



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

**Y Pwyllgor Deisebau  
Petitions Committee**

**Dydd Iau, 6 Mawrth 2008  
Thursday, 6 March 2008**

**Cynnwys**  
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cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

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

**Aelodau'r pwyllgor yn bresennol**  
**Committee members in attendance**

Andrew R.T. Davies	Ceidwadwyr Cymreig Welsh Conservatives
Michael German	Democratiaid Rhyddfrydol Cymru Welsh Liberal Democrats
Gareth Jones	Plaid Cymru The Party of Wales
Val Lloyd	Llafur (Cadeirydd y Pwyllgor) Labour (Committee Chair)

**Eraill yn bresennol**  
**Others in attendance**

Janet Howarth	Cyfarwyddwr, Twristiaeth Gogledd Cymru Director, North Wales Tourism
John Lawson-Reay	Ysgrifennydd, Save Our Scenery Secretary, Save Our Scenery
Timothy Maddison	Regional Waste Plan 1st Review
Darren Millar	Ceidwadwyr Cymreig Welsh Conservatives
Mike Pritchard	Deisebydd, Save Our Promenade Petitioner, Save Our Promenade
Sam Rex	Trefnu Cymunedol Cymru Together Creating Communities
Chris Tayler	Trefnu Cymunedol Cymru Together Creating Communities

**Swyddogion Gwasanaeth Seneddol y Cynulliad yn bresennol**  
**Assembly Parliamentary Service officials in attendance**

Alun Davidson	Dirprwy Glerc Deputy Clerk
Stefan Sanchez	Clerc Clerk

*Dechreuodd y cyfarfod am 11.00 a.m.*  
*The meeting began at 11.00 a.m.*

**Cyflwyniad, Ymddiheuriadau a Dirprwyon**  
**Introduction, Apologies and Substitutions**

[1] **Val Lloyd:** Good morning everyone, and welcome to the Petitions Committee. On behalf of the committee, may I say how pleased we are to be in Colwyn Bay, and in north Wales in general.

[2] We have received an apology from Bethan Jenkins, a member of the committee, who is unable to join us this morning. We welcome her substitute, who is a very good substitute, Gareth Jones, Assembly Member. You are very welcome, Gareth.

[3] **Gareth Jones:** Diolch yn fawr. **Gareth Jones:** Thank you very much.

[4] **Val Lloyd:** I also welcome Darren Millar, as the constituency Assembly Member; you are very welcome, Darren.

[5] I have a few housekeeping announcements. Please press the button on the microphones if you want to speak. The sound engineer will turn the microphones on but the lights are such that he might be delayed in spotting that you are speaking, so it would be helpful if you would press the button.

[6] I also remind everyone that, if you need translation, you can use the headsets. The blue band goes next to your chest, and the button is at the bottom. You can hear the translation service through the headset, and you can also use it for amplification. As a precaution, may I also point out the exits, should there be an emergency—I am sure that there will not be. There is a small exit at the rear of that camera, and the other exit is the door; I will not say, ‘Go that way or that way’, according to size.

11.02 a.m.

### **Gwastadeddau’r Rhyl Rhyl Flats**

[7] **Val Lloyd:** We have three presenters for our first petition this morning, on Rhyl flats. Presenters will have 15 minutes to present their case—how they use that time is up to them. Darren Millar, the constituency Assembly Member, will then have five minutes, and it is then open to members of the Petitions Committee to question the petitioners, and to hear what more they have to say. After that 15 minutes, we will move to discussion.

[8] I ask the petitioners to introduce themselves; this does not form part of your 15 minutes.

[9] **Mr Lawson-Reay:** I am John Lawson-Reay, the chairman of Save Our Scenery.

[10] **Ms Howarth:** I am Janet Howarth. I am the secretary of the Save Our Scenery action group. I am also a member of the Llandudno hospitality executive, and I am a director of North Wales Tourism. I also own a small guest house in the area.

[11] **Mr Pritchard:** My name is Mike Pritchard. I am representing the Save Our Promenade campaign. I am a representative on the Llandudno promenade consultative group, which is run by Conwy County Borough Council, and I am a member of the Save Our Scenery group.

[12] **Val Lloyd:** Thank you. Could we please hear your presentation?

[13] **Mr Pritchard:** The Rhyl flats windfarm project was proposed by Celtic Offshore Wind Limited, COWL, in 2002 and was first consented by the then Department of Trade and Industry on Boxing Day 2002. Two or three days later, it was sold on to npower. Low-key, and almost non-existent public awareness announcements were made in the locality, but, from the windfarm’s chosen name, Rhyl flats, it would not and did not register with the people of Llandudno and Colwyn Bay, who are some 15 to 20 miles away. Furthermore, COWL held its public meetings from 22 to 25 April 2002, and then placed the deadline for comments as 2 May—a few days later, which did not give much scope for opposition.

[14] The House of Commons Welsh Affairs Committee criticised the DTI for accepting this misleading information, and this was later to be confirmed by the European Infringement

Unit. It was only when Gwynt y Môr windfarm came on the scene that everyone realised, from the photographs produced for it, that the Rhyl flats project was not going to be constructed on the Rhyl flats sandbank, opposite Rhyl promenade, which is clearly shown on the maps that we have produced for you, but opposite Rhos-on-Sea and the Little Orme on the Constable bank. This project would be in full view of the tourist resorts of Colwyn Bay and Llandudno, not Rhyl.

[15] When we became aware of this situation, complaints and objections were made to the then Department of Trade and Industry, local MPs, Assembly Members and even the European Commission. Conwy County Borough Council was consulted on the project and an officer's report was submitted to a planning committee, highlighting the potential impact upon the resorts. However, these warnings appear to have been ignored. Again, no doubt, Conwy councillors were misled by the naming of the project and considered that this was more of a matter for Denbighshire County Council than for Conwy. Despite the rejection of our complaints by the DTI, we still strongly believe that there has been a planning blunder and that the people of the area will see the effects of this blunder in years to come if the Rhyl flats project is allowed to go ahead.

[16] Originally, we were given to understand that the Assembly Government had no powers over the matter, but it was then established that it has responsibility for the granting of a licence under the Food and Environment Protection Act 1985. When, in the summer of 2007, we became aware that npower intended to dump slate waste material from Penrhyn quarries on the pristine and unspoilt Constable bank, we felt that it was necessary to warn the Assembly and, through our AM, it was proposed that this petition be presented to your good selves.

[17] We requested an urgent review of npower's activities and a suspension of its licence until further investigations were undertaken. We appreciate that the Petitions Committee arrangement is new to the Assembly, but we are very concerned that more than eight months have elapsed and we have only now reached this stage of the procedure. We are therefore asking you, as a matter of urgency, to invoke the precautionary principle and for the committee to give instructions to the Assembly Government to suspend further operations on the windfarm project until the review has been undertaken.

[18] The Welsh Assembly Government has recently submitted a report to the Department for Business, Enterprise and Regulatory Reform on the Gwynt y Môr windfarm and has asked for a public inquiry. We want that inquiry to be expanded to include the Rhyl flats project. The two schemes are closely intertwined and the issues raised by the Welsh Assembly Government affect both schemes. We feel that the planning review that has been launched nationally to produce regional planning authorities should be extended to include the Welsh Assembly Government's taking responsibility for decision-making on energy consents for all windfarms in Wales. Under its devolution arrangements, the Scottish Executive has such planning authority and Wales should be given similar powers. In view of this, we feel that communities affected by large-scale windfarm proposals should be consulted. I would now like to pass you over to John Lawson-Reay, who will address the issues regarding the Constable bank and the visual impact of the proposal.

[19] **Mr Lawson-Reay:** The visual impact of this development is considered by us and many people in the area to be paramount. The planning application was flawed. During the public consultation, the site co-ordinates—that is, the area in which it was going to be sited—were listed in national grid references only, rather than in degrees latitude and longitude, as required for a navigational chart. The Ordnance Survey map, sheet 116, for this part of north Wales, reveals that the national grid does not extend to the area indicated on the admiralty chart as shown during the consultation exhibitions. That means that members of the public could not reasonably have been expected to be able to interpret the position and area of the

development. In addition, after the one-day exhibition at Llandudno, people would have had only four working days in which to object before the closure of the consultation, which is ridiculous.

11.10 a.m.

[20] The distance between the shore and the site is only 4.5 nautical miles, but the distance given to the public was in kilometres—around 7.4 kilometres. That would have confused people into thinking that the site would be further out to sea. All distances at sea should be measured in nautical miles. That is an international convention; it is internationally agreed. We would suggest that it was a way to confuse the public.

[21] The site indicated is on the Constable bank and not on Rhyl flats, which is an area indicated on the sea bed on the navigational chart as being north of Towyn. It is also described by COWL, which made the application, as being north of Abergele, which it is not; it is actually north-north-west of Abergele, but it is north of Colwyn Bay. npower, which now has the licence, has confirmed that the turbines for this site would be in excess of 500 feet tall. As a comparison, the turbines at North Hoyle are significantly shorter at 411 feet and have tapering towers, which taper from 4.15m to 2.3m. The towers for the Rhyl flats would be 5.5m in diameter from sea level to rotor head. That means a significant increase in their visual impact, so they would be more easily discernible from a greater distance as compared with those at North Hoyle.

[22] The feasibility and socio-economic study admits that the visual impact would be significant. It also revealed that the windfarm would occupy up to 30 degrees to 40 degrees of the seaward horizon from sites between Rhos-on-Sea and Llanddulas, while being a massive 45 degrees of visibility from Llandudno Bay.

[23] The Countryside Council for Wales considers that the visual impression produced by a development of this pattern and layout would detract from the existing character and natural beauty of the area by having the effect of visually enclosing the open bay aspect. The published photo montages were completely meaningless.

[24] We are also concerned about the possible disturbance of the Constable bank, which provides a natural barrier to high seas thereby protecting our coastline from the worst of the northerly storms. Much of that part of north Wales is designated as a flood risk area by the relevant authorities. These risks have not been studied in this connection. There are also unstudied risks involved for ships passing along the coast. On 2 February this year at 11.19 a.m., we counted 14 ships of significant size in our immediate vicinity.

[25] The recent grounding of the ferry Riverdance at Blackpool, highlights the risks that are prevalent in the marine environment. A collision of an oil tanker with a windfarm could turn out to be a major disaster for our holiday beaches and our economy.

[26] **Ms Howarth:** Why did I sign the petition? First, as a member of Llandudno hospitality executive, I am concerned about the impact on the local tourism business of the creeping industrialisation of this last stretch of heritage coastline between here and Cumbria. Secondly, as a director of North Wales Tourism, I am frankly alarmed at the excessive exploitation of the land and seascapes of Wales by windfarm developers. Thirdly, as one of the 80 per cent of residents who live along this stretch of coastline, I am fearful of the consequences of locating 30 industrial structures on the dynamic maritime sandbank, which has faithfully sheltered us from stormy seas.

