

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

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

**Ymchwiliad i Safle Tirlenwi Nantygwyddon  
Investigation into Nantygwyddon Landfill Site**

**Ystyriaeth o Adroddiad yr Ymchwilydd ac  
Ymatebion: Cwestiynau 1-83  
Consideration of the Investigator's Report and  
Responses: Questions 1-83**

**Ystyriaeth o Gasgliadau ac Argymhellion  
Consideration of Conclusions and  
Recommendations**

**Dydd Mercher 6 Chwefror 2002  
Wednesday 6 February 2002**

*Aelodau o'r Cynulliad yn bresennol: Tom Middlehurst (Cadeirydd dros dro), Christine Chapman, David Davies, Geraint Davies, Sue Essex (Gweinidog dros yr Amgylchedd), Gareth Jones, Helen Mary Jones, Val Lloyd, Karen Sinclair.*

*Swyddogion yn bresennol: Keith Bush, Swyddfa'r Cwnsler Cyffredinol; Dr Ruth Hall, Prif Swyddog Meddygol; David Worthington, Dirprwy Brif Gynghorwr Iechyd Amgylcheddol, Cynulliad Cenedlaethol Cymru.*

*Tyst: David Purchon, Ymchwilydd Annibynol.*

*Assembly Members present: Tom Middlehurst (temporary Chair), Christine Chapman, David Davies, Geraint Davies, Sue Essex (Minister for Environment), Gareth Jones, Helen Mary Jones, Val Lloyd, Karen Sinclair.*

*Officials present: Keith Bush, Office of the Counsel General; Dr Ruth Hall, Chief Medical Officer; David Worthington, Deputy Chief Environmental Health Adviser, National Assembly for Wales.*

*Witness: David Purchon, Independent Investigator.*

*Dechreuodd y cyfarfod am 2 p.m.*

*The meeting began at 2 p.m.*

## **Ystyriaeth o Adroddiad yr Ymchwilydd ac Ymatebion**

### **Consideration of the Investigator's Report and Responses**

*Yn absenoldeb Richard Edwards, etholwyd Tom Middlehurst yn Gadeirydd dros dro y Pwyllgor o dan Reol Sefydlog Rhif 8.17.*

*In the absence of Richard Edwards, Tom Middlehurst was elected temporary Chair of the Committee under Standing Order No. 8.17.*

[1] **Tom Middlehurst:** Thank you, colleagues. This is an unexpected pleasure. I hope to do justice to your confidence in me. Richard is always a hard act to follow. Perhaps I could, very quickly, depart from the agenda and state why Richard is not here today. He is unable to be with us because, it gives me great pleasure to say, he has been elected the Welsh politician of the year. It is a richly deserved accolade, not least because of the way in which he has conducted the business of this Committee and, in particular, this investigation. Richard is his own man and has made many thought-provoking and telling contributions in the Assembly. He is certainly nobody's poodle, but he is a member of the

[1] **Tom Middlehurst:** Diolch, gyfeillion. Dyma bleser annisgwyl. Gobeithiaf gyfiawnhau eich hyder ynof. Mae Richard bob amser yn un anodd llenwi ei esgidiau. Efallai y cawn, yn gyflym iawn, ymadael â'r agenda ac egluro pam nad yw Richard yma heddiw. Mae'n methu bod gyda ni oherwydd, mae'n dda iawn gennyf ddweud, fe'i hetholwyd yn wleidydd y flwyddyn yng Nghymru. Mae'n wobwr dra haeddiannol, nid yn lleiaf oherwydd y ffordd y cynhaliodd fusnes y Pwyllgor hwn ac, yn arbennig, yr ymchwiliad hwn. Nid yw Richard yn was i neb ac fe wnaeth sawl cyfraniad pryfoclyd a chraff yn y Cynulliad. Yn sicr nid yw'n gi bach i neb, ond y mae'n aelod o'r Blaid Lafur, fy mhlaidd innau, ac yr

Labour Party, to which I belong, and we are proud to have him. That is my brief departure from the agenda. I will move on, unless other members wish to comment, but perhaps they will have the opportunity to do so elsewhere.

I welcome all Committee members, officials and members of the public, who show a continuing interest in this subject. I am pleased that you are all here today. I particularly welcome David Purchon, who is the centre of attention, obviously, on this occasion. I remind everyone that the headphones for translation will amplify sound if you have difficulty in hearing the business of the meeting.

Before we start, I will just say that, at the beginning of the meetings that the Committee held on 12 December and on 23 January, Richard Edwards announced his ruling, under Standing Order Nos. 7.13 and 8.18, that the existence of certain current legal proceedings brought by a number of residents against a former operator of the Nantygwyddon site did not prevent discussion by the Committee of the independent investigator's report. I confirm that this ruling still stands and will apply for the whole of our consideration of the report, unless I announce otherwise. I remind members that they should not, however, refer directly to those proceedings. There will be a full transcript of today's meeting and members and attendees have been sent a draft transcript of the meeting on 23 January.

ydym yn falch o'i gael. Dyna f'ymadawiad byr i oddi wrth yr agenda. Symudaf ymlaen oni bai fod aelodau eraill yn dymuno gwneud sylw, ond efallai y cânt y cyfle i wneud hynny yn rhywle arall.

Croesawaf holl aelodau'r Pwyllgor, swyddogion ac aelodau'r cyhoedd, sydd yn dangos diddordeb parhaus yn y pwnc hwn. Yr wyf yn falch eich bod i gyd yma heddiw. Croeso arbennig i David Purchon, sydd yn ganolbwynt y sylw, wrth reswm, ar yr achlysur hwn. Atgoffaf bawb y bydd y clustffonau cyfieithu yn chwyddo'r sain os cewch anhawster clywed trafodaethau'r cyfarfod.

