angen gwario arian ar ôl-ofal. Rhaid inni gyfiawnhau pob ceiniog a wariwn, a dim ond pan fydd yr asiantaeth yn fodlon y gwnaiff adael i'r banc roi'n harian inni er mwyn inni gael gwneud y gwaith.

[101] **Geraint Davies:** How much money is in the escrow account?

[101] **Geraint Davies:** Faint o arian sydd yn y cyfrif ysgrow?

**Mr Poller:** I cannot go into detail; this is a matter of some commercial confidence. However, we are confident that the ultimate amount in the escrow account will be adequate to deal with the long-term liabilities of the site.

**Mr Poller:** Ni allaf fynd i fanylder; mae hyn yn fater o beth cyfrinachedd masnachol. Fodd bynnag, yr ydym yn hyderus y bydd y swm terfynol yn y cyfrif ysgrow yn ddigonol i ddelio â dyledion tymor hir y safle.

[102] **Geraint Davies:** In the Environment Agency's evidence, it was mentioned that it had £1 million from you; that you had £1 million. Where did that £1 million come from?

[102] **Geraint Davies:** Yn nhystiolaeth Asiantaeth yr Amgylchedd, soniwyd eu bod wedi cael £1 filiwn gennych chi; bod gennych chi £1 filiwn. O ble y daeth yr £1 filiwn honno?

**Mr Poller:** I think that it was referring to the £910,000 working capital that the council supplied.

**Mr Poller:** Credaf mai sôn yr oedd am y £910,000 o gyfalaf gweithredol a gyflenwyd gan y cyngor.

[103] **Geraint Davies:** So it was not your money in the first place; it was the council's money?

[103] **Geraint Davies:** Felly nid eich arian chi ydoedd yn y lle cyntaf; arian y cyngor ydoedd?

**Mr Poller:** I would argue that it was ours, because like any good shareholder the

**Mr Poller:** Byddwn yn dadlau mai'n harian ni ydoedd, oherwydd fel unrhyw

council put in an amount of working capital to give its new fledgling company the best possible start. So the money was supplied to Amgen Rhondda and I believe that the council handed it to us on the basis that we use all of it for carrying out defined remedial works. I think that it is perhaps worth explaining also that there were considerable layers of verification put into place before we could draw on that £910,000. It was linked to the detailed set of agreements that we had reached with the Environment Agency. There were so many layers of consultants and checkers involved that, before we could draw any of it down, we had to demonstrate that we had incurred that expenditure on defined proper remedial works.

[104] **Geraint Davies:** If neither you nor any other company had taken over the landfill site, who would have taken responsibility for it?

**Mr Poller:** I am sorry, I actually do not know the answer to that. I know that there were some detailed discussions going on at the time about who was responsible. I believe that the agency thought that the authority would be responsible and I believe that the authority thought that the agency would be. It is not a matter within my competence, I am afraid.

[105] **Sue Essex:** When you took over the site, which you say is wholly owned by the council, what was the assumption of the life expectancy of the tip? How did that interplay in terms of from where the rubbish that was disposed there would come; was it expected that you would operate on a large catchment area?

**Mr Poller:** Not particularly, no. The life expectancy of the site was eight years. This comes back to a discussion you had earlier about the planning application that is in. We have attempted to reconcile the previous unreconciled planning consents for the site by submitting a planning application that minimises its air space. It reduces it down to an available air space to us of about 800,000 cubic metres, whereas on a different reading of the previous consents it could have been as

gyfranddaliwr da rhoddodd y cyngor swm o gyfalaf gweithredol i mewn i roi'r cychwyn gorau posibl i'w egin-gwmni newydd. Felly cyflenwyd yr arian i Amgen Rhondda a chredaf fod y cyngor wedi'i drosglwyddo inni ar y sail ein bod yn defnyddio'r cyfan ohono i wneud gwaith adfer diffiniedig. Yr wyf yn meddwl efallai ei bod yn werth egluro hefyd y sefydlwyd haenau sylweddol o gadarnhad i'w bodloni cyn y gallem dynnu o'r £910,000 hwnnw. Yr oedd yn gysylltiedig â'r set fanwl o gytundebau yr oeddem wedi'u gwneud gydag Asiantaeth yr Amgylchedd. Yr oedd cymaint o haenau o ymgynghorwyr a gwirwyr yn ymwneud â'r peth fel bod yn rhaid inni, cyn y gallem dynnu unrhyw faint ohono i lawr, allu dangos ein bod wedi ymgymryd â'r gwariant hwnnw ar waith adfer priodol a oedd wedi'i ddiffinio.