[27] I do not think that it is in the public interest or in the interest of public safety to engineer on and in the vicinity of our natural flood defences, namely the Constable bank. Will

residential property values in Rhos-on-Sea be affected by this windfarm? Almost certainly. Will seafront properties at Rhos-on-Sea become difficult to sell? That is very likely. What will bring this about? The visual blight of massive turbines towering over the Rhos-on-Sea properties. Will business confidence in Colwyn Bay and Llandudno be undermined? I believe that Colwyn Bay's best efforts at regeneration will be set back years by the inevitable visual blight.

[28] The elegant Victorian and Edwardian terraces of hotels in Llandudno attract inward investment, and there is plenty of evidence of ongoing investment for the future. Within three minutes' walk of my own guesthouse, three guest houses are undergoing improvements and two small hotels are undergoing total refurbishment. Seventy-five per cent of the annual 6.5 million visitors to the area come from urban and industrial parts of the midlands and the north of England; 20 per cent come from other parts of Wales. As a holiday destination, we have a very low carbon footprint; 95 per cent of our visitors do not fly to reach us. Our attractiveness to indigenous visitors should be enhanced rather than diminished by planning blight, which has been a significant factor in the demise and the deprivation of many coastal communities.

[29] This area is the second most popular holiday destination in Wales. It contributes between £500 million and £600 million a year to the tourist economy of Wales, which is currently valued at £2 billion a year, or £5 million a day. Our visitors to Conwy County Borough support 13,000 jobs. The Welsh Assembly Government cannot afford to play fast and loose with Wales's natural assets, because our economy is fragile and sits at a dangerous tipping point. Almost one third of children in Wales are living in poverty, and that figure is rising. Some 5,500 jobs were lost from manufacturing last year and Wales is one of the poorest parts of the UK. Amid this economic gloom, tourism continues to grow. The Assembly Government wants to see at least 6 per cent growth in the tourist sector. Locally, our tourist economy has evolved over a period of 150 years. We have a micro-economy where most of the pounds brought into the area get banked and spent locally. The local tourist businesses are interconnected with local service providers and other businesses, and we stand and fall together. A loss of business confidence in this area would have serious consequences for our community and local people's quality of life.

[30] A letter written on behalf of the Assembly Government to the Department for Business, Enterprise and Regulatory Reform in relation to the Gwynt y Môr windfarm, which is to be located in Llandudno bay—the names are important—raises several concerns and calls for a public inquiry. Each of those concerns is equally relevant to the Rhyl flats proposal. If the Assembly Government is asking those questions about Gwynt y Môr, then, in the public interest, it needs to ask those questions about Rhyl flats.

[31] **Val Lloyd:** Could you wind up now, please.

[32] **Ms Howarth:** Knowing what we know now, would it have been so easy to secure support for Rhyl flats? I believe that the honest answer to that question is 'no' and I call upon the Welsh Assembly Government to use all its powers and influence to ward off the planning disaster that is about to be inflicted on Rhos-on-Sea, Colwyn Bay and Llandudno. Thank you for inviting me today.

[33] **Val Lloyd:** Thank you. Darren Millar is next.

[34] **Darren Millar:** Thank you for giving me the opportunity to speak on behalf of my constituents today. This issue has caused a great deal of concern among them and I receive post on it regularly—almost weekly, in fact.

[35] As has been pointed out, the area is renowned for the beauty of its landscape and seascape, and we are concerned that that should be protected. Tourism is the major industry in

this area, and we are fortunate that it has not lagged, as it has in other parts of the country; we have booming seaside towns and resorts, and we must ensure that they stay that way. One of the great assets of our seaside towns, and a key reason why they have not suffered the same fate as other towns in the United Kingdom, is that they are period towns. Wind turbines are modern industrial structures and to place them close to such period resorts is tantamount to destroying the key asset from which they benefit.

11.20 a.m.

[36] The tourism industry is not indestructible; it has ridden some significant economic storms in the past, but it is not indestructible, and there is a fine balance to be struck. Huge industrial developments such as Rhyl flats or Gwynt y Môr risk moving us in the wrong direction. The visual impact of this will be extremely significant, as the developer acknowledges. The developer also commissioned some work to look at the potential impact of windfarm developments on the tourism industry. It found that at least 4 per cent of people who currently visit the area would not come back if there were windfarms off the coast. That survey was commissioned by the developer, so you would expect it to produce answers that were helpful to his or her case. Four per cent is a huge chunk of money to take out of the north Wales economy; I suspect that the true figure would be much higher. Therefore, I am very concerned about this development's potential impact on tourism, not only for Llandudno, but the economy generally.

[37] I also wish to raise the issue of concerns about flooding. Llandudno and places further down the coast have been flooded in the past, and the Constable bank has provided flood protection for the area for many years. I am concerned that there has been no flood impact assessment for this project and that significant construction work on the Constable bank could undermine it and potentially lead to disastrous flooding for homes and businesses in Llandudno in future. This issue has not been properly thought through by the developers, nor is it something that the Welsh Assembly Government has raised in the past with regard to the Rhyl flats petition in particular or the Gwynt y Môr windfarm proposal. I know that we are not discussing that today, but it is pertinent because the Welsh Assembly Government has made representations about the Gwynt y Môr windfarm to the Department for Business, Enterprise and Regulatory Reform, raising all sorts of concerns that are just as relevant to the Rhyl flats windfarm development. Therefore, a flood consequence assessment is desperately needed.

[38] There are four things on which the committee needs to petition the Welsh Assembly Government on our behalf. We need to revoke the licence that has been granted by the Assembly Government. That would bring a halt to the project, ensuring that there is proper time to consider the impact of some of the issues that we are talking about. The Rhyl flats development needs to form part of the inquiry that the Welsh Assembly Government has called for. There needs to be an independent flood consequence assessment, which should not be commissioned by the developer. Because this potentially affects two windfarms, they need to be considered in conjunction because there will be a cumulative impact. The Constable bank has sediments that have settled over many hundreds and thousands of years, and to disturb them could be disastrous. We should also call for the Minister for Heritage to commission an independent tourism impact survey on both of these developments. That would give some confidence to my constituents that you are taking this matter seriously.

[39] I would appreciate the committee's support in seeking those four things on behalf of my constituents.

[40] **Val Lloyd:** I thank Darren and the presenters. Do any committee members wish to comment?



[41] **Michael German:** I wish to discuss the revocation of the licence first. You were right at the beginning to say that it is a licence that concerns fish stocks, fishing and the impact on fish. Darren has asked for that licence to be revoked. Would you say that it would be right to revoke a licence for matters that were nothing to do with fish and fish stocks simply because the scheme itself was not appropriate and we did not like the scheme? In other words, do you think that an argument could be formed on that basis, or is there a case for that licence to be revoked on the grounds that it will cause problems for fish stocks and for the fishing industry in general?

[42] Secondly, on the description that you talked about earlier, you have received a letter from the European Commission in which it agrees with you that the description of the development gave rise to ambiguity about the precise location of the development. If you look at the map, it is obvious that Rhyl flats are not where this map says that they are. However, it says that there was no breach of the environmental impact assessment directive. You have had a similar response from the Westminster Government, which said, 'Yes, you were right, but there were some co-ordinates put into the description, which, if you had bothered to use the latitude and longitude, you might have been able to find out'. Can you amplify your view as to whether the European Commission's and the UK Government's responses have been adequate to what is a correct concern on these matters?

[43] My third question is on the movement on the Constable bank. You have made an assumption that putting this here would subject the coastline to flooding. What evidence do you have that this development would cause movement on the Constable bank?

[44] **Mr Pritchard:** Can I answer the question on the licence and the withdrawal of the licence? The Food and Environment Protection Act 1985 does not just deal with fishing; it also covers the placing of materials in the marine environment during construction and related actions. Therefore, in this case, our concerns last year were based on the fact that waste material from quarries in the Bethesda area was going to be dumped on this pristine sea bank. The Assembly is concerned with that, as it should be, because, under this licence, it was possibly not aware, when the licence was granted six or seven years ago, that npower was suddenly going to dump material of this nature on the sea bed. Therefore, with all due respect, this is important so the Assembly Government should deal with it at this stage; it is within its remit to do so.

[45] **Michael German:** The dumping of material would also have an impact on marine life and one of the purposes of the licence is to regulate that. Therefore, your argument is that, when the Assembly granted the licence, it was not aware of, or might not have been aware of, the impact on marine life of dumping material from the construction works. Is that the point that you are making?

[46] **Mr Pritchard:** That is basically it. I do not think that it has investigated it. At the time, when the wind turbines were placed in North Hoyle, they just pounded them into the floor of the sea. They obviously must have found that there was a problem, so what they then did at Burbo bank, and what they intended doing at Rhyl flats—

[47] **Mr Lawson-Reay:** They are doing it there.

[48] **Mr Pritchard:** They have already started doing it there. What they did, to avoid scouring the bank, was to dump waste material, which did not come from the operations, but which was shipped all the way from Gwynedd up to the Mostyn docks. They started doing that last year and that is what we were trying to stop. That was not in the original environmental study, but it is something new that has come into the scenario.

[49] **Ms Howarth:** On the concerns about the bank, we need to bear in mind that this

licence was granted back in 2002; I believe that that was on behalf of the Welsh Assembly Government, not by your good selves. Therefore, these decisions were taken in London. When I investigated how this location was identified, I learned that it was identified at a meeting between Crown estate commissioners and independent engineers in a room in London, so I do not think that there was full awareness of the local situation.

[50] Furthermore on Constable bank, I am not a marine geologist or an engineer—and I do not pretend to be—and I do not have the resources to carry out the sort of impact study that Darren has suggested. However, I have read the environmental impact statement that was prepared by Celtic Offshore Wind Limited; it is a superficial statement on all marine issues, not just fish, but birds—particularly rare birds—dolphins, seals, and so on. I then investigated on the internet to see whether I could find any academic documents about messing about with maritime sandbanks, but they do not exist. I then rang up some professors at various universities who more or less said, ‘Well, there isn’t much around, because we don’t do it. We don’t do it because we don’t really understand how these sandbanks function. We know that the sea delivers sand and shingle in a tidal pattern and removes it and that, over thousands of years, it accumulates, but we don’t really understand how these structures work’. They are not static structures; they are dynamic structures that are subject to tidal patterns.

11.30 a.m.

[51] We are also talking massive engineering work here—these people are not messing around; they are pile-driving massive structures into, and near, the sandbank. There will be an effect. We live in a cause-and-effect world. We cannot do anything without there being an effect and a consequence. I think that the consequences of engineering near that sandbank have not been fully investigated.

[52] As locals, we know that it affords us shelter. Last year, an MOD warship sheltered on the shore side of the bank for three days. If the Constable bank is good enough for the MOD, it is good enough for me.