Cyn inni ddechrau, hoffwn ddweud bod Richard Edwards, ar ddechrau cyfarfodydd y Pwyllgor a gynhaliwyd ar 12 Rhagfyr ac ar 23 Ionawr, wedi cyhoeddi ei ddyfarniad, dan Reolau Sefydlog Rhifau 7.13 ac 8.18, nad oedd yr achos cyfreithiol cyfredol arbennig gan nifer o drigolion yn erbyn un o gyn reolwyr safle Nantygwyddon ddim yn rhwystro'r Pwyllgor rhag trafod adroddiad yr ymchwilydd annibynnol. Cadarnhaf fod y dyfarniad hwnnw'n dal i sefyll ac y saif am y cyfan o'n hystyriaeth ar yr adroddiad, oni chyhoeddaf fi fel arall. Atgoffaf aelodau na ddylent, fodd bynnag, gyfeirio'n uniongyrchol at yr achos hwnnw. Bydd trawsgrïpt llawn o gyfarfod heddiw ac anfonwyd trawsgrïpt drafft o gyfarfod 23 Ionawr at yr aelodau a phawb oedd yn bresennol.

We have received apologies from Richard Edwards, of course, and Christine Chapman is substituting for him. I welcome her to the meeting today. I note that Gareth Jones is here; I assume that he is substituting for Rhodri Glyn Thomas. Welcome, Gareth. Eleanor Burnham is unable to be with us, but, because of numbers, the Liberal Democrats were unable to send a substitute. However, I am sure that that will not impede on our ability to proceed with business.

[2] **David Davies:** I should not think so for one minute.

[3] **Tom Middlehurst:** Absolutely. I ask Members to make any declarations of interest in line with Standing Order No. 4.5.

[4] **Val Lloyd:** I declare an interest as a member of the City and County of Swansea Council.

[5] **Christine Chapman:** I think that it would be appropriate for me to say that I am a former councillor of Rhondda Cynon Taff County Borough Council. I am substituting today. However, although I am an Assembly Member for Cynon Valley, I am from the Rhondda and I know how urgent this investigation has been. I am very pleased to see that things are moving forward.

[6] **Gareth Jones:** Datganaf fuddiant fel aelod o Gyngor Bwrdeistref Sirol Conwy.

Daeth ymddiheuriadau i law oddi wrth Richard Edwards, wrth gwrs, ac mae Christine Chapman yma yn ei le. Estynnaf groeso iddi i'r cyfarfod heddiw. Nodaf fod Gareth Jones yma; cymeraf ei fod yn eilyddio dros Rhodri Glyn Thomas. Croeso, Gareth. Mae Eleanor Burnham yn methu bod gyda ni, ond, oherwydd niferoedd, ni allai'r Democratiaid Rhyddfrydol anfon eilydd. Fodd bynnag, yr wyf yn siwr na wnaiff hynny amharu ar ein gallu i fynd ymlaen â'r busnes.

[2] **David Davies:** Ni fyddwn innau'n meddwl hynny am un munud.

[3] **Tom Middlehurst:** Yn hollol. Gofynnaf i Aelodau wneud unrhyw ddatganiadau buddiant yn unol â Rheol Sefydlog Rhif 4.5.

[4] **Val Lloyd:** Datganaf fuddiant fel aelod o Gyngor Sir a Dinas Abertawe.

[5] **Christine Chapman:** Yr wyf yn meddwl y byddai'n briodol imi ddweud fy mod yn gyn gynghorydd ar Gyngor Bwrdeistref Sirol Rhondda Cynon Taf. Yr wyf yn eilyddio heddiw. Fodd bynnag, er fy mod yn Aelod Cynulliad dros Gwm Cynon, yr wyf yn hanu o'r Rhondda a gwn mor bwysig fu'r ymchwiliad hwn. Yr wyf yn falch iawn o weld bod pethau'n symud ymlaen.

[6] **Gareth Jones:** I declare an interest as a member of Conwy County Borough Council.

[7] **Tom Middlehurst:** Thank you. We move forward to the consideration of the investigator's report and the responses to it. Members will, of course, be aware that the report has been widely available for some time. The Committee has taken a number of representations from individuals and organisations in response to that report. Today is an opportunity for the Committee to raise questions with David Purchon about his report, seek clarification on any issue that they may wish to raise and to take full account of the responses that we have had, as I said previously, from individuals and other organisations.

I have a suggestion, for the sake of clarity, to try to assist the Committee in the way that it moves forward. We have to deal with 16 recommendations today. There are a number of recommendations that are clearly site specific and relate wholly and only to the Nantygwyddon site, although, of course, in the longer term they may impact upon other landfill sites in Wales. However, there are other recommendations that are of a more general nature, which deal with other organisations and actions, for example, that the Assembly might take, that the individual organisations might be required to take, or, indeed, that the UK Government might wish to consider. I was hoping therefore that we could perhaps focus our early questions on recommendations 16.1 to 16.5 and 16.10, which relate wholly to the Nantygwyddon site. That is my suggestion. If members are content to move forward on that basis, I invite them to ask David to comment on his recommendations and, if appropriate, the responses to those recommendations.