[104] **Geraint Davies:** Pe na baech chi nac unrhyw gwmni arall wedi ymgymryd â rheolaeth y safle tirlenwi, pwy fuasai wedi cymryd cyfrifoldeb amdano?

**Mr Poller:** Mae'n flin gennyf, nid wyf yn gwybod yr ateb i hynny â dweud y gwir. Gwn fod trafodaethau manwl ar droed ar y pryd ynghylch pwy oedd yn gyfrifol. Credaf fod yr asiantaeth yn meddwl y byddai'r awdurdod yn gyfrifol a chredaf fod yr awdurdod yn meddwl mai'r asiantaeth a fyddai. Nid yw'n fater o fewn fy maes i, mae gennyf ofn.

[105] **Sue Essex:** Pan gymerasoch reolaeth dros y safle, sydd meddech yn gyfangwbl ym meddiant y cyngor, beth y rhagdybid fyddai oes disgwylidig y domen? Sut y gwnaeth hynny effeithio ar o ba le y byddai sbwriel a waredid yno yn dod; a ddisgwylid y byddech yn gweithredu dros ddalgylch mawr?

**Mr Poller:** Ddim yn arbennig, na. Wyth mlynedd oedd disgwyliad oes y safle. Daw hyn yn ôl at drafodaeth a gawsoch yn gynharach ynglŷn â'r cais cynllunio sydd i mewn. Yr ydym wedi ceisio cysoni'r cydsyniadau cynllunio blaenorol oedd heb eu cysoni ar gyfer y safle drwy gyflwyno cais cynllunio sydd yn lleihau ei ofod awyr. Mae'n ei gwtogi fel mai rhyw 800,000 o fetrau ciwbig o ofod awyr sydd ar gael inni, tra ar ddarlleniad gwahanol o'r cydsyniadau



high as 1.5 million to 2 million. We believed that eight years was the minimum period of trading that was needed to generate the £6 million to put the site right and to put the money in the escrow account for the long-term aftercare of the site.

[106] **Sue Essex:** Was planning permission issued for the tip to have eight years life expectancy, on the assumption of an operating licence from the Environment Agency?

**Mr Poller:** That planning consent has not been granted yet. We filed it earlier this year—

[107] **Sue Essex:** This is what was referred to earlier.

**Mr Poller:** Yes, because there was confusion about which particular set of drawings is actually the valid consent now.

[108] **Richard Edwards:** Thank you for your contribution, Mr Poller. Our final contributor, Mr Paul Griffiths, the District Auditor, has been waiting patiently. Thank you, Mr Griffiths, for agreeing to attend this afternoon at such short notice. I would be grateful if you could give a brief presentation.

**Mr Griffiths:** Thank you, Chairman. Good afternoon. My name is Paul Griffiths. I am the District Auditor appointed by the Audit Commission to carry out the external audit of a number of public bodies in south Wales, including a number of local authorities. As you may be aware, local government electors have a right to raise questions with me about the accounts of a local authority.

When I took over as District Auditor for Rhondda Cynon Taff in November 1998, I inherited a number of issues, concerns and allegations that had been presented to my predecessor. Many of those issues, concerns and allegations were repeated to me in a series of meetings that I held in early in 1999 with members of the public, members of RANT and members of the council. As a result, I embarked upon a wide-ranging review of a number of issues to do with Nantygwyddon. I concluded that many of the

blaenorol gallasai fod cyn uchod ag 1.5 miliwn i 2 filiwn. Credem mai wyth mlynedd oedd y cyfnod masnachu lleiaf yr oedd ei angen i gynhyrchu'r £6 miliwn i adfer y safle ac i roi'r arian yn y cyfrif ysgrow ar gyfer ôl-fal y safle yn y tymor hir.

[106] **Sue Essex:** A roddwyd caniatâd cynllunio i'r domen gael disgwyliad oes o wyth mlynedd, ar y dybiaeth y ceid trwydded weithredu gan Asiantaeth yr Amgylchedd?

**Mr Poller:** Nid yw'r cydsyniad cynllunio hwnnw wedi'i roi eto. Gwnaethom gais yn gynharach eleni—

[107] **Sue Essex:** Dyma beth y cyfeiriwyd ato'n gynharach.

**Mr Poller:** Ie, oherwydd yr oedd dryswch ynglŷn â pha set arbennig o luniadau mewn gwirionedd yw'r cydsyniad dilys erbyn hyn.