[53] **Val Lloyd:** To clarify, given that the facility’s output would be over 50 MW, the decision would be made in London. I was not certain whether people listening to the presentation knew that, so I thought that that needed to be clarified.

[54] **Darren Millar:** On licence revocation, the situation has changed significantly since the original licence was granted. That needs to be reviewed, and I would encourage the Minister to revoke that licence. I just want to make that absolutely clear.

[55] On the Constable bank, the information in the environmental impact study required of the developer when it submitted its application to DBERR for permission to develop this windfarm did not include a detailed flood consequence assessment. In fact, no flood consequence assessment was made. Llandudno has suffered disastrous flooding in the past, as have other parts of the north Wales coast. I had the misfortune of living in Towyn when it flooded in 1990. If you have not experienced serious flooding, Mike, I suggest that you talk to those who have about the awful consequences of such flooding and the interruption that it causes in their lives. I am sure that you would reach the same conclusion, namely that we need to do everything that we can to protect these places from flooding. If the impact on the Constable bank could increase the risk of flooding—and I am no expert on these matters, so I do not know that it would—we need to look at this issue to ensure that it does not. Sea levels are rising and that natural bank, which offers some flood protection at the moment, could well be a saviour in the future.

[56] **Andrew R.T. Davies:** Thank you for your evidence; it is appreciated. As has been said, everything over 50 MW is decided on in London, although there is a consensus in the

Assembly that we should have that power in Cardiff.

[57] However, I will address two issues. For the record, I clarify that, for this project, a flooding impact study has never been carried out by a third party. The developer has conducted a form of study, but I find it amazing that it has never been done by a third party.

[58] On the consultation, John, you highlighted various anomalies that you saw in the consultation process. However, having read the papers before us, including the letter that you received from the EEC, which asked whether various breaches had occurred in the consultation process, it is clear that, as the rules stand, there were no anomalies in the consultation process and that all avenues of consultation were exhausted. What is a fairer way of engaging with locals in that consultation process? The application has been granted, so we have to concentrate on the licence. However, from a political point of view and as a politician, you want to consult with people and to engage them, so it worries me to hear evidence that people feel that they have been excluded from such a process.

[59] **Mr Lawson-Reay:** That is a general feeling. We would regard it as a smoke and mirrors exercise. While, technically, they may have been correct in what they did, they nonetheless deliberately misled the public given that the consultation period was truncated. Prior to the exhibition in Llandudno, all the public had to go on were photographic montages that had been published in the local papers and locations given in National Grid references, which were also published. However, all the information was placed under the title 'Rhyl flats'. People were left in the dark. Only when they went to this exhibition, which I did not visit, could they see a marine chart, which you have before you, showing the actual location. Even then, there was still that anomaly in the grid references, which we could not reproduce because the National Grid does not go that far out to sea. We made a chart to log this, but the general public was in the dark. Smoke and mirrors were used to keep the public in the dark and get the application through as quickly as possible and under a false heading—that is what this is all about. They may have been technically correct and have acted within the letter of the law, but it is immoral.

[60] **Andrew R. T. Davies:** Technically, would you agree that they have acted within the letter of the law, but that this has been more of a gesture without any real substance?

[61] **Mr Lawson-Reay:** If a member of the public made a misrepresentation in a planning application, that planning application could be withdrawn. That is what has happened. Basically, the public has been misled—starting with the title of the project and then the difficulty in identifying its location.

[62] **Mr Pritchard:** I would like to add that, when the Gwynt y Môr project became public knowledge, many hundreds of people turned up at a public meeting in the town hall in Llandudno. In fact, they were being turned away because they were in the balconies and everywhere. They came to oppose the project and to show their concern about it. That indicates that there was interest in Gwynt y Môr and only afterwards did we find out more about Rhyl flats. If we had been aware of all the information and if the publications had been properly presented, the consultation process for Rhyl flats would have been totally different because people would have got on board straight away, as they did with Gwynt y Môr. Once we knew about Gwynt y Môr, we had petitions with 5,000 to 6,000 signatures and all sorts of actions in place because we were made properly aware of it. However, we were not made aware of Rhyl flats and we had only two or three days in which to respond, so those who were made aware of it did not respond.

[63] **Ms Howarth:** The naming of these locations is important. We need legislation to stop developers doing this. Rhyl flats deliberately confused people. Gwynt y Môr does not exist, does it? It just means 'Windy Sea'. Rhyl flats were deliberately named after a location

that exists and I think that that was a deception. Gwynt y Môr is another deception, in a way, because if you called the project Llandudno bay windfarm, people would know exactly what you were talking about. When we talk to other people, throughout the UK, who are involved in similar struggles, we find that this is common practice, namely that the windfarm developers are deliberately obscuring the location of their windfarms by choosing names that are deceptive.

[64] **Val Lloyd:** You will have to finish now. I must ask you to wind up because we have used up all of our 15 minutes. I am sorry about that, but the time goes pretty quickly. Thank you; could you please retire now for us to discuss it? You do not need to leave the hall, just take another seat.

[65] **Michael German:** I have a question, Chair. I want to be clear that we are talking about two different licences—not the Assembly’s licence, but the licence that the Minister for Rural Affairs would sign. Does anyone know when that licence was signed?

11.40 a.m.

[66] **Val Lloyd:** I was going to suggest that we investigate the whole issue of the licence as one of our outcomes today. I do not know whether committee members would agree with me.

[67] **Michael German:** Yes, I think that the question is about whether all the information on the impact on marine life was available when the licence was signed. I recall that I signed only one licence and that was for North Hoyle windfarm; I did not sign a licence for Rhyl flats windfarm. Therefore, I think that that was probably done much later.

[68] **Val Lloyd:** I think that you are absolutely right, and if Members agree, I think that it should be a course of action to investigate that. Do you agree? I see that you do. I also think that we need legal advice on this. We should also write to the Minister to voice our concerns so that she is aware of them. We will then provide her with further information when we have it.

[69] **Michael German:** There is another important fundamental issue regarding the naming of sites and not using misleading names. I could call myself Michael Gareth Jones and then people might mistake us for each other, Gareth.

[70] **Gareth Jones:** I do not think so, Mike. *[Laughter.]*

[71] **Michael German:** Clearly, with the chart in front of us, we can see that the name used is not the name—

[72] **Val Lloyd:** Yes.

[73] **Michael German:** There is something in the legislation that covers that, which might be worth exploring.

[74] **Val Lloyd:** Perhaps we could add that to the three things that we already—

[75] **Andrew R.T. Davies:** We are dealing with the same Minister, who has the same powers.

[76] **Michael German:** No, we are not.

[77] **Andrew R.T. Davies:** This would be for Jane Davidson, would it not?

[78] **Michael German:** One licence would come within Elin Jones's portfolio and the other would be within Jane Davidson's. So, we are talking about more than one Minister.

[79] **Val Lloyd:** We will write to both. I think that we need a wide approach as several issues have been raised. Even if things cannot be changed in terms of this particular project, we need a full investigation in case things can be changed and for any future developments.

[80] **Michael German:** Perhaps the deliberate misnaming of a site is a commercial issue.

[81] **Val Lloyd:** We received a response from the Government, did we not?

[82] **Gareth Jones:** There is a basic issue here about using the National Grid instead of latitude and longitude, which is ridiculous and should not be allowed. The National Grid is for land use and we are talking about sea areas. To avoid any confusion, that is an important point that needs to be recorded.

[83] I am also very concerned about the fact that a very superficial approach has been taken to this, as Janet mentioned, as though everything is fine in terms of the sea and that you can do anything you want. However, that is not the case as it is a changing situation. We must not underestimate the significance of Constable bank, and we need to know exactly what the impact on it will be. Darren asked for a flooding assessment, which is fine, but that must be linked to any subsequent erosion or movement of that bank, which would then mean that the waves would break on the shore in Llandudno. As it is now, they break on the bank, and you have quietened waves, although they can be quite dramatic. However, if that bank were lowered by around 2m or 3m, the waves would sweep into Llandudno.

[84] On the Government response, there is a tendency, under the Wildlife and Countryside Act 1981 and the Electricity Act 1989, to look at the superficial values. I agree that we need to consider the flora and fauna, but there is nothing here on the hard geological facts and changes that may well arise from any kind of intervention or interference with the bank. That is an important point that I wish to emphasise. I agree with Darren in that sense, and I am sure that if the petitioners had more time, they would collate much more evidence. They have pointed us in the right direction in terms of the shortcomings here, and I believe that it is incumbent upon us as Assembly Members to empathise with their concerns and to find out, once and for all, the significance of what they are saying. You can do that only by undertaking some kind of survey and collating evidence in terms of an impact assessment of flooding or any other physical impacts on Constable bank. That is the key to all of this. I believe that we are playing around with something that we do not fully understand.

[85] **Darren Millar:** I appreciate Gareth's support on this, because that issue is of prime concern. With global warming and rising sea levels, we must look to the future—not only at the current situation, but at the potential impact of this industrial development on that which has protected Llandudno for so many years. One point that I would like to add is that it clearly needs to be an independent survey. I would appreciate it if it were commissioned not by the developer, but by the Welsh Assembly Government, because there are implications if the developer is paying for it: he who pays the piper calls the tune at the end of the day. There is a need for confidence in this, particularly given the problems in the consultation and planning processes so far. You have already heard about the perhaps deliberate renaming of the site to avoid public scrutiny. I think that the public needs confidence in this process, and the Assembly has the opportunity to build that confidence by commissioning a totally independent survey.

[86] Three ministerial portfolios are involved. We have the licensing issue, which the Minister for Rural Affairs will have to consider; and we have the flooding issue, which the

Minister for Environment, Sustainability and Housing will have to consider. However, there is also a third strand, namely tourism. We ought to ask the Minister for Heritage to commission a totally independent survey of the potential impact of this development in conjunction with the cumulative impact of the Gwynt y Môr development—you cannot disassociate the two—on the tourism industry in these period resort towns of Llandudno and Rhos-on-Sea in particular, which is a part of Colwyn Bay. It is absolutely vital that they are totally independent.

[87] **Val Lloyd:** I am sure that it is not needed by the members of the committee, but it might be an opportune moment to remind the public of the distinction between the Welsh Assembly Government and us as Assembly Members. In a moment, I will reprise what we have agreed to do so that we are all certain. However, we can only ask in this instance. We will ask strongly. We know that the Minister—

[88] **Gareth Jones:** Could I also add to—

[89] **Val Lloyd:** I am in the middle of speaking; I have let everyone else speak.

[90] In this instance, we can only ask, which we shall do quite strongly. I am sure that the Ministers will access the transcript in the Record of Proceedings.

[91] **Gareth Jones:** I would just like to add to what Darren has said. It might seem as though we are simply interested in Llandudno and this part of the coastal strip, but Wales is surrounded on three sides by the sea and any information that we glean from this feasibility or impact study could be used to inform further development on other parts of the Welsh coast. I believe that we should add that very important point to whatever approaches we make to the Welsh Assembly Government.