[7] **Tom Middlehurst:** Diolch. Symudwn ymlaen i ystyried adroddiad yr ymchwilydd a'r ymatebion iddo. Bydd aelodau'n ymwybodol, wrth gwrs, bod yr adroddiad ar gael yn eang ers tro. Derbyniodd y Pwyllgor nifer o gyflwyniadau gan unigolion a chyrrff mewn ymateb i'r adroddiad hwnnw. Heddiw ceir cyfle i'r Pwyllgor godi cwestiynau gyda David Purchon ynglyn â'i adroddiad, ceisio eglurhad ar unrhyw fater y dymunant ei godi a rhoi ystyriaeth lawn i'r ymatebion a gawsom, fel y dywedais yn gynharach, oddi wrth unigolion a chyrrff eraill.

Mae gennyf awgrym, er mwyn eglurder, i geisio cynorthwyo'r Pwyllgor yn y modd yr aiff yn ei flaen. Mae'n rhaid inni ddelio ag 16 o argymhellion heddiw. Mae nifer o argymhellion sydd yn amlwg yn ymwneud yn benodol â'r safle ac yn ymwneud yn gyfan gwbl ac yn unig â safle Nantygwyddon, er y gallant, wrth gwrs, yn y tymor hwy, effeithio ar safleoedd tirlenwi eraill yng Nghymru. Fodd bynnag, y mae argymhellion eraill sydd yn fwy cyffredinol eu natur, sydd yn delio â chyrrff eraill a phethau, er enghraifft, y gallai'r Cynulliad eu gwneud, y gellid mynnu bod y cyrrff unigol yn eu gwneud, neu, yn wir, y gallai Llywodraeth y DU ddymuno ystyried eu gwneud. Yr oeddwn yn gobeithio felly y gallem efallai ganolbwyntio'n cwestiynau cynnar ar argymhellion 16.1 i 16.5 ac 16.10, sydd yn ymwneud yn gyfan gwbl â safle Nantygwyddon. Dyna fy awgrym i. Os yw aelodau'n fodlon symud ymlaen ar y sail honno, fe'u gwahoddaf i ofyn i David roi sylwadau ar ei argymhellion ac, os yw'n briodol, ar yr ymatebion i'r argymhellion hynny.

[8] **Helen Mary Jones:** Thank you, Chair. I am waiting for the microphone to come on. I am conscious that people cannot necessarily hear me.

[9] **Tom Middlehurst:** Can we have the microphone on, please?

[10] **Helen Mary Jones:** Thank you, Chair. I would like to start with a general comment, which is just that I have to say that, generally, very little of what we have heard in evidence before us or in written submissions has made me want to depart very far, in terms of our final report, from Mr Purchon's recommendations. The Committee will obviously want to consider whether there are any matters of technical fact that we might want to correct or clarify. However, I would say that I feel that, broadly, despite what anybody else has said, our sense is that we would like to stand by what Mr Purchon has said, in terms of the report that will go before Plenary. However, we may want to correct some facts.

In annex B, very usefully, the clerks have set out for us some of the points of clarification. I would like, Chair, to specifically refer to some of the points of clarification that we have asked for around recommendations 1 and 2, which are about the immediate future of the tip. My understanding is that Mr Purchon made it absolutely clear that household waste disposal needed to stop at Nantygwyddon when he was questioned in the meeting before Christmas. As to when, he said, 'now' and the local authority has acted on that. However, we are still left with a certain lack of clarity around the issue of commercial waste. I think that we want to clear that up for the purpose of what goes to Plenary. I understood from what Mr Purchon said when we

[8] **Helen Mary Jones:** Diolch, Gadeirydd. Yr wyf yn aros i'r meicroffon ddod ymlaen. Yr wyf yn ymwybodol nad yw pobl o reidrwydd yn fy nghlywed.

[9] **Tom Middlehurst:** A gawn ni'r meicroffon ymlaen, os gwelwch yn dda?

[10] **Helen Mary Jones:** Diolch, Gadeirydd. Hoffwn ddechrau gyda sylw cyffredinol, sef fod yn rhaid imi ddweud, yn gyffredinol, nad oes nemor ddim o'r hyn a glywsom mewn tystiolaeth ger ein bron nac mewn cyflwyniadau ysgrifenedig wedi peri i mi fod eisiau symud yn bell iawn, o ran ein hadroddiad terfynol, oddi wrth argymhellion Mr Purchon. Bydd y Pwyllgor yn amlwg eisiau ystyried a oes unrhyw faterion o ffaith dechnegol y gallai fod arnom eisiau eu cywiro neu eu heglurhau. Fodd bynnag, fe ddywedwn i fy mod yn teimlo, yn fras, er gwaethaf yr hyn a ddywedodd unrhyw un arall, mai ein hymdeimlad ni yw yr hoffem sefyll wrth yr hyn a ddywedodd Mr Purchon, o ran yr adroddiad a aiff i'r Cyfarfod Llawn. Fodd bynnag, efallai y byddwn am gywiro rhai ffeithiau.

Yn atodiad B, yn ddefnyddiol iawn, mae'r clerod wedi amlinellu inni rai o'r pwyntiau eglurhad. Hoffwn, Gadeirydd, gyfeirio'n benodol at rai o'r pwyntiau eglurhad yr ydym wedi gofyn amdanynt ynghylch argymhellion 1 a 2, sydd a wnelont â dyfodol y domen yn y tymor byr. Fy nealltwriaeth i yw i Mr Purchon ddatgan yn gwbl glir bod angen rhoi'r gorau i waredu gwastraff ty yn Nantygwyddon pan y'i holwyd yn y cyfarfod cyn y Nadolig. Pan ofynnwyd pa bryd, dywedodd, 'yn awr', ac mae'r awdurdod lleol wedi gweithredu ar hynny. Fodd bynnag, mae rhywfaint o ddiffyg eglurder yn aros ynghylch cwestiwn gwastraff masnachol. Yr wyf yn meddwl bod eisiau inni glirio hynny ar gyfer yr hyn a anfonir i'r Cyfarfod Llawn. Deallais o'r

spoke to him in the meeting before Christmas—and put me right if I am wrong—in terms of not ruling out commercial waste, what he had in mind was the kind of inert waste, such as shale, for example, which could perhaps be used as part of the remediation process.