[108] **Richard Edwards:** Diolch am eich cyfraniad, Mr Poller. Mae'n cyfrannwr olaf, Mr Paul Griffiths, yr Archwilydd Dosbarth, wedi bod yn aros yn amyneddgar. Diolch, Mr Griffiths, am gytuno i ddod y prynhawn yma ar rybudd mor fyr. Byddwn yn ddiolchgar pe gallech roi cyflwyniad byr.

**Mr Griffiths:** Diolch, Gadeirydd. Prynhawn da. Fy enw i yw Paul Griffiths. Fi yw'r Archwilydd Dosbarth a benodwyd gan y Comisiwn Archwilio i gyflawni archwiliad allanol o nifer o gyrff cyhoeddus yn ne Cymru, gan gynnwys nifer o awdurdodau lleol. Fel y gwyddoch efallai, mae gan etholwyr llywodraeth leol hawl i godi cwestiynau gyda mi ynghylch cyfrifon awdurdod lleol.

Pan gychwynnais fel Archwilydd Dosbarth i Rhondda Cynon Taf ym mis Tachwedd 1998, etifeddais nifer o faterion, pryderon a honiadau a gyflwynwyd i'm rhagflaenydd. Cafodd llawer o'r materion, y pryderon a'r honiadau hynny eu hailadrodd imi mewn cyfres o gyfarfodydd a gynheliais yn gynnar yn 1999 gydag aelodau'r cyhoedd, aelodau RANT ac aelodau'r cyngor. O ganlyniad, cychwynnais ar adolygiad eang o nifer o faterion yr oedd a wnelont â Nantygwyddon. Deuthum i'r casgliad bod llawer o'r materion

issues raised with me were beyond my remit. Some issues had no evidence to support the allegation that had been made. However, there were two issues that I felt warranted further comment. I issued those conclusions in a report to the council in May 1999. I suspect that my attendance here today has been given some prominence by the fact that that report was considered in a public meeting only last month.

Two issues in that report concerned me greatly and I felt it necessary to raise them with the council. I am quite happy to say what those concerns were, or I am quite happy to leave it at that, Chairman, given the lateness of the day, and allow members of the panel to question me on the report itself.

[109] **Richard Edwards:** Could you give us a brief synopsis of your concerns?

**Mr Griffiths:** The first issue concerns what was then called the 'leader's group'. This was a group set up by the then administration to consider the best way to deal with the Nantygwyddon issue. My concern stemmed from the fact that this group had no status within the council and, as such, in my opinion, had no right to make decisions or to deny information to other members of the council. I had to ask myself whether these members had acted properly and, if they had not, did it result in a loss to the council? As the external auditor, should I then have looked to take formal audit action and, by that, I mean surcharge?

Having interviewed many of the members who attended this leader's group meeting, and the officers, and having looked at what documentation was available—and there was not a great deal—I came to the conclusion that the decisions that that group came to were wrong. I think that it was misguided in what it did. There is no doubt in my mind that the council incurred additional costs. However, the important point that I want to make, having listened very carefully to the explanations that were provided to me, is that I am satisfied that there was no case of wilful

a godwyd gyda mi y tu hwnt i'm cylch gwaith. Gyda rhai materion, nid oedd dim dystiolaeth i gefnogi'r honiad a wnaethpwyd. Fodd bynnag, yr oedd dau fater y teimlais eu bod yn teilyngu sylw pellach. Cyhoeddais y casgliadau hynny mewn adroddiad i'r cyngor ym Mai 1999. Yr wyf yn amau bod fy mhresenoldeb yma heddiw wedi cael rhywfaint o amlygrwydd oherwydd y ffaith i'r adroddiad hwnnw gael ei ystyried mewn cyfarfod cyhoeddus ddim ond y mis diwethaf.

Yr oedd dau fater yn yr adroddiad hwnnw'n fy mhoeni'n fawr a theimlais fod angen eu codi gyda'r cyngor. Yr wyf yn ddigon bodlon i ddweud beth oedd y pryderon hynny, neu yr wyf yn ddigon bodlon ei gadael hi yn y fan honno, Gadeirydd, gan ei bod mor hwyr yn y dydd, a chaniatáu i aelodau'r panel fy holi ar yr adroddiad ei hun.

[109] **Richard Edwards:** A allech roi crynodeb byr inni o'ch pryderon?

