

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 23 January 2002
Time: 2.00 to 5.00 pm
Venue: Committee Rooms 3 & 4, National Assembly Building

NANTYGWYDDON INVESTIGATION: CONSIDERATION OF INDEPENDENT INVESTIGATOR'S REPORT AND RESPONSES

Purpose

1. To invite the Committee to consider the report of the Independent Investigator and responses to the report.

Background

2. The Independent Investigator, David Purchon, presented his report to the Committee on 12 December 2001. The Committee invited all those involved in the investigation to respond to the report by 10 January. **Responses** were received from the individuals and organisations listed at **Annex A**.

3. The Committee agreed that the Administrator and former Directors of Rhondda Waste Disposal Ltd., former Head of the European Commission Office in Wales, and certain former Members and employees of the former Rhondda Borough Council be invited to give evidence at a Committee meeting, as they had not thus far given evidence in person, in public. Some have expressed a willingness to attend a meeting in public, others will be submitting a written response. Some declined the invitation, setting out their reasons along with their response to the Investigator's report (see individual responses), others have yet to respond.

Today's meeting

4. Consideration of any new evidence will be taken at the beginning of the meeting.

5. During the second part of the meeting, the Committee will have the opportunity to question representatives of Bro Taf Health Authority, Environment Agency Wales and Rhondda Cynon Taf County Borough Council on their responses to the Investigator's report. The Chief Medical

Officer will also be present to assist with consideration of the Independent Investigator's conclusions and recommendations relating to the commissioning of further health studies.

6. The final part of the meeting will be devoted to consideration of the Independent Investigator's report and responses to the report. The Committee may wish to reach conclusions and agree recommendations, or identify any areas for further investigation or clarification.

The Independent Investigator's report

7. The report is divided into sections corresponding to the terms of reference for the investigation. Emerging findings are to be found within each section, with conclusions at section 15 and recommendations at section 16. Further detailed information and studies form appendices to the report.

Responses to the report

8. Responses to the Independent Investigator's report have been circulated to Committee Members. Some respondents, principally the public bodies and site operator, highlighted points which they saw as factual inaccuracies in the report, and asked that they be corrected, or asked for further clarification on the Investigator's recommendations. Others drew the Committee's attention to omissions that they considered relevant to the consideration of final conclusions and recommendations. Some respondents, primarily local residents, suggested further recommendations and areas for investigation. References to specific **comments on the recommendations** are listed in **Annex B**.

9. A number of respondents also commented on the investigation process. It is suggested that comments be considered during the review of the process once the investigation is complete.

Consideration

10. The Committee may wish to consider:

- The recommendations of the Independent Investigator;
- Comments on the Independent Investigator's report (including any factual corrections), which could be referenced in an annex to the Committee's report to plenary;
- Omissions that respondents consider to be relevant to the Committee's consideration, which can be discussed with attendees at today's meeting;

And suggest:

- Conclusions and recommendations, and any further areas for investigation or clarification.

Next steps

11. Following consideration at today's meeting, the Secretariat will draft a report setting out the Committee's emerging conclusions for consideration at the meeting on 6 February. The Independent Investigator, David Purchon, will be in attendance to answer any further questions Members may have.

12. The Committee's final report is scheduled for presentation to plenary in March.

Recommendation

13. Members are invited to consider the Independent Investigator's report and responses to the report, as suggested at paragraph 10 above.

Committee Secretariat

January 2002

ANNEX A

RESPONSES TO THE INDEPENDENT INVESTIGATOR'S REPORT

Responses were received from the individuals and organisations listed below. Copies have been circulated to Committee Members in hard copy. All responses will be publicly available at the Investigation Resource Centre, Pentre.

Public Bodies:

Bro Taf Health Authority

Environment Agency Wales

National Assembly for Wales (Welsh Assembly Government)

Rhondda Cynon Taf CBC

Organisations:

Amgen Rhondda Ltd.