However, in general commercial waste, there is still a lot of biodegradable matter. If you are collecting the waste from a greengrocer's shop, you are going to have the same sort of waste as you will get from a household. So I think that it would be helpful for us to know what you mean, specifically, when you talk about ending household waste disposal. We now know that your view was that it needed to stop there and then. It now has. Perhaps we could clarify in the final report, Chair, why commercial waste is to be accepted and what kinds of commercial waste Mr Purchon wanted accepted there. I think that that is very important.

Issues were also raised—again this may not be something that Mr Purchon can respond to—around what actually the estimated cost of the early closure and early remediation of the site would be. In a sense, Chair, we had a lot of discussion about that last time. My view was that it is not necessarily something that either the independent investigator or the Committee should go into. If the Committee decided to recommend that to Plenary, then it would be for the Government of Wales, the local authority and the company to work that out between them. However, I think that it would be worth having that fleshed out a little bit.

hyn a ddywedodd Mr Purchon pan siaradasom ag ef yn y cyfarfod cyn y Nadolig—a chywirwch fi os wyf yn anghywir—o ran peidio â chau'r drws ar wastraff masnachol, mai'r hyn yr oedd ganddo ef mewn golwg oedd y math o wastraff difwyd fel siâl, er enghraifft, y gellid efallai ei ddefnyddio fel rhan o'r broses adfer. Fodd bynnag, mewn gwastraff masnachol cyffredinol, mae llawer o ddeunydd pydradwy o hyd. Os ydych yn casglu'r gwastraff o siop lysiau, fe gewch yr un gwastraff ag a gewch o dy. Felly yr wyf yn meddwl y byddai'n fuddiol inni gael gwybod beth yr ydych yn ei feddwl, yn benodol, pan soniwch am roi'r gorau i waredu gwastraff ty. Gwyddom yn awr mai eich barn oedd fod angen ei stopio yn y fan a'r lle. Gwnaethpwyd hynny. Efallai y gallem gael eglurhad yn yr adroddiad terfynol, Gadeirydd, pam y ceir derbyn gwastraff masnachol a pha fathau o wastraff masnachol yr oedd Mr Purchon am weld eu derbyn yno. Credaf fod hynny'n bwysig iawn.

Codwyd materion hefyd—eto, efallai na fydd hyn yn rhywbeth y gall Mr Purchon ymateb iddo—ynghylch beth mewn gwirionedd fyddai amcangyfrif cost cau'r safle'n gynnar a'i adfer. Mewn un ystyr, Gadeirydd, cawsom drafodaeth helaeth am hynny'r tro diwethaf. Fy marn i oedd nad yw o reidrwydd yn rhywbeth y dylai'r ymchwilydd annibynnol na'r Pwyllgor fynd ar ei ôl. Pe penderfynai'r Pwyllgor argymhell hynny i'r Cyfarfod Llawn, yna, mater i Lywodraeth Cymru, yr awdurdod lleol a'r cwmni fyddai gweithio hynny allan rhyngddynt. Fodd bynnag, yr wyf yn meddwl y byddai'n werth cael ychydig o gig ar yr esgyrn hynny.

Then there was the whole issue of the impact of an accelerated closure—which, of course, we have got, effectively, now—on the ability to complete phase 1 of the remediation. We had some suggestion put before us last time that actually stopping the tipping of household waste would make things worse in the short term, rather than better. I have to say that I was not convinced by that by any means, but I would like to hear Mr Purchon's response.

[11] **Tom Middlehurst:** There were a number of questions there. It might be useful if David Purchon responds to those now, and then we will take other members' points. David Davies, do you want to come in now with a question?

[12] **David Davies:** It is only a small one. I would not argue with Mr Purchon on anything. I think that he has done a thoroughly good job. However, it is fair to say that if we are going to stop household waste from being disposed of there, then we need to turn our minds as to where exactly it will go. I do not like just coming up with a solution without thinking through all the ramifications and we have to know whether there is anywhere else it can go without causing a danger to public health in the immediate area.

[13] **Tom Middlehurst:** Geraint, you indicated that you want to come in?

[14] **Geraint Davies:** On that point, perhaps we can speed up the recycling process of the strategy that Rhondda Cynon Taff is adopting at the present time. I would like Mr Purchon's views on that. That would eliminate the need for taking waste outside Rhondda Cynon Taff.

[15] **Tom Middlehurst:** Do you want to come in now, Karen, before Mr Purchon starts to respond?

Wedyn cafwyd holl gwestiwn y modd y byddai cau'n gynnar—sef, wrth gwrs, yr hyn sydd wedi digwydd, mewn effaith, yn awr—yn effeithio ar y gallu i gwblhau cam 1 y gwaith adfer. Rhoddwyd rhyw awgrym ger ein bron y tro diwethaf y byddai rhoi'r gorau i arllwys gwastraff ty yn gwneud pethau'n waeth yn y tymor byr, yn hytrach nag yn well. Rhaid imi ddweud na chefais fy narbwyllo o hynny o gwbl, ond hoffwn glywed ymateb Mr Purchon.