**Mr Griffiths:** Mae a wnelo'r mater cyntaf â'r hyn a elwid bryd hynny yn 'grŵp yr arweinydd'. Grŵp oedd hwn a sefydlwyd gan y weinyddiaeth ar y pryd i ystyried y ffordd orau i ddelio â mater Nantygwyddon. Deilliai fy mhryder o'r ffaith nad oedd gan y grŵp hwn unrhyw statws o fewn y cyngor ac felly, yn fy marn i, nid oedd ganddo hawl i wneud penderfyniadau na gwadu gwybodaeth i aelodau eraill o'r cyngor. Yr oedd yn rhaid imi ofyn i mi fy hun a oedd yr aelodau hyn wedi gweithredu'n briodol ac, os nad oeddent, a arweiniodd at golled i'r cyngor? Fel yr archwilydd allanol, a ddylwn i wedyn fod wedi ystyried gweithred archwiliad ffurfiol ac, wrth hynny, golygaf ordal?

Wedi cyfweld llawer o'r aelodau a fynychodd y cyfarfod hwn o grŵp yr arweinydd, a'r swyddogion, ac wedi edrych ar hynny o ddogfennaeth a oedd ar gael—ac nid oedd llawer—deuthum i'r casgliad fod y penderfyniadau a wnaeth y grŵp hwnnw yn anghywir. Credaf ei fod wedi'i gamarwain yn yr hyn a wnaeth. Nid oes amheuaeth yn fy meddwl na olygodd hyn gostau ychwanegol i'r cyngor. Fodd bynnag, y pwynt pwysig yr wyf am ei wneud, wedi gwrando'n ofalus iawn ar yr esboniadau a gynigiwyd imi, yw fy mod yn fodlon nad oedd achos o

misconduct. I believe that the members that I spoke to were genuinely trying to find a way through this problem, and the explanations that they offered to me as to why this information was kept back from other members demonstrate that they did act in good faith. To give you an illustration, I think that there were serious concerns at that time about the legal position. I think that there were serious concerns at that time about the health position and I think that they were awaiting the report from Professor Palmer. I think that there were serious concerns about the integrity or reliability of the financial data that they were being asked to consider. As the external auditor, and having criticised the authority on many occasions about the lack of reliable data, I have some sympathy with those views. That was the first conclusion to which I came.

The second issue relates to the purchase of preference shares in the company. Quite sensibly, I think, the council sought legal advice on this particular matter and counsel's opinion advised it that it was perfectly entitled to invest the £900,000 in the company, provided that one of two criteria were met. Either the money had to be used for fixed assets purposes—for the purchase of fixed assets—or as working capital. I concluded, based on the information that I had available to me, and knowing what works needed to be carried out, that it did not meet either of those criteria. So I concluded that it seemed likely that this expenditure was unlawful. I think that it is only fair to point out that that view is not shared by the council officers and in their report to counsel, when officers advised members what they thought the correct treatment was, they advised members that they were legally entitled to invest this money. So again, the conclusion that I came to was that the members had acted on good faith and the officers had acted on good faith on the basis of counsel's advice. I just happened to disagree with that.

I think that one other issue is worth bearing in mind, and it may touch on some of the questions that were asked earlier. I was very conscious that the council was signing up to a commitment of some £900,000 per year and

gamymddwyn bwriadol. Credaf fod yr aelodau y siaredais â hwy yn ddidwyll geisio canfod ffordd drwy'r broblem hon, ac mae'r esboniadau a gynigiasant imi i egluro pam y cadwyd yr wybodaeth hon oddi wrth aelodau eraill yn dangos iddynt weithredu'n ddiffuant. I roi enghraifft ichi, yr wyf yn meddwl fod pryderon difrifol ar y pryd ynghylch y sefyllfa gyfreithiol. Yr wyf yn meddwl fod pryderon difrifol ar y pryd ynghylch y sefyllfa iechyd ac yr wyf yn meddwl eu bod yn aros am yr adroddiad gan yr Athro Palmer. Yr wyf yn meddwl fod pryderon difrifol am gywirdeb neu ddibynadwyedd y data ariannol yr oedd gofyn iddynt ei ystyried. Fel yr archwilydd allanol, ac wedi beirniadu'r awdurdod ar sawl achlysur am y diffyg data dibynadwy, mae gennyf ryw faint o gydymdeimlad â'r teimladau hynny. Dyna'r casgliad cyntaf y deuthum iddo.