[92] **Val Lloyd:** Thank you; I will be pleased to do that, as I have a seaside constituency—there is some shoreline. Would anyone else like to add anything?

[93] **Michael German:** We are talking about four Ministers now, because we have to deal with the naming issue, which is an economic development and business regulatory reform issue.

[94] **Andrew R.T. Davies:** Is that not a planning issue? It stays with Jane Davidson—it does not go to the others.

[95] **Michael German:** Companies calling the names—

[96] **Andrew R.T. Davies:** That is a planning issue, though, is it not?

[97] **Michael German:** It is the naming by the company.

[98] **Val Lloyd:** If we send it to the wrong one, I am sure that he or she will let us know. Shall I just enumerate our action points so that we are quite clear before I close this part of the meeting? We need to investigate the licence issue, which we believe to be with the Minister for Rural Affairs. We need to comment on the way in which companies describe the site; there is some dispute as to which Minister this should go, but we will take advice on that. We have agreed to ask for legal advice from our legal adviser. We will ask for an assessment of the flooding risk in this particular development; and we will also ask the Minister for tourism for an impact assessment on tourism in the area. Have I covered them all, or have I left something out?

11.50 a.m.

[99] **Darren Millar:** I have one other point that we can perhaps mention.

[100] **Val Lloyd:** Are we adding to it now?

[101] **Darren Millar:** It is simply a matter of adding to the letter that you are sending to the Minister for Environment, Sustainability and Housing that we feel that the points that she has already made to DBERR with regard to the Gwynt y Môr development also apply to the Rhyl flats development. She wrote quite a lengthy and detailed letter raising concerns about that development, and exactly the same issues apply to Gwynt y Môr. There was a request from the petitioners to include the Rhyl flats petition in any future public inquiry into the Gwynt y Môr matter.

[102] **Val Lloyd:** Before can decide that, we need to see that letter, and the committee does not have a copy. So, if we could access that letter, we could circulate it to Members and move forward on it.

[103] **Darren Millar:** I appreciate that, Chair.

[104] **Michael German:** It might also be wise to ask what progress has been made on the devolution of powers being sought for schemes over 50 MW. We could ask for progress on that request for powers as it will affect—as it has already affected—decisions on this matter that have not been taken in Wales.

[105] **Val Lloyd:** Fine; that is quite a number of issues. I thank the presenters and I thank Darren.

11.52 a.m.

**P-03-095 a 101 Adolygiadau Cyntaf y Cynllun Gwastraff Rhanbarthol  
P-03-095 and 101 Regional Waste Plan First Reviews**

[106] **Val Lloyd:** We have these reviews in south-east Wales and north Wales, too. Some people will give us evidence on this petition and speak to it. I invite you, presenters, to introduce yourselves—this introduction will not come from your time.

[107] **Mr Maddison:** My name is Tim Maddison and I am representing the south-east Wales aspect of the regional waste plan first review.

[108] **Mr Tayler:** Good morning. My name is Chris Tayler, and I am not from the Ukraine, because my name is spelt C-h-r-i-s and not K-r-i-s. My surname is spelt T-a-y-l-e-r, which is slightly unusual. I represent a charity called Together Creating Communities, of which I am a trustee. I wish to make the point that TCC is not a single-issue charity—it is a very broad-based charity that deals with aspects such as fair trade, the environment and homelessness as well as charities such as Help the Aged and so on. We aim to—

[109] **Val Lloyd:** Excuse me—I asked you to introduce yourself and not your organisation in that much depth. Thank you.

[110] **Ms Rex:** Good morning. My name is Sam Rex, and I am an rganiser with Together Creating Communities, which has representation across Wrexham, Flintshire and Denbighshire.

[111] **Val Lloyd:** Thank you. You have 15 minutes to make your presentation. You can use it in any way that you wish—it is entirely up to you—and I will indicate when the 15 minutes

is coming to an end.

[112] **Mr Maddison:** Good morning and thank you for giving us the opportunity to address you. Jeff Cuthbert sends his apologies from the Cardiff representation, and he has asked me to speak on behalf of its petitioners. Public consultation is enshrined in an EU convention ratified by the British Government on 23 February. The Government is a signatory to convention Cm6586 on access to information, public participation and decision-making, and access to justice in environmental matters, which gives clear guidance on the question of consultation. For example, under 'Objective', it states:

[113] 'In order to contribute to the protection of the right of every person of present and future generations to live in an environment adequate to his or her health and well-being, each Party shall guarantee the rights of access to information, public participation in decision-making, and access to justice in environmental matters in accordance with the provisions of this Convention.'

[114] Waste management is covered in annex 1, paragraph 5. I will read out one example.

[115] 'Installations for the disposal of non-hazardous waste with a capacity exceeding 50 tons per day'.

[116] That paragraph includes all known waste treatment, thus making consultation mandatory. A certificate of lawfulness of proposed use or development, for example, does not require consultation.

[117] The Welsh Assembly Government issued the policy document 'Wise about Waste' in 2002, which also gives local authorities clear guidance on the question of consultation and the need to include members of the public. The following is an extract from the regional waste plan consultation document:

[118] 'In order to determine the opinions of the people of the region, a consultation exercise is being undertaken. This involves talking to community groups, members of the general public and anyone else who is concerned about waste matters including green groups, businesses and industry.'

[119] 'This document provides background information about the Regional Waste Plan 1st Review in your region to inform you of these and the plans for Wales as a whole. But we're also asking you what you think, because it is important that the solutions are acceptable and appropriate to the communities in each region.'

[120] 'We need your help to: Identify the most suitable facilities for the treatment of waste; and identify the types of locations likely to be acceptable for these'.

[121] The following is an extract from the Members' research service briefing to members of this committee.

[122] 'This formal consultation period on the RWP 1st Review is necessary in order to communicate the regional level issues and explore stakeholder and public opinion on the alternative choices at this level. The implementation of the RWP will have a significant impact upon individuals, communities and businesses for many years to come. It is considered paramount therefore that all those interests have a reasonable opportunity to take part in a dialogue about the content of the RWP.'

[123] The word 'paramount' is used, and I am sure that you all know that the meaning of 'paramount' is: above all else, essential.



[124] I have an extract from an e-mail from Martha Savage, confirming the regional waste groups' opposition to consultation meetings with members of the public:

[125] 'The matter was discussed at a WAG liaison meeting (which the coordinating authorities attended) and general consensus was that public meetings should not be held. This was later agreed by the three coordinating authorities as it was considered that a consistent approach should be taken across Wales. The approach taken for the consultation was again taken to the Regional Waste Group on the 24th of September.'

[126] WAG had an input through attendance at these inception meetings.

[127] I have an extract from an e-mail from Andy Rees, whom I am sure you all know, dated 27 February. It confirms that the WAG representative recommended public meetings:

[128] 'I am told that the WAG representative (Adrian Jones) did advise in the Regional Group meetings that it was advisable to hold public meetings.'

[129] I have an invitation letter from Hyder Consulting:

[130] 'But, we need your help! The Welsh Assembly Government firmly believes that the people of Wales should be involved in the process of developing these strategies, and to help design the future waste management services and infrastructure across Wales. To do this, they want members of the public to get involved, ask questions and give your views on the current and future plans. This will help us to: identify the most suitable facilities for the treatment of waste; and identify the most suitable locations for these facilities.

[131] 'As such, we are holding a public focus group meeting in your region which will enable us to listen to your views and hear about how you see the future'.

12.00 p.m.

[132] I have a letter from Harry Andrews, the leader of Caerphilly County Borough Council, to a member of our group. It states:

[133] 'The public focus group meetings held in Cardiff were not advertised because they were intended to be "by invitation only" meetings for organizations across the whole region who represent the public rather than "open meetings".'

[134] At those meetings, Adam Read of Hyder informed us that only one person turned up prior to members of the public finding out about the meetings, and that he was then inundated with enquiries.

[135] Claims have been made by Andy Rees, Stuart Rosser and others that Caerphilly council advertised the consultation in its monthly *Newsline* magazine. That is true, but that was not until after all the meetings had been held—we got it in December. Claims are also made by Stuart Rosser and Andy Rees that the information to allow the public to participate is on the website. I am computer literate, and I am pretty well-informed on waste technology, and I can tell you with absolute confidence that most members of the public would not be able to sensibly make a contribution on the website. The document is 154 pages long; that is the meat of what this is all about. You cannot do it on the website—it is ridiculous, and not enough people have knowledge of planning matters to understand what is in there.

[136] I sent many e-mails to Stuart Rosser before the meetings, asking for information and

whether we could attend—he ignored them all until after they were all over. Therefore, the petitioners passionately believe that the evidence provided here shows the consultation process to be flawed and designed to deliberately exclude members of the public from genuine, informed participation in the consultation process.

[137] We therefore request that the Petitions Committee does everything in its power to persuade the Welsh Assembly Government, and local authorities, to repeat the series of three Hyder public focus group meetings for members of the public throughout Caerphilly, and the rest of Wales, and to ensure that they are well publicised. After all, it is our waste and our challenge, so we need to own the solutions to make it work. Thank you very much.

[138] **Val Lloyd:** Thank you, Mr Maddison. Do you want to go next, Sam?

[139] **Ms Rex:** How long do we have left?

[140] **Val Lloyd:** We have had a slight technical hitch. You have seven minutes left.

[141] **Ms Rex:** Thank you. As an organisation with more than 10 years' experience in dealing with waste issues, Together Creating Communities is well known to local councils and beyond. The organisation would have expected to have been notified about the community meetings, the focus group meetings and the stakeholder meeting that was held in Ruthin Castle, although we do not attempt to represent the views of everyone in north Wales.

[142] We only found out about the community meetings from a round-robin e-mail that was sent by an officer from another organisation, and we then later discovered that that officer had been reprimanded for sending that e-mail. We found out about the focus group meetings through a letter that was passed on to us by Bishop Edwin Regan, who is also one of our trustees. At the second focus group meeting, we were informed that those who had contacted their local councils in the past about any waste issues would have been contacted and asked to attend the waste meetings; at least one of our members had done that and had not been contacted.

[143] Therefore, this was not a consultation in process or in content. There was not sufficient information on the county council websites for the general public to access and to know that such a consultation was going on. It was on Conwy County Borough Council's homepage, but even if you carried out all sorts of searches on Wrexham County Borough Council's website and Flintshire County Council's website, it was a minefield to try to find out anything about this consultation.

[144] On content, at the community meetings and the focus group meetings, more than a heavy reference was made to incineration as a waste disposal method. Other waste technologies were mentioned, but there was an emphasis on that particular form of waste disposal. In addition, members of the local community seemed to be characterised as uninformed objectors, and would therefore not have any knowledge or any sound background, or be able to make any sort of informed judgment about waste technologies and where they should be located. This was characterised particularly in one PowerPoint slide that included the words 'We object' in the middle of it, which did not go down too well.