[11] **Tom Middlehurst:** Yr oedd nifer o gwestiynau yn y fan honno. Efallai y byddai'n fuddiol i David Purchon ymateb i'r rheini'n awr, ac wedyn inni gymryd pwyntiau'r aelodau eraill. David Davies, oes arnoch chi eisiau dod i mewn yn awr gyda chwestiwn?

[12] **David Davies:** Dim ond un bach ydyw. Ni fyddwn yn dadlau â Mr Purchon am ddim. Yr wyf yn meddwl ei fod wedi gwneud gwaith da dros ben. Fodd bynnag, mae'n deg dweud os ydym am atal gwastraff ty rhag cael ei waredu yno, yna mae angen inni droi'n meddyliu at ble yn union yr aiff. Nid wyf yn hoffi cyflwyno ateb syml heb feddwl drwy'r holl oblygiadau ac mae'n rhaid inni gael gwybod a oes unrhyw le arall y gall fynd heb achosi perygl i iechyd y cyhoedd yn y cylch cyfagos.

[13] **Tom Middlehurst:** Geraint, gwnaethoch arwydd eich bod am ddod i mewn?

[14] **Geraint Davies:** Ar y pwynt hwnnw, efallai y gellir cyflymu'r broses ailgylchu yn y strategaeth y mae Rhondda Cynon Taf wrthi'n ei mabwysiadu ar hyn o bryd. Hoffwn farn Mr Purchon ar hynny. Byddai hynny'n dileu'r angen i fynd â gwastraff allan o Rhondda Cynon Taf.

[15] **Tom Middlehurst:** A oes arnoch chi eisiau dod i mewn yn awr, Karen, cyn i Mr Purchon ddechrau ymateb?



[16] **Karen Sinclair:** No, I am quite happy to wait, unless you want me to come in now.

[17] **Tom Middlehurst:** David, would you like to deal with those questions?

**Mr Purchon:** Yes, thank you, Chair, I will try to deal with them briefly. I did believe that my recommendation was perfectly clear in 16.1. I certainly have a concern about any more putrescible or biodegradable waste being received there, and I was very pleasantly surprised at the speed with which the local authority reacted. I can see that that gives lots of operational difficulties and creates increased costs and, personally—for what it is worth—I would be sympathetic to that. I really have no idea what that will cost in the short or long term. I had not given that any thought, and still have not, but I can appreciate that it is a problem of considerable scale.

As far as 16.2 is concerned, I was seeking to recognise that you could not simply stop something and expect any problems to go away. I think that that is what the Environment Agency was implying when it said that it really did not solve anything to stop tipping in the short run, because the management of the gas and water, in particular, is an ongoing task. I presume that its position is that at least if revenue is being generated, it helps to mitigate the costs of continuing to manage the pollution. So I take it, from its written response and the tape of your last hearing, which I have looked at, that that was perhaps the justification for its position in not seeking closure when its requirements were not being progressed some years ago.

[16] **Karen Sinclair:** Na, yr wyf yn berffaith hapus i aros, oni bai bod arnoch chi eisiau imi ddod i mewn yn awr.

[17] **Tom Middlehurst:** David, a hoffech chi ddelio â'r cwestiynau hynny?

**Mr Purchon:** Hoffwn, diolch, Gadeirydd, fe geisiaf ddelio â hwy'n fyr. Yr oeddwn yn credu bod fy argymhelliad yn berffaith glir yn 16.1. Yn sicr mae gennyf bryder ynghylch derbyn mwy o wastraff pydradwy neu fiogdiraddadwy yno, a chefais fy synnu ar yr ochr orau gyda chyflymder ymateb yr awdurdod lleol. Gallaf weld bod hynny'n peri llawer o anawsterau gweithredol ac yn cynyddu costau ac, yn bersonol—beth bynnag fo gwerth hynny—byddwn i'n cydymdeimlo â hynny. Nid oes gennyf yn wir ddim syniad beth fydd hynny'n ei gostio yn y tymor byr na hir. Nid oeddwn wedi meddwl dim am hynny, ac nid wyf wedi gwneud eto, ond gallaf sylweddoli ei bod yn broblem o gryn faintioli.

O ran 16.2, yr oeddwn yn ceisio cydnabod na allech roi terfyn ar rywbeth yn syml a disgwyl i unrhyw broblemau ddiflannu. Credaf mai dyna'r oedd Asiantaeth yr Amgylchedd yn ei awgrymu pan ddywedodd na fyddid yn datrys dim, yn wir, wrth roi'r gorau i arllwys yn y tymor byr, gan fod rheoli'r nwy a'r dwr, yn arbennig, yn dasg barhaus. Yr wyf yn tybio mai safbwynt yr Asiantaeth yw, o leiaf os oes refeniw'n cael ei gynhyrchu, bod hynny'n helpu lliniaru costau parhau i reoli'r llygredd. Felly yr wyf yn cymryd, o'i hymateb ysgrifenedig a'r tâp o'ch gwrandawriad diwethaf, yr wyf wedi edrych arno, mai dyna efallai oedd y cyfiawnhad dros ei safiad o beidio â cheisio cau'r safle pan nad oedd ei gofynion yn cael eu hateb rai blynyddoedd yn ôl.

On the point as to where material may be sent in the interim, I would certainly hope that the new local authority strategy can be fast-tracked, as Geraint Davies says, and of course that will be a help. It is also quite practical in the shortish-term to get in some unit composters to tackle the biodegradable or putrescible waste, and then make it suitable for acceptance on the site. I think that there is a great deal of material that could be available to complete the engineered closure of the site. None of this is easy; if the problems were easy we would have solved them a long time ago.