Mae a wnelo'r ail fater â phrynu blaengyfrannau yn y cwmni. Yn ddigon doeth, dybiwn i, ceisiodd y cyngor gyngor cyfreithiol ar y mater arbennig hwn a barn y cwnsler oedd fod ganddo berffaith hawl i fuddsoddi'r £900,000 yn y cwmni, ar yr amod ei fod yn cwrdd ag un o ddau faen prawf. Naill ai yr oedd yn rhaid defnyddio'r arian i ddibenion asedau sefydlog—ar gyfer prynu asedau sefydlog—neu fel cyfalaf gweithredol. Deuthum i'r casgliad, ar sail yr wybodaeth oedd ar gael imi, a chan wybod pa waith yr oedd angen ei gwblhau, nad oedd yn cwrdd â'r un o'r meini prawf hynny. Felly deuthum i'r casgliad ei bod yn ymddangos yn debygol fod y gwariant hwn yn anghyfreithlon. Yr wyf yn meddwl mai dim ond teg yw nodi na rennir y farn honno gan swyddogion y cyngor, ac yn eu hadroddiad i'r cwnsler, pan gynghorodd swyddogion yr aelodau beth oedd y driniaeth gywir yn eu barn hwy, cyngorasant yr aelodau fod ganddynt hawl gyfreithiol i fuddsoddi'r arian hwn. Felly eto, y casgliad y deuthum iddo oedd fod yr aelodau wedi gweithredu'n ddiffuant ar sail cyngor y cwnsler. Dim ond digwydd anghytuno â hynny yr oeddwn i.

Yr wyf yn meddwl ei bod yn werth cadw un mater arall mewn cof, ac efallai ei fod yn cyffwrdd ar rai o'r cwestiynau a ofynnwyd yn gynharach. Yr oeddwn yn ymwybodol iawn fod y cyngor yn llofnodi ymrwymiad o

one of the reasons that it did that was to keep the company going. If the company had gone to the wall, my understanding is that liability would have fallen back on the authority itself, as the owners of the site. So no matter which route it had chosen, it still would have had to pick up the bill for this work. As such, I decided or concluded that there was no real case to answer in terms of the preference shares.

I still believe that it was unlawful, but I am prepared to accept that there is a difference of opinion on this particular matter.

[110] **Richard Edwards:** So just to clarify, you are saying that you were not prepared to challenge the council in court, because of a difference of legal advice?

**Mr Griffiths:** Yes, I am convinced that if I took the matter to court, it would be an expensive business all round and I can see no useful purpose being served by that, because ultimately the bill would have still rested at the door of the local authority.

[111] **Delyth Evans:** May I clarify something on the legal position? We are working under privilege here, so I could not be accused of libel or anything, could I?

[112] **Richard Edwards:** No, as long as you do not compromise the independence of the Committee.

[113] **Delyth Evans:** May I ask you, as the auditor, how does the amount of money that the council has spent in recent years on waste management compare with the amount spent by other authorities? Is there a significant difference in the amount of money that Rhondda Cynon Taff has spent on waste management compared with other authorities, relatively speaking of course?

Secondly, is it your view that directors of the previous company—not the present company—were making illegal profits from the tip by, for instance, dumping filter cake

ryw £900,000 y flwyddyn ac mai un o'r rhesymau y gwnaeth hynny oedd i gadw'r cwmni i fynd. Petai'r cwmni wedi mynd i'r wal, fy nealltwriaeth i yw y buasai'r atebolrwydd wedi syrthio'n ôl ar yr awdurdod ei hun, fel perchnogion y safle. Felly pa bynnag ffordd a ddewisai, byddai'n dal i fod wedi gorfod talu'r bil am y gwaith hwn. Felly, penderfynais neu deuthum i'r casgliad nad oedd gwir achos i'w ateb yn nhermau'r blaengyfrannau.

Yr wyf yn dal i gredu ei fod yn anghyfreithlon, ond yr wyf yn barod i dderbyn fod gwahaniaeth barn ar y mater arbennig hwn.

[110] **Richard Edwards:** Felly er mwyn cael hyn yn glir, yr ydych yn dweud nad oeddech yn barod i herio'r cyngor yn y llys, oherwydd gwahaniaeth mewn cyngor cyfreithiol?

**Mr Griffiths:** Ydw, yr wyf yn argyhoeddedig petawn yn mynd â'r mater i'r llys, y byddai'n fusnes drud i bawb ac ni welaf y byddai hynny'n cyflawni unrhyw bwrpas defnyddiol, gan y byddai'r bil yn y diwedd yn dal i orffwys wrth ddrws yr awdurdod lleol.