Friends of the Earth

Institute of Waste Management

Ove Arup and Partners Ltd .

Individuals:

June Bacon

Victor J Collier

Jim Davies

Gwyn Evans

MD Evans

M Hann

Mansal Mason

Garrod Owen

Rhondda Against Nantygwyddon Tip (RANT)

Mike Ryan

Heather Sutton

Gareth R Thomas

Joan Thomas

William M Thomas

Andrew Tree

Dr D Van Steenis

Graham Wayman

ANNEX B

RESPONSES TO THE RECOMMENDATIONS

Listed below are references to specific comments on individual recommendations of the Independent Investigator, which should be read in conjunction with respondents' comments on the main body of the report. Those organisations at which the recommendations are aimed are identified in brackets.

- **Recommendation 1 – end household waste disposal at Nantygwyddon** (Rhondda Cynon Taf CBC)

Amgen Rhondda Ltd. – pp. 14-15

Bro Taf Health Authority – p. 9

Environment Agency Wales – Appendix 1

Friends of the Earth – para. 1

Rhondda Cynon Taf CBC – Appendix 1

- **Recommendation 2 – swiftly complete phase 1** (Amgen Rhondda Ltd.)

Amgen Rhondda Ltd. – p. 15

June Bacon

Environment Agency Wales – Appendix 1

Friends of the Earth – paras. 3.1 and 3.2

Ove Arup – para. 3.0

Rhondda Cynon Taf CBC – Appendix 1

Andrew Tree

- **Recommendation 3 – design, implement, monitor and review landfill gas management system** (Amgen Rhondda Ltd. & Environment Agency)

Amgen Rhondda Ltd. – pp. 15-16

Environment Agency Wales – Appendix 1

Andrew Tree

- **Recommendation 4 – treat leachate on site** (Amgen Rhondda Ltd.)

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

Andrew Tree

- **Recommendation 5 – maintain water collection and management until successful "planting"** (Amgen Rhondda Ltd.)

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

- **Recommendation 6 – commission specific health studies** (National Assembly for Wales)

Environment Agency Wales – Appendix 1

June Bacon

Bro Taf Health Authority – p. 9

Friends of the Earth – para. 7.7 (further health studies)

Andrew Tree

- **Recommendation 7 – issue mandatory guidance to the Environment Agency**

Wales on openness and transparency, and press for freedom of environmental information (National Assembly for Wales)

Environment Agency Wales – Appendix 1

National Assembly for Wales – para. 3.3

Friends of the Earth – paras. 5.1 to 5.6

Andrew Tree

- **Recommendation 8 – support the principle of public accountability** (National Assembly for Wales)
- **Recommendation 9 – consider and improve accountability for securing files on abolition of public authorities** (National Assembly for Wales)

National Assembly for Wales – paras. 3.4 – 3.8

- **Recommendation 10 – commission an authoritative stability study** (National Assembly for Wales)

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

- **Recommendation 11 – review EU grant criteria, audit and possible repayment of grant** (National Assembly for Wales)

National Assembly for Wales – paras. 2.9 – 2.13

Andrew Tree

- **Recommendation 12 – scrutinise financial information about trading and contractual affairs of Rhondda Waste Disposal Ltd.** (National Assembly for Wales)

Victor Collier

Michael Evans

- **Recommendation 13 – consider human rights implications of use of legal**

sanctions by public bodies against protestors (National Assembly for Wales)

Andrew Tree

- **Recommendation 14 – consider best use of formal impact assessments for waste disposal plans/programmes/projects** (National Assembly for Wales)

Friends of the Earth – para. 8

Andrew Tree

- **Recommendation 15 – consider means for commissioning of independent research and health risk appraisal by communities** (National Assembly for Wales)

Bro Taf Health Authority – p. 5

Friends of the Earth – para. 9

- **Recommendation 16 – secure principle of producer responsibility for waste minimisation, re-use and recycling in Wales** (National Assembly for Wales)