[18] **Tom Middlehurst:** David, do you want to come in?

[19] **David Davies:** Just to come back on that, my guess is that compostable household waste only usually amounts to about 5 per cent. Is that fair? I know that it varies from area to area.

**Mr Purchon:** It is much more than that.

[20] **David Davies:** Right. Okay. Well, I was told in the Isle of Wight that about 5 per cent could be composted. What would your estimate be? The point that I am trying to make is that there is going to be a lot of waste that we could not compost and that would have to go somewhere else. I do not know, with the best will in the world, whether we would be able to recycle it all. We are going to be left with a surplus which has to go somewhere.

Ar y pwynt ynghylch ble y gellir anfon deunydd yn y cyfamser, byddwn i'n sicr yn gobeithio y gellir prysuro i gyflwyno strategaeth newydd yr awdurdod lleol, fel y dywed Geraint Davies, ac wrth gwrs bydd hynny'n gymorth. Mae'n eithaf ymarferol hefyd yn y tymor cymharol fyr cael unedau compostio i mewn i drin y gwastraff pydradwy neu fioddiddadwy, ac yna'i wneud yn addas i'w dderbyn ar y safle. Credaf fod llawer iawn o ddeunydd a allai fod ar gael i gwblhau'r gwaith o gau'r safle. Nid oes dim yn hawdd yn hyn; petasai'r problemau'n hawdd buasem wedi'u datrys ers talwm.

[18] **Tom Middlehurst:** David, a oes arnoch chi eisiau dod i mewn?

[19] **David Davies:** Dim ond i ddod yn ôl ar hynny, fy nyfaliad i yw mai dim ond rhyw 5 y cant o'r cyfanswm gwastraff fel arfer yw gwastraff ty y gellir ei gompostio. A ydyw hynny'n deg? Gwn ei fod yn amrywio o ardal i ardal.

**Mr Purchon:** Mae'n llawer mwy na hynny.

[20] **David Davies:** Reit. Iawn. Wel, dywedwyd wrthyf yn Ynys Wyth y gellid compostio rhyw 5 y cant. Beth fyddai'ch amcangyfrif chi? Y pwynt yr wyf yn ceisio'i wneud yw y bydd yna lawer o wastraff na allwn ei gompostio a byddai'n rhaid i hwnnw fynd i rywle arall. Ni wn, gyda'r ewylllys gorau yn y byd, a allem ei ailgylchu i gyd. Fe'n gadewir gyda gwastraff dros ben y bydd rhaid iddo fynd i rywle.

**Mr Purchon:** Yes, you are certainly left with a surplus, Chair, but the compostable fraction is very considerable. If you look at page 31 of the report, it does indicate what is achieved in Australia—I think that they do even better in Auckland, New Zealand—and you can see there the figure that I have quoted: 35.17 per cent. I have heard of more than that being achieved on composting; more than that is achieved in certain cities in Denmark, for example, though not, you will note, Copenhagen.

[21] **David Davies:** Not in the UK though.

**Mr Purchon:** No, but the UK is extremely backward in waste management.

[22] **Karen Sinclair:** I am probably asking the obvious but I assume that the recommendations are not in any order of precedence, are they? For me, 16.6 and 16.7 are absolutely imperative, in that the agencies have to be seen to be totally transparent and that the main thrust of these agencies is to protect the environment and public health. On 16.6, I would like to emphasise just how important I think this recommendation is, and the health impact study is absolutely imperative for the restoration of the public's confidence. That is absolutely paramount if we are to achieve our aims. On 16.8, I have bracketed 'for the "public pound"', and said that there should always be accountability—'the public pound' is almost an incidental three words.

[23] **Tom Middlehurst:** David's words.

[24] **Karen Sinclair:** Well, I was just asking—

**Mr Purchon:** Oes, yn sicr mae gennyh wastraff dros ben, Gadeirydd, ond mae'r ffracsiwn y gellir ei gompostio yn sylweddol iawn. Os edrychwch ar dudalen 31 yr adroddiad, y mae'n nodi'r hyn a gyflawnir yn Awstralia—yr wyf yn meddwl eu bod yn gwneud yn well fyth yn Auckland, Seland Newydd—a gallwch weld yn y fan honno y ffigur yr wyf wedi'i ddyfynnu: 35.17 y cant. Yr wyf wedi clywed am gompostio mwy na hynny; cyflawnir mwy na hynny mewn rhai dinasoedd yn Nenmarc, er enghraifft, er nid, sylwch, yng Nghopenhagen.

[21] **David Davies:** Nid yn y DU, serch hynny.

**Mr Purchon:** Na, ond mae'r DU yn hynod o araf ym maes rheoli gwastraff.

[22] **Karen Sinclair:** Mae'n debyg fy mod yn gofyn cwestiwn amlwg, ond tybiaf nad yw'r argymhellion mewn unrhyw drefn flaenoriaeth, ydynt? I mi, mae 16.6 ac 16.7 yn gwbl hanfodol, gan fod yn rhaid i bobl allu gweld bod yr asiantaethau'n gwbl dryloyw ac mai prif amcan yr asiantaethau hyn yw gwarchod yr amgylchedd a iechyd y cyhoedd. Ar 16.6, hoffwn bwysleisio mor bwysig yw'r argymhelliad hwn yn fy marn i, ac mae'r astudiaeth effaith iechyd yn gwbl hanfodol er mwyn adfer hyder y cyhoedd. Mae hynny'n hollbwysig os ydym am gyflawni'n nod. Ar 16.8, yr wyf wedi cromfachu 'am y "bunt gyhoeddus"', ac wedi nodi y dylid cael atebolrwydd bob amser—mae 'y bunt gyhoeddus' yn dri gair sydd bron yn ddieisiau.