[111] **Delyth Evans:** A gaf fi eglurhad ar rywbeth ynglŷn â'r sefyllfa gyfreithiol? Yr ydym yn gweithio dan fraint yma, felly ni allwn gael fy nghyhuddo o enllib na dim, allwn i?

[112] **Richard Edwards:** Na, dim ond ichi beidio â chyfaddawdu annibyniaeth y Pwyllgor.

[113] **Delyth Evans:** A gaf fi ofyn i chi, fel yr archwilydd, sut y mae'r swm o arian y mae'r cyngor wedi'i wario mewn blynyddoedd diweddar ar reoli gwastraff yn cymharu â'r swm a wariwyd gan awdurdodau eraill? A oes gwahaniaeth arwyddocaol yn y swm o arian y mae Rhondda Cynon Taf wedi'i wario ar reoli gwastraff o gymharu ag awdurdodau eraill, â siarad yn gymharol, wrth gwrs?

Yn ail, a ydych o'r farn fod cyfarwyddwyr y cwmni blaenorol—nid y cwmni presennol—yn gwneud elw anghyfreithlon o'r domen drwy, er enghraifft, domennu talpiau hidlo a

and tyres? If that is your view—well, whether it is your view or not—is it ever possible to prove that?

**Mr Griffiths:** In answer to your first question, I just do not have the comparative information to which you refer. I will have a look at the information and provide the Committee with an analysis of how much is being spent, if that helps. However, clearly I have not got that sort of information with me today. In terms of the second issue, I think that you have touched on quite a difficult area. Clearly, my remit is with the local authority. I am the external auditor of the local authority. Once the money passes out of the hands of the local authority into the private company, my remit comes to an end.

[114] **Richard Edwards:** I wish to point out, Delyth, that as this matter is not covered in the District Auditor's report, I think that you need to be careful about how you pursue this particular issue. Perhaps Keith can elaborate on that.

**Mr Bush:** In fairness to Mr Griffiths, I am sure that he will know section 49 of the Audit Commission Act 1998 better than I do. However, while matters that have been incorporated into his report and are in the public domain are matters that he can be asked about, he would not as a matter of law be able to disclose information that might have been given to him that has not formed a part of a report that he has made to the authority.

[115] **Delyth Evans:** Does that mean that you cannot answer the question?

**Mr Griffiths:** The point that I was going to make is that my remit comes to an end once the money passes out of the hands of the local authority and into the private company. I take comfort from the fact that the company itself has its own independent, internationally renowned auditors in Deloitte and Touche. I note that the auditors have given a clear opinion in both the 1996-97 and 1997-98 accounts for the company. I cannot really go beyond that because I do not know enough about how the company operates.

theiars? Os ydych o'r farn honno—wel, os ydych o'r farn honno neu beidio—a oes modd profi hynny byth?

**Mr Griffiths:** I ateb eich cwestiwn cyntaf, nid oes gennyf yr wybodaeth gymharol yr ydych yn cyfeirio ati. Fe edrychaf ar yr wybodaeth a darparu dadansoddiad i'r Pwyllgor o faint sydd yn cael ei wario, os bydd hynny'n helpu. Fodd bynnag, yn amlwg nid yw'r math hwnnw o wybodaeth gennyf heddiw. Yn nhermau'r ail fater, yr wyf yn meddwl eich bod wedi cyffwrdd ar faes eithaf anodd. Yn amlwg, gyda'r awdurdod lleol y mae fy nghylch gwaith i. Fi yw archwilydd allanol yr awdurdod lleol. Unwaith y bydd yr arian yn trosglwyddo o ddwylo'r awdurdod lleol i'r cwmni preifat, daw fy nghylch gwaith i ben.

[114] **Richard Edwards:** Hoffwn nodi, Delyth, gan nad yw'r mater hwn wedi'i drafod yn adroddiad yr Archwilydd Dosbarth, yr wyf yn meddwl bod angen ichi fod yn ofalus ynghylch sut yr ewch ar ôl y mater arbennig hwn. Efallai y gall Keith ymhelaethu ar hynny.

**Mr Bush:** Er tegwch i Mr Griffiths, yr wyf yn siŵr y bydd ef yn gwybod adran 49 Deddf Comisiwn Archwilio 1998 yn well na mi. Fodd bynnag, tra bod materion a ymgorfforwyd yn ei adroddiad ac sydd yn y maes cyhoeddus yn faterion y gellir ei holi yn eu cylch, ni fyddai fel mater o gyfraith yn gallu datgelu gwybodaeth a allai fod wedi'i rhoi iddo ond na ffurfiodd ran o adroddiad y mae ef wedi'i wneud i'r awdurdod.

