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ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday, 18 October 2000

Venue: Rhondda Heritage Park, Trehafod, Pontypridd

Title: Nantygwyddon: Paper by Environment Secretary

NANT-Y-GWYDDON LANDFILL SITE: RESPONSIBILITIES OF THE WELSH OFFICE AND THE NATIONAL ASSEMBLY FOR WALES

Purpose

1. This paper is intended to give the Committee a broad overview of the main responsibilities of the former Welsh Office and the National Assembly relevant to concerns that have arisen about the Nant-y-Gwyddon landfill site. Assembly officials will co-operate fully in making more detailed information available to the investigator on the issues in which there has been an engagement.
2. A brief overview of the background to the operation and management of the site is followed by general information on the main responsibilities of the Welsh Office/Assembly. Further sections follow on specific financial and other issues in which the Welsh Office/Assembly have been engaged. Given the period covered since the site's inception, the issues are intended to be illustrative of the Welsh Office/Assembly role and not a full history of involvement.

Background

3. Planning permission for the site was granted by Rhondda Borough Council in 1983. The site was opened in 1988. Initially, it was operated and managed by the Council. Section 11(2) of the Control of Pollution Act 1974 required the Council to pass a resolution which set conditions to prevent the use of a site for the disposal of waste from causing environmental pollution or harm to public health. The Council's resolution was issued in 1987.
4. The system of waste regulation under the Control of Pollution Act 1974 was subsequently replaced by the waste management licensing system introduced under the Environmental Protection Act 1990. In 1995, in accordance with the requirements of the 1990 Act, Rhondda Borough Council transferred operation of the site to Rhondda Waste Disposal Limited – a limited company owned by the Council. The company applied to the Council for a waste management licence, and this was granted on 15 March 1995. On 1 April 1996, responsibility

for waste regulation – including oversight of existing licences – transferred to the Environment Agency. On the same date, Rhondda Cynon Taff County Borough Council (RCT) became the authority responsible for waste disposal.

5. In December 1998, Rhondda Waste Disposal Ltd went into Administration and the site was managed by an administrator until the 23 September 1999. On that date, the Environment Agency transferred the waste management licence for the site from Rhondda Waste Disposal Ltd to Amgen Rhondda Ltd, a subsidiary of the Cynon Valley Waste Disposal Company Ltd, itself owned by RCT.

General Responsibilities

Policy/Legislative Framework

6. Until 1 July 1999, the Welsh Office had responsibility for setting the legislative and policy framework in relation to waste management, planning and public health matters. On 1 July 1999, responsibility for secondary legislation and the general policy framework was transferred to the Assembly.

7. The Assembly (and formerly the Welsh Office) has an appellate role in relation to decisions on waste management licences by the waste regulatory authority in accordance with the provisions of the Environmental Protection Act 1990. It is also possible for it to have a direct role in the planning process. For example, it may be asked to call in a planning application for determination. There could also be an appeal to the Assembly against refusal of a planning application or because of non-determination.

Guidance

8. The Welsh Office was responsible for issuing statutory and non-statutory guidance in relation to waste management and planning functions. This responsibility transferred to the Assembly on 1 July 1999.

Sponsorship of the Environment Agency in Wales

9. From 1 April 1996 the Welsh Office was responsible for the sponsorship of the Environment Agency, the waste regulation authority from that date. This responsibility transferred to the Assembly on 1 July 1999.

Health Authority Functions

10. Most Health Authority functions are delegated to them by the Assembly by virtue of the NHS (Functions of Health Authorities and Administration Arrangements) Regulations 1996 as

amended. In general terms the authorities are to exercise such functions for the benefit of persons usually resident in their area. The functions include those under section 2 of the Ministry of Health Act 1919 which impose a duty to take such steps as may be desirable to secure the preparation, effective carrying out and co-ordination of measures conducive to the health of the population. They also include functions under section 3 of the National Health Service Act 1977 for the provision of services and facilities for the prevention, diagnosis and treatment of illness.

Financial Issues

11. The following points represent specific financial issues in which the Welsh Office/Assembly were involved, and as such are not intended to represent the full extent of the funding arrangements for the site.

European Regional Development Fund (ERDF)

12. Applications for ERDF support for development costs were submitted in 1985-1987. In total the initial development of the landfill site was awarded ERDF grant by the European Commission of £2.3 million, towards eligible expenditure of £4.5 million. The second phase of the site was supported under the Industrial South Wales Programme 1989-91. Total grant of £0.75 million was paid to the scheme on eligible costs of £1.9 million.

Supplementary Credit Approvals

13. In 1991-2, supplementary credit approvals of £0.9 million were provided to Rhondda Borough Council by the Welsh Office for the development of the Nant-y-Gwyddon site. Between 1985-7, support for waste disposal was also provided to the Council, but our records do not clearly indicate whether this related to Nant-y-Gwyddon.

14. The Welsh Office approved the use of a project-specific supplementary credit approval (SCA) underspend of £1.15m in 1998-99 primarily for remedial works at the landfill site. The SCA had been allocated for works on the A4119 road under the Transport Grant programme. The arrangement was that the authority would allocate a similar amount towards the road scheme from its own resources in 1999-2000.

RCT: Request for Additional Funding

15. In July 1999, RCT requested additional funding from the Assembly to accommodate all or part of the costs that would arise if they were to close the site. This request was declined.

Other Issues

Tracer Tests

16. In 1983, a feasibility study was carried out for Rhondda Borough Council into the siting and feasibility of a landfill at Nant-y-Gwyddon. As part of the investigation, tritiated water was used to examine water movement from the site. Approval to use the tracer under the Radioactive Substances Act 1960 was sought and obtained from the Environment Protection Unit at the Welsh Office. Responsibility for such approvals now rests with the Environment Agency under the Radioactive Substances Act 1993.

Creation of Rhondda Waste Disposal Ltd

17. Section 32 of the Environmental Protection Act 1990 requires local authorities to divest themselves of their waste disposal functions either by forming a Local Authority Waste Disposal Company (LAWDC) or by letting a contract to a private waste disposal contractor. Under this Act, the Welsh Office:

- issued a direction to Rhondda Borough Council in October 1991 directing the authority to form a LAWDC;
- approved the authority's scheme for transferring the relevant part of its undertaking to Rhondda Waste Disposal Ltd in February 1995.

Health Studies

18. In 1997, RCT received a report from the Welsh Combined Centre for Public Health of epidemiological research into the health of residents living near Nant-y-Gwyddon. In 1999, in the light of this report, and in response to the health concerns expressed by RANT, the Welsh Office, together with other Government Departments commissioned the Small Area Health Statistics Unit to undertake a UK study into the incidence of birth abnormalities and some cancers in populations living near landfill sites. The findings of the SAHSU Study are expected early in 2001.

19. In response to wider public concerns about landfills, the Department of Health, the Department of the Environment, Transport and the Regions, the Environment Agency and the National Assembly for Wales have established a programme of research to further investigate the potential risk to human health from landfills.

Financial Implications and Compliance

20. This paper is for information and carries no financial or compliance implications.

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