[145] I am sure that you have all had the documentation that I sent through. TCC is asking the Petitions Committee to scrutinise the Welsh Assembly Government on its role in the decisions made about the extent of the public consultation that was to be conducted, and for it therefore to take some responsibility for a totally inadequate consultation process. All the letters that we have had back from Assembly Members and Andy Rees have said, 'Sorry, but the Welsh Assembly Government cannot take any responsibility for this'. Tim referred to the letters that have gone backwards and forwards about Hyder and the 'Wise About Waste'

strategy. We also had the same letter saying that the Welsh Assembly Government firmly believes that people should be consulted and, giving its involvement in various meetings, it needs to take some responsibility. We also believe that some credence can be given to this consultation if the draft consultation report is given out for a short period of time for consultation. We asked for that in the third focus group meeting and it was minuted. However, it was recorded inaccurately in the minutes and I am yet to determine whether it has been amended. In general, we ask that the National Assembly for Wales pushes the Welsh Assembly Government to establish best practice guidelines for consultation, which can be used across the board.

[146] **Mr Tayler:** Throughout the meetings that we had with Hyder, we were concerned that Hyder had not actually taken our points away and properly distilled them as we expected it to do. That is illustrated by the fact that we asked for minutes, which we were told that we would get, but we did not get them. However, I think that we did get a copy yesterday, which we were told we were not supposed to get, and the minutes were inaccurate. So, we are very concerned that it is misrepresenting the points that we made.

[147] I would like to make four technical points, if I may, that should be added and included. One is that the waste approach should be clearly based on the hierarchy, which is in the document. If you take the study from Demos, which was undertaken by the Government about 10 years ago, it showed that 80 per cent of, particularly domestic, waste can be recycled; technology has moved on since then and that figure is now probably nearer 90 per cent. Therefore, the need for expensive equipment such as that which has been invested in by Neath Port Talbot County Borough Council, which has proved to be a complete failure, is something that local councils should guard against. That should be clearly put in the document. Those facilities usually have to endure for 25 years and who can predict what is going to happen over a 25-year period? We think that councils could be liable for all sorts of financial difficulties following such large investments. Furthermore, we think that it is a guidance document and that the actual decisions should not be based on it or made by anyone other than the local authorities because it is the local authorities that have to carry the can. The Assembly Government should perhaps illustrate the best ways forward, but we are not sure that the result of the Hyder consultation will actually indicate best practice.

[148] We do not think that the maps that it put in the draft that we saw were helpful to local authorities. For example, the maps pinpoint red spots where you would put things such as incinerators, and I know that one of the red spots is in Wrexham. Why would Wrexham want to be the incineration capital of north Wales? It would not and I think that it is wrong that the document shows that that is where you should put waste incinerators. I think that it is up to local authorities to decide whether they want to put expensive equipment such as that in place, with all the associated difficulties, and that is the way in which the document should read. If there are issues that individual local councils cannot deal with because they are too difficult for them to deal with on their own, I think that there should be collaboration between adjacent councils to deal with problems, rather than the Welsh Assembly Government saying, 'We will have an incinerator in Wrexham', or wherever else it may be. On one of the maps, Snowdonia is completely blank, which would indicate that you could not put any waste facilities there, including community-waste bring sites, because it is clearly a site of special scientific interest, and so on. However, people live there, so, again, the maps are misleading. I think that it could be clearly illustrated that there are approaches that are quite different to what is there.

[149] **Val Lloyd:** Your time is up, Mr Tayler, but you may finish your sentence.

[150] **Mr Tayler:** No, that is fine; I have finished, thank you.

12.10 p.m.

[151] **Val Lloyd:** I wish to pick up on a point that you made before I open this up. You said that the Welsh Assembly Government should not decide on where waste facilities are located. It does not decide on such things; the regional waste conglomerates, which are made up of local authorities, make suggestions, but decisions are still referred to the local planning authorities. I will now open this up for questioning.

[152] **Michael German:** Thank you for what you said. It seems to me that we are getting a picture from two places about the consultation exercise being flawed. I would like to explore that, along with one other issue.

[153] In a letter that Mr Maddison received from Andy Rees, to whom you have all referred, he says that the processes that were used in south-east Wales were, 'Beyond the usual statutory minimum'. I do not know what the usual statutory minimum is; I have no idea whether he is referring to planning applications, in which case this is quite different from a normal planning application because that flows separately. Do you understand what he is talking about and, if so, perhaps you could enlighten me because I think that it is unclear?

[154] Secondly, I would like to explore another issue that I do not understand. You referred quite clearly to the certificate of lawfulness procedure and you used the acronym CLOPUD—the certificate of lawfulness of proposed use or development. Is that a means of bypassing the normal planning process for applications that a local authority then brings forward once its strategy is in place? Is the CLOPUD mechanism a means for not having to go through the normal planning process? Is that the issue?

[155] **Mr Maddison:** To answer your first question first, I do not understand how Andy Rees came to his conclusion either, given the evidence that was supplied to him. Last week, he confirmed in an e-mail that his representative argued that they should hold public meetings, so he has contradicted himself there and he should be questioned carefully on that, as should Adam Read, who is privately dissatisfied with the level of consultation that he was able to undertake with the public—I do not know whether or not he could go public because his paymaster is the Welsh Assembly Government.

[156] On your second question, the reason why we in Caerphilly are so concerned is that there was a printing factory owned by St Ives plc in the middle of a business park and close—within 220m—to villages. Caerphilly purchased the factory, which had B2 planning permission, when St Ives moved out. It decided, after taking legal advice from John Steel QC, that it did not need to submit a planning application for a change of use because it was not a question of a change of use, but an industrial process and, as such, it could proceed. The EU convention is clear: before any waste facility that processes more than 20,000 tonnes per year or 50 tonnes a day can be opened, a full consultation and environmental impact assessments—the whole gambit—must be undertaken. Caerphilly, through use of the CLOPUD procedure, short-circuited all of that and denied any consultation with members of the public, businesses, or anyone else. So, none of those things were done. Thankfully, it withdrew when it realised that it had made many mistakes on this, but it put into the new regional waste plan that all waste technologies were inherently safe and that, therefore, they could be put into any business park that had B2 planning permission. So, that is what we are terrified of.

[157] **Andrew R.T. Davies:** Thank you for your evidence this morning—it is much appreciated—and thank you for coming along to the offices.

[158] The Petitions Committee must make a decision on the petition before us rather than on the technical stuff of waste management and its intricacies. The petition asks for an extension to the consultation process so that you, or other organisations, could participate

more fully in that process and feel more engaged. Given that this is an ongoing process and that deadlines were in place, have you submitted any evidence, irrespective of the outcome with the Petitions Committee, to be considered by the various organisations in the hope that it might be accepted even though the deadline has passed? Secondly, as this is a European directive, have you challenged any of these actions through the European system, using the recourse that everyone, throughout the European Union, has to challenge directives, namely, the EU's own petitions system? We heard from a previous petitioner who had taken advice on the European angle.

[159] **Ms Rex:** I cannot answer your second question because we have not used the European system as far as TCC is concerned—

[160] **Andrew R.T. Davies:** It was not so much about the petitions system in Europe, but about whether you have gone to Europe to seek guidance about the process—as I said, it is a European directive. You say that you have not gone down that route at all.

[161] **Ms Rex:** No, TCC has not gone down that route. However, in terms of the evidence submitted—and I am sorry, but I missed this out when I spoke earlier—in north Wales, the consultation was extended until 29 February, but that was advertised only on the regional waste plans website, and only TCC knew about it through direct contact. There was no other publicity about the fact that it had been extended.

[162] We are organised enough to have been able to get evidence in a formal response to the regional consultation by the deadline of 24 December, but what member of the general public would be thinking about waste plans when they have Christmas shopping to do? So, that is the evidence that we have submitted. However, in terms of the consultation document itself, and the letter that Hyder Consulting sent, saying that it wants the public to be involved, I am not quite sure how anyone could have got their evidence in.

[163] **Mr Tayler:** One piece of information that might illustrate the effectiveness of the consultation is that, in the first public meeting, in Rhyl, there were just three people from the whole of north Wales. You would expect more than three if there had been reasonable consultation about this significant, serious topic that everyone is talking about in one way or another. The people who turned up happened to have been told about it through our mechanism. We could not go, which is why there were only three people, and at the subsequent meeting, although there were 15 people, 12 of them were from TCC. So, if TCC had not been there, there would have been just three people at the following two meetings. Perhaps that illustrates in hard numbers just how ineffective the consultation was at getting people involved. Even the leader of Wrexham County Borough Council did not know that it was happening.

[164] **Andrew R.T. Davies:** So your view about the deficit in participation would be more concerned with the individual rather than organisations? As you said, your organisation and like-minded organisations have been able to meet those deadlines, although they are very trying deadlines, because the consultation was not advertised as well—

[165] **Mr Tayler:** I think that many other organisations would not have known about it.

[166] **Ms Rex:** We found out second-hand, by mistake. In the past, TCC has asked to sit on the regional waste group—that was a couple of years ago, before my time—and we were told that we were not needed. As an organisation with such experience in north-east Wales on waste issues, we would have expected to be invited to the stakeholder meeting, along with Friends of the Earth, the Countryside Council for Wales, local council officers, and so on. However, we were not invited, so we have asked again whether we can sit on the regional waste group. If an organisation such as ours, which tries to represent community groups, did

not know about this, then who did?

[167] **Val Lloyd:** I will ask a supplementary on that. You mentioned Friends of the Earth, among other groups. Was that group invited?

[168] **Ms Rex:** Friends of the Earth was invited to the stakeholder meeting. We found about that and then asked for an invitation to it. That is how we attended.

[169] **Val Lloyd:** I just needed clarification on that.

[170] **Mr Maddison:** If I could just come in, Friends of the Earth attended the Cardiff meeting—one of its members attended, and put in a very critical report.

[171] You asked about the European Commission. I have made enquiries on that, and there is quite a bit of case law showing that local authorities have ignored that EU convention, and the appeals have always been upheld at the European Court of Justice. That is not where we want to go. We have a Welsh Assembly Government, for goodness' sake, so let us make it work here.

12.20 p.m.

[172] **Val Lloyd:** Sam, I know that you have indicated that you wish to speak. However, we are out of time and Gareth has not yet asked a question so I will allow him to do so.

[173] **Gareth Jones:** You mentioned that there was an extension of the deadline in north Wales. I am disappointed to hear that it was to no avail because, for some reason, it was not publicised. Can you expand upon that? How did that situation arise, given that there had obviously been pressure to extend the deadline? Am I right in thinking that it was extended in north Wales by two months until the end of February?