[115] **Delyth Evans:** A yw hynny'n golygu na allwch ateb y cwestiwn?

**Mr Griffiths:** Y pwynt yr oeddwn i'n mynd i'w wneud yw fod fy nghylch gwaith yn dod i ben unwaith y bydd yr arian wedi ei drosglwyddo o ddwylo'r awdurdod lleol ac i'r cwmni preifat. Cymeraf gysur o'r ffaith fod gan y cwmni ei hun ei archwilwyr annibynnol ei hun, a chanddynt enw da yn rhyngwladol, sef Deloitte and Touche. Nodaf fod yr archwilwyr wedi rhoi barn glir yng nghyfrifon y cwmni am 1996-97 a 1997-98. Ni allaf yn wir fynd ymhellach na hynny oherwydd ni wn ddigon am y modd y mae'r

cwmni'n gweithredu.

[116] **Geraint Davies:** You mentioned that officers and members of that council committee acted in good faith. How do you reconcile that with certain members denying ever being on the committee? Do you think that it would be useful for this Committee, or the investigator, to interview some of those members?

**Mr Griffiths:** The members whom I investigated all maintained that they were part of the group itself. I do not think that there is any dispute over the fact that the group actually existed. Clearly, the difficulty that we have on this occasion is that the group itself had no status; there were no minutes and no records of attendance, so it is very difficult to establish precisely who was there and who was not. It is very difficult for me to comment on that.

[117] **Geraint Davies:** It is funny to act in good faith and yet say 'I was never there'.

**Mr Griffiths:** The members that I interviewed put forward explanations, which I accepted in my role as external auditor, to demonstrate that they acted in good faith. As I say, with the members that I interviewed, there was no dispute over the existence of the group or their participation in the group.

[118] **Rhodri Glyn Thomas:** Just to clarify this fully, you say that there were no minutes and no records of those meetings. Therefore, nobody knows what was discussed and nobody even knows really which decisions were taken.

**Mr Griffiths:** All I can go by is what has been said to me by council members and the explanations that they have offered, together with any reports that council officers themselves have compiled that were used as a basis for the discussion.

[119] **Rhodri Glyn Thomas:** I have one brief supplementary question; I know that time is pressing. Were the statements made to you by members of that group consistent or

[116] **Geraint Davies:** Sonioch fod swyddogion ac aelodau'r pwyllgor cyngor hwnnw wedi gweithredu'n ddiffuant. Sut ydych chi'n cysoni hynny â'r ffaith fod rhai aelodau'n gwadu iddynt fod ar y pwyllgor erioed? A ydych yn meddwl y byddai'n fuddiol i'r Pwyllgor hwn, neu'r archwilydd, gyfsweld rhai o'r aelodau hynny?

**Mr Griffiths:** Yr oedd yr aelodau a holais i gyd yn maentumio eu bod yn rhan o'r grŵp ei hun. Nid wyf yn meddwl fod unrhyw ddadl ynghylch y ffaith fod y grŵp wedi bodoli mewn gwirionedd. Yn amlwg, yr anhawster sydd gennym ar yr achlysur hwn yw nad oedd gan y grŵp ei hun unrhyw statws; nid oedd unrhyw gofnodion nac unrhyw gofnodion presenoldeb, felly mae'n anodd iawn sefydlu'n union pwy oedd yno a phwy nad oedd yno. Mae'n anodd iawn i mi wneud sylwadau ar hynny.

[117] **Geraint Davies:** Peth rhyfedd yw gweithredu'n ddiffuant ac eto ddweud 'Nid oeddwn fyth yno'.

**Mr Griffiths:** Cynigiodd yr aelodau a holwyd gennyf esboniadau, a dderbyniais i yn fy rôl fel archwilydd allanol, i ddangos eu bod wedi gweithredu'n ddiffuant. Fel y dywedaf, gyda'r aelodau a holais i, nid oedd dadl ynghylch bodolaeth y grŵp na'u rhan hwy yn y grŵp.

[118] **Rhodri Glyn Thomas:** Dim ond i egluro hyn yn llawn, dywedasoch nad oedd unrhyw gofnodion nac unrhyw gofnodion presenoldeb o'r cyfarfodydd hynny. Felly ni wŷr neb beth a drafodwyd ac ni wŷr neb hyd yn oed pa benderfyniadau a wnaethpwyd mewn gwirionedd.