[23] **Tom Middlehurst:** Geiriau David.

[24] **Karen Sinclair:** Wel, dim ond gofyn oeddwn i—

[25] **Tom Middlehurst:** I think that it is well understood though. May I just say for the sake of trying to keep us on track—though those are legitimate questions, Karen—that I would like to focus on 16.1, 16.5 and 16.7, which I tried to say—

[26] **Karen Sinclair:** I am sorry.

[27] **Tom Middlehurst:** No, it is alright. I am sure that Helen Mary and others will want to come back on the other questions that you have just opened up there. However, may I invite other members to comment on what I have loosely termed as site-specific recommendations, to try to deal with those, to see whether the Committee is content or whether it wants to explore further and seek further clarification from Mr Purchon?

[28] **Sue Essex:** Thank you, Chair. I think that it is important to distinguish those from the more general points. David, it is nice to see you again. Recommendation 16.10, which is site specific and is a recommendation to the Assembly, states:

‘commission an authoritative stability study of Nantygwyddon.’

I wondered if you would like to give a bit more guidance as to why you see that as necessary, and what kind of things you would like to see done.

[25] **Tom Middlehurst:** Yr wyf yn meddwl ei bod yn ddealedig serch hynny. A gaf fi ddweud, er mwyn ein cadw ar y trywydd—er bod y rhain yn gwestiynau teg, Karen—yr hoffwn ganolbwyntio ar 16.1, 16.5 ac 16.7, rhywbeth y ceisiais ei ddweud—

[26] **Karen Sinclair:** Mae’n ddrwg gennyf.

[27] **Tom Middlehurst:** Na, mae popeth yn iawn. Yr wyf yn siwr y bydd Helen Mary ac eraill eisiau dod yn ôl ar y cwestiynau eraill yr ydych newydd eu hagor. Fodd bynnag, a gaf fi wahodd aelodau eraill i roi sylwadau ar yr hyn yr wyf fi wedi’u galw yn llac yn argymhellion sy’n ymwneud yn benodol â’r safle, er mwyn ceisio delio â’r rheini, i weld a yw’r Pwyllgor yn fodlon ynteu a yw’n dymuno ymchwilio ymhellach a cheisio eglurhad pellach gan Mr Purchon?

[28] **Sue Essex:** Diolch, Gadeirydd. Yr wyf yn meddwl ei bod yn bwysig gwahaniaethu rhwng y rheini a’r pwyntiau mwy cyffredinol. David, mae’n dda eich gweld eto. Dywed argymhelliad 16.10, sydd yn ymwneud yn benodol â’r safle ac yn argymhelliad i’r Cynulliad:

‘comisiynu astudiaeth awdurdodol o sefydlogrwydd Nantygwyddon.’

Meddyliais tybed a hoffech chi roi ychydig mwy o arweiniad ynghylch pam y gwelwch fod hynny’n angenrheidiol, a pha fath o bethau yr hoffech weld eu gwneud.

**Mr Purchon:** What I believe I made clear in the report was that the stability issues surrounding this site were of considerable concern, and it was not possible for me with my experience and qualifications to comment authoritatively on that. Having commissioned the British Geological Survey to do some hydrogeological work for me, part way through the investigation I asked it if it was able to comment on such stability studies as had been done. It did so and said that they were credible. Obviously, I am paraphrasing there; it thought the studies that had been done were very credible. It said that it could not go any further without doing a great deal of work on site, because all it could do was review the basic geological data and the work that had been done before by previous engineering consultancies. Therefore, it seemed to me that I could not add anything to the sum of existing knowledge about stability. However, I did have concerns about the original design, which was to place refuse over the source of a stream. Water and piles of waste are always a bit worrying, certainly to the layperson who has seen instability before when those factors have been put together. It was explained to me that the low bund that was laid over the source of the stream, the high reaches of the stream, in order to contain the waste had had a lining and the lining had been tucked into the top of the bund. The design then required more inert waste to be piled on top of that bund to create, effectively, what a layperson might refer to as a dam to hold back the weight and there was a reliance on the imperviousness of that material. No liner was placed behind it and that material was apparently selected, graded and placed there in order to provide the bund. Given the shortage of suitable material for cover and for constructing cells on the site, I am a little concerned as to how that may have been done, what material was used and how good it was for the purpose. Therefore, I cannot give you any worthwhile advice as to whether any fears about