[174] **Ms Rex:** Yes, but we found out that it had been extended about two weeks before the end of the extension. I believe that they decided in mid February that they would open it again, and then we found out, so it was only a couple of weeks before the end of the extension. To be fair, I must correct myself, because, when looking for something else, I saw that the extension was advertised on Conwy County Borough Council's home page. However, it was not publicised anywhere else.

[175] **Mr Maddison:** I wish to come in at this point. Did you not circulate the e-mail that I sent?

[176] **Mr Sanchez:** Yes, we did.

[177] **Mr Maddison:** Stuart Rosser answered an email from me on 27 February, saying:

[178] 'It appears that the Denbighshire situation relates to specific circumstances in that area. The primary purpose is to allow Authorities in the area time to send in their responses—it will not involve any further consultation activities.'

[179] **Gareth Jones:** Thank you.

[180] **Val Lloyd:** Sam, I misread the clock, and we have five minutes more. I apologise for taking you out of order. Please make your point now.

[181] **Ms Rex:** That is fine; the point has passed.

[182] **Michael German:** I asked my question earlier, but I noticed that Sam and Chris did not have time to answer. I asked about the usual statutory minimum consultation. To your knowledge, is there a process laid down by the Welsh Assembly Government through which consultation should take place? Does the comment from the Welsh Assembly Government's head of waste strategy about the usual statutory minimum make sense to you? I do not understand it.

[183] **Ms Rex:** To the best of our knowledge, there are no best practice guidelines. As far as the statutory minimum is concerned, the issue is more that, whatever the statutory minimum is, there has been such confusion among the Welsh Assembly Government, the public, Assembly Members and the regional waste group about the extent of public consultation. That confusion has come from Hyder Consulting too; it says that it wants us to be involved and then it says that it does not. The e-mails that have been flying around and what is written in the consultation document and in 'Wise About Waste' completely contradict each other.

[184] **Mr Tayler:** That probably answers the question as clearly as anything would.

[185] **Val Lloyd:** I wish to pick up on the question that you asked Tim earlier about the certificate of lawfulness. It is a well used and well recognised planning procedure. It is used for a very specific purpose and there is nothing untoward about it.

[186] **Michael German:** That is why I raised it. I wish to clarify with Mr Maddison that the point that was being made was that, in this context, the CLOPUD mechanism could be used for any waste process where a B2 planning permission already existed. Is that the case?

[187] **Val Lloyd:** It would still have to be published, and it would still be open to objections and an appeal process. It is part of the due process for planning under law. There is nothing untoward about it.

[188] **Mr Maddison:** The fundamental difference is that there is no need for a consultation.

[189] **Val Lloyd:** No. There is no need because it is a piece of planning law. However, it must still be printed and advertised in planning papers, and it is open to anyone to object to it. I cannot comment on this specific case, but I am quite certain of the process.

[190] **Mr Tayler:** With regard to what happens from this point, we were told that we would not be able to see the draft document produced as a result of this consultation—or lack of consultation. It should be part of the consultation process, particularly for organisations such as Together Creating Communities that represent many people as well as councils, which obviously need to know what is included, that there is a second bite of the cherry to ensure that we are happy with what is included. After all, the councils must bear the brunt of whatever is decided and I think that that should be part of the system. It was made pretty clear to us by Hyder Consulting that the planning timetable for issuing the final document was so tight that we could not have the extension that we had asked for in terms of a consultation period because it would foul up the schedule. That is not right for something that is a long-term-approach document—a month or so for a consultation is not enough when you are trying to deal with something that is going to go on from 2012 to 2025. Councils and organisations such as ours should have an opportunity to look again at what is there and be able to consult on that.

[191] **Val Lloyd:** Thank you. Your time is up now. I now open it up to Members for discussion.

[192] **Andrew R.T. Davies:** We have to be mindful of the petition that is before us. We

have heard technical details as well as doubts about the consultation process and the petition specifically asks for an extension of the consultation process. From what I have heard, there is a deficit, or a perceived deficit, in that process. However, if the Minister or the organisations are disinclined to extend that process any further, because it has been extended once already, then surely the opportunity at the draft report stage that we have heard about should be reopened so that people can fully consult on that draft report and get the second bite of the cherry. I do not think that that is an unreasonable recommendation for us to make, and we should also ensure that the circulation list, the list of stakeholders, is fully investigated to ensure that it is comprehensive enough to meet the requirements of a robust consultation process.

[193] **Michael German:** I support that view. It seems to be a reasonable process, when you have a draft report, to go out for a further round of consultation. Another thing that has come out of this meeting is that we do not have a clear consultation plan. We have come across this before with the Environment Agency, although that has now come up with a consultation plan for a particular area of its work. It seems to me that it would be appropriate to have some guidance and guidelines from the Welsh Assembly Government on how you should consult. Perhaps we ought to ask the Minister for a view on that and on such issues as with whom you should consult, how you should advertise, how widespread that should be, and, particularly, on the point about the minutes of any meetings that are held being publicly available so that anyone can see them, which seems to me to be quite a reasonable and normal way of dealing with things.

[194] **Val Lloyd:** We can write to the Minister, who is I understand is very much in favour of public consultation. This is a local authority issue and we can only write to the Minister as regards the set-up for the regional partnerships.

[195] **Michael German:** Yes, but the Government can lay down guidance to local authorities on these matters. For instance, there is guidance about planning applications and how to consult on them. I understand that the extent of that guidance is a matter for discussion, but it would appear that there is no guidance at the moment from the Welsh Assembly Government on how you should take this to the public. It should be a broad framework, not a restrictive—

[196] **Val Lloyd:** I was agreeing with you that there should be clarity on the consultation process, but I was just drawing it into the public domain that it is a local authority issue and that we can only write to the Minister as regards what she would ask the local authority.

[197] **Gareth Jones:** I think that there is an important point to make. Having lived through ‘Designed for North Wales’ and the flawed consultation that we had with the hospital situation here in north Wales—which I think is on the table again as an issue—it seems to me that the Government has more or less surmised that the local authorities, working in conjunction, collaboratively and so on, will end up with the end product, and they also take the nature of that consultation very much for granted. It should not do that because, quite frankly, the Assembly is about transparency and about getting things out in the open, and it should not make these assumptions. I share Mike’s view that there should be a clear indication of that level of expectation as far as consultation is concerned. It should be laid down that, for all authorities, if their views are sought on any issue, there should be a protocol of what exactly we mean by ‘consultation’. We fall foul every time, and I believe that this is a generic issue that needs careful consideration.

12.30 p.m.

[198] **Val Lloyd:** I think that we are all agreed on that.



[199] **Andrew R.T. Davies:** I am not sure that I am approaching this in the right way, but time and again at the Petitions Committee, we hear of the deficit in consultation and the problems that various organisations have with feeling included in consultation. Is there any mileage—almost as a separate issue—in seeking clarification via the Government Minister responsible, perhaps the Minister for Finance and Public Service Delivery or maybe the Counsel General, as to how the consultation process is construed and what role the Assembly can take to ensure that there is a blueprint that people and organisations can work to? We just assume that it happens but, since starting this committee, over the past six to eight months, we have heard about various issues, involving everything from flooding to the Environment Agency, on which there has been a deficit in consultation. I think that there is merit in taking evidence from the Government on how that consultation process is constructed.

[200] **Val Lloyd:** That is a really good idea.

[201] **Michael German:** That was—

[202] **Val Lloyd:** Sorry, but Gareth indicated first.

[203] **Gareth Jones:** I totally agree. This is very much a cross-cutting issue, and that makes it difficult. It involves public consultation and the way in which the Assembly Government approaches it. If you have a cross-cutting issue such as this important issue, the question for the committee stage in the Assembly is: who is scrutinised, and how? We need to address that, because it does not fall under any particular portfolio, but it is a critical issue for us to approach.

[204] **Michael German:** That is my cue for what I was about to say. This Assembly committee has been looking to see whether it could conduct an investigation of any issue. Obviously, we do not want to touch on things that are the responsibility of other committees, but it seems to be perfectly appropriate for the Petitions Committee, which hears the voice of the people in Wales, to have a locus for this sort of inquiry. It may be something that we might wish to consider as a committee inquiry.

[205] **Val Lloyd:** Andrew has identified the Minister for Finance and Public Service Delivery as a possible point of reference, but I can also see the point in our having a sort of scrutiny role in this, given that it is a cross-cutting issue. It is up to Members. We are certainly agreed that we will write to the Minister with responsibility—that is the Minister for Environment, Sustainability and Housing—regarding the issue here. What do Members want to do? Do we write to Andrew Davies, the Minister for Finance and Public Service Delivery, wait for his reply and then scrutinise it? Or do we set up a consultation ourselves?

[206] **Andrew R.T. Davies:** I think that we as a committee need to be proactive and ask the Members' research service to conduct some research into whether a system exists that could act as a blueprint to work to. We could invite the relevant Minister to come along and then take the evidence when the Members' research service has given us the background information. We want to be informed about what we are asking but, from the critical point of view of this petition, there seems to have been a deficit in the consultation, and, if it is not possible to reopen the consultation, people should have an opportunity to come back at the draft stage. That should be a critical comment in the letter to the Minister, in that she should try to facilitate that to the best of her ability, given that it is a local government issue as well.

[207] **Michael German:** We are seeking a route to knowing whether there is a blueprint for consultation; I think the likelihood is that there is not one across the piece. It may be, however, the sort of investigation that would look not just at what the Welsh Assembly Government was doing, but at best practice elsewhere as well, and at how people communicate with the public. That is worthy of an interim, quick stage to find out what is

going on in Wales. Also, taking it much deeper, we could look to see where else we can find examples of good practice of Government consultation with the public and perhaps use that as a blueprint for action in a committee report.

[208] **Val Lloyd:** We will start by commissioning the MRS to do some research, and once we have that, we can put the matter back on the agenda for discussion.

12.35 p.m.

**P-03-096 Uned Niwrolegol yng Ngogledd Cymru**  
**P-03-096 North Wales Neurological Unit**

[209] **Val Lloyd:** We will move on to the petition from Merched y Wawr in north Wales about a north Wales neurological unit. We asked the petitioners to come to speak with us today; they were unable to do so or declined to do so, but they have given us a paper at a late stage. We will suspend the meeting briefly, while we re-sort our papers, which we seem to have lost.

[210] Does everyone have their papers now, including me? I see that we do and so we can resume.

[211] This petition is from the Derwen and District Merched y Wawr, and it says:

[212] ‘We, residents of the above areas, wish to express our total opposition to the idea of moving all Neurological Surgery Services from North Wales to Swansea/Cardiff and we appeal to you to either develop an appropriate centre nearer North and Mid Wales or permit expenditure across the border in England’.