**Mr Griffiths:** Y cyfan y gallaf fi fynd arno yw'r hyn a ddywedwyd wrthyf gan aelodau'r cyngor a'r esboniadau a gynigiwyd ganddynt, ynghyd ag unrhyw adroddiadau a luniwyd gan swyddogion y cyngor eu hunain ac a ddefnyddiwyd fel sail i'r drafodaeth.

[119] **Rhodri Glyn Thomas:** Mae gennyf un cwestiwn atodol byr; gwn fod amser yn gwasgu. A oedd y datganiadau a wnaethpwyd i chi gan aelodau'r grŵp hwnnw yn gyson

did they contradict one another?

**Mr Griffiths:** They were generally consistent with each other. Although the concerns that members had were somewhat different—as you would expect from different individuals—I think that it all added up to the same thing: they were genuinely trying to find a way through this particular issue. There were serious concerns about a number of data issues, which they just did not feel that they had a good enough feel of to make a meaningful decision.

[120] **Rhodri Glyn Thomas:** I was thinking more in terms of the sequence of events and decisions taken. Were members consistent in what they told you about those?

**Mr Griffiths:** Yes, they were.

[121] **Richard Edwards:** I thank Mr Griffiths again for agreeing to participate at such short notice. I thank all the contributors for agreeing to participate today and making their presentations and answering the questions in the way that they have. I also thank members of the public for their attendance.

The independent investigator will start in earnest in early November. He will be taking forward, in detail, all of the points that were raised today by the bodies that were giving evidence. He will also be getting in touch with the local residents, who will also be able to elaborate, if they so wish, on the evidence that has already been submitted to the Committee. In the meantime, over next couple of weeks, before the independent investigator starts his work in earnest, please send any information that you may want to submit to our redoubtable clerk, Siwan Davies. Again, thank you, one and all, for participating in such an informative and orderly way.

ynteu a oeddent yn gwrth-ddweud ei gilydd?

**Mr Griffiths:** Yr oeddent yn gyffredinol yn gyson â'i gilydd. Er bod y pryderon a oedd gan aelodau ychydig yn wahanol i'w gilydd—fel y disgwyliech gan wahanol unigolion—yr wyf yn meddwl bod y cyfan yn golygu'r un peth: yr oeddent yn wirioneddol yn ceisio canfod ffordd drwy'r mater penodol hwn. Yr oedd pryderon difrifol am nifer o faterion data, materion nad oeddent yn teimlo fod ganddynt ymdeimlad digon da ohonynt i allu gwneud penderfyniad ystyrlon.

[120] **Rhodri Glyn Thomas:** Yr oeddwn i'n meddwl mwy yn nhermau dilyniant digwyddiadau a'r penderfyniadau a wnaethpwyd. A oedd yr aelodau'n gyson yn yr hyn a ddywedasant wrthyech am y rheini?

**Mr Griffiths:** Oeddent.

[121] **Richard Edwards:** Diolchaf i Mr Griffiths eto am gytuno i gymryd rhan ar rybudd mor fyr. Diolchaf i'r holl gyfranwyr am gytuno i gymryd rhan heddiw ac am wneud eu cyflwyniadau ac ateb y cwestiynau yn y modd y gwnaethant. Diolchaf hefyd i aelodau'r cyhoedd am eu presenoldeb.

Bydd yr ymchwilydd annibynnol yn dechrau o ddirif yn gynnar ym mis Tachwedd. Bydd yn dwyn ymlaen, mewn manylder, yr holl bwyntiau a godwyd heddiw gan y cyrff a oedd yn rhoi tystiolaeth. Bydd hefyd yn cysylltu â'r trigolion lleol, a fydd hefyd yn cael cyfle i ymhelaethu, os dymunant, ar y dystiolaeth a gyflwynwyd eisoes i'r Pwyllgor. Yn y cyfamser, dros yr wythnos neu ddwy nesaf, cyn i'r ymchwilydd annibynnol ddechrau ar ei waith o ddirif, anfonwch unrhyw wybodaeth y dymunwch ei chyflwyno at ein clerch dyfal, Siwan Davies os gwelwch yn dda. Eto, diolch ichi, un ac oll, am gyfranogi mewn modd mor adeiladol a threfnus.

*Daeth y cyfarfod i ben am 5.20 p.m.*

*The meeting ended at 5.20 p.m.*