[213] Merched y Wawr was not able to be here, but it has provided us with a paper to back up its reasons for the petition. The paper is very direct, and it is something that we would all empathise and agree with. I remind Members that the current Minister for Health and Social Services set up a review of general neurological services, which includes neurosurgery, across Wales in September. In November last year, she updated and expanded its terms of reference in a letter to all of us, with the expert review group, under Mr James Steers, who is an eminent neurologist. In point 3 of the terms of reference, she directed the group to consider the possibility of developing in-patient neurology and neurorehabilitation services in north Wales. Admittedly, we do not know the outcome, which will not be known until the summer, when the group is due to report. She also directed that there be a recommendation for a high-quality, safe and sustainable neuroscience service for the population of Wales, as close to home as possible. So, that is well covered.

[214] **Gareth Jones:** It should be in Llandudno, then.

[215] **Val Lloyd:** We all want it. I would say Swansea, of course, and Andrew might say the Vale of Glamorgan, and so on. I open the topic for discussion.

[216] **Michael German:** I understand that the petitioners felt that they did not have sufficient notice to be able to come today, but this is an issue that vexes people. They have produced a number of extra questions, which are pertinent to the review and its outcome. I am always careful with regard to terms of reference, namely I check that their wording does not tell you the outcome. This reviews the possibility of neurosurgery being located in north Wales, but that is only a possibility. Many people would also say that people could go to Liverpool for these types of services, which is one of the options available. We do not know what the outcome will be, but this is a vexing matter, and I wonder whether we ought to offer the petitioners an opportunity, given that they said that they were not given sufficient time, to

come to another committee meeting, at whatever stage is appropriate, and to have their say then.

12.40 p.m.

[217] **Val Lloyd:** We did give them three weeks' notice, or was it more? The last meeting was two weeks ago, and there was also half term.

[218] **Michael German:** I understand that they were told about the meeting only earlier this week.

[219] **Mr Sanchez:** There was a communication problem. We tried to contact them via e-mail and by telephone well in advance, but we were unable to get hold of them until a few days ago. We made every effort to contact them.

[220] **Michael German:** I understand that.

[221] **Andrew R.T. Davies:** In reading the papers, I had assumed that they had withdrawn the petition because of the inquiry that is being undertaken, which may address some of their concerns, and that they were happy for a written paper to be submitted to us. However, the committee desires to facilitate oral evidence, so if the petitioners still wish to come along, I think that we should facilitate that wish. I was of the opinion that, because the inquiry had been formulated, they perhaps felt that their energies would be put into that. However, that does not seem to be the case.

[222] **Mr Sanchez:** That is not the case; they would still like to come before the committee.

[223] **Andrew R.T. Davies:** Then I think that we should invite them to come to present the evidence to us.

[224] **Gareth Jones:** I would go along with that.

[225] **Darren Millar:** May I come in on that? Obviously, this petition has been presented by members of the Derwen and District Merched y Wawr, which is based in my constituency. However, their concerns echo and represent the views of many more people throughout north Wales, in addition to the 1,000 people—which is a significant number—who have signed the petition that is before the committee. The arguments have been well rehearsed in the Chamber, so I will not go through them in any great detail. I think that it would be a good idea to invite the petitioners to come to a future meeting—I have no problem with that. However, I would appreciate it if there were some feedback, prior to their attending a meeting, on the whole review process and their views. Now is the time to feed in views while Mr Steers is already on the case with the review that he is conducting.

[226] The Welsh Affairs Select Committee is also looking at cross-border services between England and Wales—health services are being discussed at the moment—and it is crucial that we feed the concerns of the residents of north Wales, including those of the members of the Derwen and District Merched y Wawr, into that process. Although there has been a change of heart, shall we say, since the announcement was made by the Minister for Health and Social Services in July on neurosurgery, I think that the issue causes significant alarm in north Wales. I am sure that Gareth's postbag is as full as mine with correspondence on the issue, and all north Wales Assembly Members have certainly been petitioned on the implications of the announcement, which seemed to suggest at the time that people would be required to travel some significant distance for brain surgery and for the pre-operative and post-operative care that they might need.

[227] There are strong links in this area with some of the tertiary services that are provided by the NHS over the border in north-west England, and that relationship has served the people of north Wales very well for many years. I am not averse to the creation of a centre of excellence, provided that it is that and not a second-rate centre somewhere else in north Wales. I do not think that the members of Merched y Wawr would want the latter either, as they have indicated in their petition. We need to feed this into the review process now, rather than wait for Merched y Wawr to make a presentation to this committee. I would suggest to the committee that it should do that, while also inviting the members of Merched y Wawr to attend a future meeting to make a presentation.

[228] **Val Lloyd:** I will speak to that as the Member for Swansea East, in which the new neurosciences facility is located. I understand fully the concerns of the people in north Wales, as well as those in my constituency, and to the west of it. I will call on Gareth to speak, and then I will come back in.

[229] **Gareth Jones:** I do not normally sit on this committee but, out of respect to the petitioners, I would certainly endorse what Andrew said about getting the petitioners to present their views. However, along the lines of Darren's response, as an AM representing Aberconwy, I could say that, as far as I am concerned, this is a non-starter. I made that point back in July, well before any campaigns, because it is certainly not acceptable. I do not want to use this particular forum to make that obvious point. My concern with the petition is that we are perpetuating the myth that this will happen. In other words, that there will be patients visiting the neurological centres down in south Wales. That is not acceptable. It is a perfectly clear message. However, we have to undertake this review. I am quite sure that that review will come to the same conclusion: that this relationship with the Walton Centre in Liverpool has to be maintained. As I have said, this is about petitions; it is not about my own feelings. However, in line with what Darren has said, I have expressed my concerns.

[230] **Val Lloyd:** I share your views, Gareth. I have heard what has been said and, to an extent, I disagree with it. It would be sufficient to send this petition directly to Mr Steers's committee. It is very clear and lucid. Gareth has already indicated that the Minister has made her views regarding north Wales quite clear. She has not made her views known on any other area, but she has made her views on north Wales clear, and these have been reflected in the guidance that has been drawn up. The Minister has spoken about it in the Chamber many times, because we raise it continually to get her reassurance. I think that it would be sufficient to send this on to—

[231] **Michael German:** I agree with that, but I would like us still to offer the petitioners a chance to speak, if they so desire, at another meeting of the committee.

[232] **Darren Millar:** That would be useful. If you make it clear to the petitioners that you are passing on their views to Mr Steers and also to the Welsh Affairs Committee while it conducts its review of cross-border services, they may say that that is sufficient action as far as they are concerned and may decline the offer. However, it is important that they have the opportunity to speak to the committee if they want to. I would also ask the committee to consider making a representation directly to the Minister regarding the issue of treatment miles; that is, the carbon impact of future decisions regarding the health service.

[233] **Michael German:** That is not our role.

[234] **Val Lloyd:** We cannot do that.

[235] **Darren Millar:** That is fine; thank you.

[236] **Val Lloyd:** As Members were eager to tell you, our remit is to deal with the petition.

We take a very wide view on that, and have pushed the boundaries as far as we can in the interests of petitioners. However, I think that we are agreed that we will re-issue the invitation to the petitioners, we will send the letter to the Welsh Affairs Committee and to Mr Steers, but that is about all that we can do.

[237] **Mr Sanchez:** We have received another petition this week that is virtually identical to this. So, we could consider the two together.

[238] **Andrew R.T Davies:** In relation to north Wales?

[239] **Mr Sanchez:** Yes, in relation to neurosurgery in north Wales.

[240] **Darren Millar:** Who is the second group of petitioners?

[241] **Val Lloyd:** It has not come before the secretariat yet. We stick to the process. It comes to the secretariat, and admissibility or otherwise is decided according to a set of regulations so that we ensure that every petition is treated in the same way. It might end up in the same place.

[242] **Michael German:** We have rules here.

[243] **Val Lloyd:** Thank you for your attendance, Darren. You are most welcome, and it was a pleasure to see you.

12.50 p.m.

### **Deisebau Newydd New Petitions**

[244] **Val Lloyd:** We will start with the rural bus service in Taliesin. It is fairly clear, is it not? Are there any views on how we should proceed?

[245] **Andrew R.T. Davies:** It is quite pertinent at this time—especially with Huw Lewis’s legislative competence Order winning the ballot on this specific issue—and it would be worth considering how this might aid Huw’s LCO. The first course of action should be to see whether or not there is mileage there—there is no point in replicating the work.

[246] **Michael German:** To be clear, Huw Lewis’s LCO is to get powers to be able to introduce public transport services. It does not address the issue of investing, as the petitioner says, in a more affordable local bus service. I am happy for the committee to approach Huw to ask him whether he would include that to ensure that the powers to do this are included, but I am not certain that the powers are not already there to invest in a more regular, affordable bus service in rural Wales. I would have thought that it was about money and not powers.

[247] **Val Lloyd:** I am sure that we know from our own experience that money goes to local authorities from the Assembly to be spent on bus services, and the way in which local authorities apportion it in their areas is a matter for them.

[248] **Michael German:** The only power that is not there is the power over community transport, which is used quite a lot in rural areas, but I do not know enough about which legal powers are not included. So, I suggest that we request a report from the Members’ research service about what legal powers are currently available in respect of providing rural bus services, particularly in connection with community transport, which has been a problem in the past.

[249] **Gareth Jones:** On a point of information on this, similar concerns have been

expressed in my constituency here in Aberconwy. There seems to be a reference to some European directive of 50 km, which has an impact on the regularity of these services. Does this apply in this case? I will not be here, but I would strongly advise that you make further enquiries as to the impact of that ruling.

[250] **Val Lloyd:** We would value your expertise in the area, thank you. That is agreed. We will follow Gareth's suggestion; we will also ask the Members' research service for a report on the legal powers and we will approach Huw. That is a much more long-term issue, but it is good to be in—

[251] **Michael German:** I am sure that Huw would love to be involved with rural bus services.

[252] **Gareth Jones:** Yes, I am sure that he would.

[253] **Val Lloyd:** The next petition that we have is again on bus services, and it is about accessible bus services in Pembrokeshire. This petition says that Pembrokeshire should have more accessible buses for wheelchair users. It has been submitted by Paul Davies AM on behalf of the headteacher and pupils of Portfield School in Haverfordwest, the only special needs school within Pembrokeshire.

[254] **Michael German:** I am unclear about the legal powers; that is, whether this is a reserved matter. It is the sort of thing that you would logically say should be within the competence of the National Assembly to deal with, so can we get some clarification on the legal powers?

[255] **Val Lloyd:** I agree, and we could also ask the petitioners to come in to talk to us.

[256] **Michael German:** Or we could go and talk to them.

[257] **Val Lloyd:** Yes. We are also looking at four petitions for west Wales—

[258] **Michael German:** We are probably more accessible to them.

[259] **Val Lloyd:** I would imagine so. Shall we look into that? I see that we are in agreement.

[260] The next new petition—Gareth can correct me on my pronunciation—is the A465 relief road to Tafarnaubach industrial estate. I think that I got the emphasis wrong. Does anyone wish to speak on this?

[261] **Michael German:** We should write to the Minister to find out what the intentions are. One of the local councillors approached me about this issue and said that the council is now turning down planning applications because this relief road is not being provided. People have been meeting with the Welsh Assembly Government on this issue, so it would be useful to know what the current position is on this relief road and also to know the council's view on it.

[262] **Val Lloyd:** Shall we invite the petitioners too?

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

[264] **Val Lloyd:** I read the background study and it was in line with what you said about what the councillor has said. It seems to me that it needs a full investigation. So, we will ask the Minister for the Assembly Government's current position, write to Blaenau Gwent County

Borough Council for information about its feasibility report and ask the petitioners to come to a meeting—hopefully the next meeting.

[265] **Andrew R.T. Davies:** It would be worth while to have the response from the Minister first, to see what action is being taken and whether he is working with the council, and then to have the petitioners in when we are in possession of that information, because that would create a fuller picture.

[266] **Val Lloyd:** We will have the information. Recess is coming up, so instead of the normal four weeks, we have a three-week period. So, perhaps we could think about it for the first meeting of the new term, but we would have the documentation—

[267] **Andrew R.T. Davies:** We will leave it to your discretion, Chair.

[268] **Michael German:** In that case, I would like to reflect back on the Taliesin issue, because we did not invite those petitioners to come and present because we wanted more legal advice. We are going to west Wales and given that Taliesin is near Machynlleth, perhaps it would be useful to invite them when we are there?

[269] **Val Lloyd:** It might be. This one is different because there is a feasibility report and it is an ongoing issue. That was why I made the extra suggestion this time around. I will keep you informed of what is happening.

[270] We now move to the provision of Welsh language education in south-east Wales. The petitioner provides a covering letter outlining the background, which states that all children receiving secondary Welsh-medium education in Newport and Monmouthshire are bussed to Ysgol Gyfun Gwynllyw in Torfaen. There is no comprehensive-level, Welsh-medium provision in Monmouthshire and some children are travelling for up to two hours each way to receive such an education.

[271] **Michael German:** I declare a constituency interest here. This issue is vexing my postbag at present. Ysgol Gyfun Gwynllyw covers Newport, Torfaen and Monmouthshire councils and children go from all three local authority areas to that one Welsh-medium secondary school, and there is now a wholesale turning down of parents and there is no alternative position. It is a major incident—‘crisis’ is the right word for it. We need to hear the petitioners on this matter and I suspect that we will get a very full meeting, because petitioners from other parts of south-east Wales are going to be engaged in this.

[272] **Val Lloyd:** I suggest that we also have a paper from the Members’ research service on the provision of Welsh-medium education in south-east Wales and to clarify the Assembly Government’s position so that we can see how far or not—

[273] **Michael German:** When we say ‘south-east Wales’, we should make it clear what regional part of south-east Wales we are talking about: it is the former Gwent area, namely Blaenau Gwent, Torfaen, Monmouth and Newport, as opposed to Caerphilly and Merthyr. Caerphilly has much stronger provision.

[274] **Val Lloyd:** So it is east south-east Wales.

[275] **Michael German:** It is difficult. It is east Gwent, I suppose.

[276] **Val Lloyd:** That is a very large catchment area.

[277] **Michael German:** It is a very large catchment area anyway.

[278] **Val Lloyd:** I take your point.

[279] **Andrew R.T. Davies:** So we are directing that a paper be done for those four authorities?

[280] **Michael German:** I am just giving advice. We can talk about the whole region but we already have a big catchment area for this one school, and we are talking about four local authorities and that is overburdening it.

[281] **Val Lloyd:** I think that it is clear which area we are talking about.

[282] **Michael German:** This should have been talked about a long time ago.

[283] **Val Lloyd:** It is not the whole region of south-east Wales.

[284] **Michael German:** No. That would go down to Bridgend.

[285] **Val Lloyd:** I do know the area. [*Laughter.*]

[286] **Michael German:** It is just that I used to sit on the regional committee.

[287] **Val Lloyd:** That concludes our section on the new petitions.

1.00 p.m.

### **Y Wybodaeth Ddiweddaraf am Ddeisebau Blaenorol Updates on Previous Petitions**

[288] **Val Lloyd:** The first petition is on the miners' welfare ground. This petition has been ongoing for some time. We have received a response from the Minister for Environment, Sustainability and Housing. We discussed this petition at our meeting on 21 February and we agreed to await a further update from the Minister. We also received a letter from the Deputy First Minister on 19 February; I believe that a copy of that paper is attached. Do Members have comments on further action?

[289] **Michael German:** Ieuan's letter refers to keeping the town council in touch, but the petitioners here are not the town council. Therefore, we could send this letter to the petitioners, which would be helpful, but maybe we could also ask Ieuan to keep in touch with the petitioners and give him the lead petitioner's name and address. I do not know where we are with the planning application—I do not know whether we have had any information as to when Caerphilly County Borough Council is going to determine the planning application, because that is when this comes back into play. I believe that we should keep it open until the planning application has been determined by Caerphilly council, and then consider whether the issue of amelioration, which Ieuan is proposing, is relevant to that point. I do not know how it will be determined, or whether it goes one way or the other.

[290] **Val Lloyd:** I do not believe that we can close it yet, as we are awaiting a further update. Jane Davidson has written to us, but a further update is awaited, so I think that we will await all those replies.

[291] **Michael German:** If we could ask Ieuan to keep in touch with the petitioners, and send in a copy of this as well, that would be useful.

[292] **Val Lloyd:** The next petition is about the young carers' Measure. We have had a response from the Deputy Minister for Social Services on this one; she responded on 15



February, and we have a copy of her letter. Should we write to Helen Mary Jones, asking if she would consider this petition when she is formulating her Member-proposed LCO?

[293] **Andrew R.T. Davies:** I concur with that.

[294] **Val Lloyd:** Is everyone happy with that? I see that you are.

[295] **Michael German:** That is belt and braces, I presume, because there is the LCO that the Government is proposing, as well as Helen Mary's, so it is two bites at the same cherry.

[296] **Val Lloyd:** I believe that it deserves two bites at the cherry—young carers need all the support that they can get, so I am happy to push for two bites at the cherry.

[297] **Michael German:** I agree. Could we also keep the petitioners in the loop as to what we are doing?

[298] **Val Lloyd:** The next petition is about the old school house. This petition has run for some time. One thing that we have overlooked is that it is a long case that has been ongoing with the petitioner; it has been to court several times. I suggest that we write to the diocesan board for its view on this issue before we take any further action. We have not heard the views of the diocesan board, and I think that we should before we decide what to do with the petition, so that we have both sides of the coin. I see that everyone is agreed.

[299] **Michael German:** Does the church own it or not? It should own up.

[300] **Val Lloyd:** The next petition is on wind turbines. What do Members consider is the way forward on this issue? Shall we forward the petition to the Minister for Environment, Sustainability and Housing, as part of the energy route map?

[301] **Michael German:** Does it say what the committee is doing on this matter? Is it reviewing renewable energy? We do not have a brief from the Sustainability Committee.

[302] **Val Lloyd:** Are any of us on that committee?

[303] **Michael German:** No.

[304] **Andrew R.T. Davies:** I do not believe that it is doing anything on this issue.

[305] **Michael German:** As this is a very big policy issue, maybe you could refer it to the Chair of the committee and ask the committee to consider any action that it thinks is appropriate, and then let us know.

[306] **Val Lloyd:** Do you want it to go to the Minister as well?

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

[308] **Val Lloyd:** It will go to the Minister and the Chair of the committee for them to consider any appropriate action. We should now consider the papers to note. These papers are a list of the petitions that we have received to date. I will take them page by page. Is there anything on page 1? What about page 2?

[309] **Michael German:** It says that the clerk is investigating the response from the Kidney Research Foundation. That one has been hanging around for some time now. Would we not have expected the Minister to have given us a response by now? It is PE-03-059 on page 3.

[310] **Val Lloyd:** I can see the one that you are referring to. I think that the Minister gave us a response on that and the Health and Social Services Committee now has a committee inquiry into presumed consent for organ transplantation.

[311] **Michael German:** Therefore, it is the report that needs to be updated.

[312] **Val Lloyd:** The committee has taken evidence—in fact, we took some evidence yesterday—and we are splitting up into sub-groups to take evidence around Wales.

[313] **Michael German:** Good.

[314] **Mr Sanchez:** That was just a test to see if you are on the ball.

[315] **Val Lloyd:** We have not yet had anything back from the Members' research service on the Mumbles railway.

[316] **Mr Sanchez:** We are expecting that to be ready for the next meeting.

[317] **Val Lloyd:** What about pages 3 and 4?

[318] **Michael German:** Do we know whether the retrospective changes on work permits for foreign nurses and other care staff have been considered by the Committee on Equality of Opportunity? Has it dealt with it yet?

[319] **Val Lloyd:** We have not had any notification from the committee.

[320] **Andrew R.T. Davies:** I think that we only referred it to the committee at our last meeting. I also think that that committee had a session like this one, but in Wrexham, for its last meeting.

[321] **Val Lloyd:** Yes, it did have a session in Wrexham.

[322] **Andrew R.T. Davies:** It might not have got to it yet.

[323] **Val Lloyd:** Is there anything on page 5? We have been dealing with PE-03-080; we have just spoken about that.

[324] **Michael German:** PE-03-081 has become very topical, certainly in the past week.

[325] **Val Lloyd:** I must say that the Minister has responded. The response arrived on my desk as I was leaving to catch the train to come here yesterday. I knew that the secretariat had already left, so I asked my office to forward it, ready for when they get back.

[326] **Michael German:** We will therefore deal with that at the next meeting.

[327] **Val Lloyd:** Is there anything on pages 6 or 7?

[328] **Michael German:** On page 7, have we heard anything from Gareth's committee or the Rural Development Sub-committee on the Powys community schools and the rural schools issue?

[329] **Val Lloyd:** Not to my recollection.

[330] **Andrew R.T. Davies:** No.

[331] **Michael German:** We will chide him then.

[332] **Val Lloyd:** Finally, what about page 8? There is a list of the new petitions that are waiting to be confirmed or otherwise. I see that there is nothing further.

[333] Thank you very much; I think that that concludes the meeting. Thank you very much to Gareth for joining us today. We are very grateful for your presence and your contribution; we hope that you found our committee illuminating.

[334] **Gareth Jones:** It was certainly surprising in terms of the volume of work that you are undertaking, Chair. I thank you for your welcome and for giving me the opportunity to express certain views and so on. I wish you all the best as such a hard-working committee.

[335] **Val Lloyd:** Thank you very much; you would be welcome to join us again. That concludes the meeting for today.

*Daeth y cyfarfod i ben am 1.10 p.m.  
The meeting ended at 1.10 p.m.*