**Mr Purchon:** Yr hyn y credaf imi ei wneud yn glir yn fy adroddiad oedd fod y cwestiynau sefydlogrwydd o amgylch y safle hwn yn destun cryn bryder, ac nad oedd yn bosibl i mi gyda'm profiad a'm cymwysterau roi sylwadau awdurdodol ar hynny. Wedi comisiynu'r Arolwg Daearegol Prydeinig i wneud ychydig o waith hydrodaearegol ar fy rhan, ar ganol yr ymchwiliad gofynnais a allai roi sylwadau ar hynny o astudiaethau sefydlogrwydd a oedd wedi'u gwneud. Fe wnaeth hynny a dweud eu bod yn gredadwy. Wrth reswm, yr wyf yn aralleirio; yr oedd o'r farn bod yr astudiaethau a wnaethpwyd yn gredadwy iawn. Dywedodd na allai fynd ddim pellach heb wneud llawer iawn o waith ar y safle, oherwydd y cyfan y gallai ei wneud oedd adolygu'r data daearegol sylfaenol a'r gwaith a wnaethpwyd o'r blaen gan ymgynghorwyr peirianyddol blaenorol. Felly, ymddangosai i mi na allwn ychwanegu dim at swm y wybodaeth a fodolai ynghylch sefydlogrwydd. Fodd bynnag, yr oedd gennyf bryderon am y dyluniad gwreiddiol, sef gosod tomen sbwriel dros darddiad nant. Mae dwr a phentyrrau o wastraff bob amser yn peri ychydig o bryder, yn enwedig i'r lleygwr sydd wedi gweld ansefydlogrwydd o'r blaen pan gyfunwyd y ffactorau hynny. Eglurwyd i mi fod leinin ar y clawdd isel a osodwyd dros darddiad y nant, pen uchaf y nant, i gynnwys y gwastraff, a bod y leinin wedi'i blygu i mewn i ben y clawdd. Wedyn gofynnai'r dyluniad am osod mwy o wastraff difywyd ar ben y clawdd hwnnw i greu, mewn effaith, yr hyn y gallai lleygwr ei alw'n argae i ddal y pwysau'n ôl, ac yr oedd yn dibynnu ar anhydreidd-der y defnydd hwnnw. Ni osodwyd leinin y tu ôl iddo a chafodd y defnydd hwnnw, mae'n debyg, ei ddewis, ei raddio a'i osod yno er mwyn darparu'r clawdd. Yn wyneb y diffyg defnydd addas ar gyfer gorchudd ac ar gyfer adeiladu celloedd ar y safle, yr wyf ychydig yn bryderus ynghylch sut efallai y gwnaethpwyd hynny, pa ddefnydd a

stability are founded or not. I think that the public around the site requires that kind of assurance and, therefore, I think that an authoritative study by an independent expert body should be commissioned. I do not suppose that it is for me to say who should commission it. I think that it ought to be done and I think that it ought to lay this question of instability to rest once and for all. From what I can see, I cannot envisage there being any difficulty, but my opinion may be worth less than yours in this regard. I am only looking at it as an ordinary person.

[29] **Sue Essex:** I doubt if your opinion is worth less than mine because obviously yours will carry a great deal more weight. I thank you very much for that. I just wanted clarification of that, and clearly, in my mind, that needs to be done in order to inform the closure that you are talking about. I am quite happy to accept that.

[30] **Val Lloyd:** I am particularly focusing at the moment on 16.3 and its recommendation

‘that a landfill gas management system be devised’,

and it all moves on from there. I wondered if Mr Purchon had any idea of the timescale on this in relation to the Nantygwyddon site, because I think that would have a bearing on some of the things that have already been talked about—the timescale, cost and, possibly, who.

[31] **Tom Middlehurst:** I would not venture that far, David, but what about timescale?

ddefnyddiwyd a pha mor dda ydoedd ar gyfer y diben. Felly, ni allaf roi unrhyw gyngor gwerth chweil ichi ynghylch a oes sail dros unrhyw ofnau ynghylch sefydlogrwydd ai peidio. Yr wyf yn meddwl bod ar y cyhoedd o gwmpas y safle angen y math hwnnw o sicrwydd ac, felly, credaf y dylid comisiynu astudiaeth awdurdodol gan gorff arbenigol annibynnol. Mae’n debyg nad mater i mi yw dweud pwy ddylai ei chomisiynu. Credaf y dylid gwneud a chredaf y dylai’r astudiaeth honno roi taw ar y cwestiwn hwn ynghylch ansefydlogrwydd unwaith ac am byth. O’r hyn a welaf fi, ni allaf ragweld unrhyw anhawster, ond efallai fod fy marn i’n werth llai na’ch barn chi yn hyn o beth. Dim ond edrych arno fel person cyffredin yr wyf fi.

[29] **Sue Essex:** Mae’n amheus gennyf a yw eich barn chi’n werth llai na f’un i oherwydd yn amlwg bydd eich barn chi’n cario llawer mwy o bwysau. Diolch yn fawr ichi am hynny. Dim ond eisiau eglurhad o hynny yr oeddwn, ac yn amlwg, yn fy nhyb i, mae angen gwneud hynny er mwyn darparu gwybodaeth fydd yn sail i’r cau y soniwch amdano. Yr wyf yn berffaith hapus i dderbyn hynny.

[30] **Val Lloyd:** Yr wyf fi’n canolbwyntio’n benodol ar hyn o bryd ar 16.3 a’i argymhelliad

‘bod system i reoli nwyon tirlenwi yn cael ei dyfeisio’,

ac mae i gyd yn symud ymlaen o’r fan honno. Meddwl yr oeddwn tybed a oedd gan Mr Purchon unrhyw syniad o’r amserlen ar hyn parthed safle Nantygwyddon, oherwydd yr wyf yn meddwl y câi hynny ddylanwad ar rai o’r pethau y soniwyd amdanynt eisoes—yr amserlen, y gost ac, o bosibl, pwy.

[31] **Tom Middlehurst:** Ni fentrwn i mor bell â hynny, David, ond beth am yr amserlen?

**Mr Purchon:** One of the things that I should acknowledge here—and Amgen Rhondda Limited’s response was very useful here—is that things were moving on as I was doing my investigation. I am much more confident that the landfill gas issue is being managed at the moment. It has been inadequately managed in the past. There have been a number of problems but there has been a big investment of time and trouble, as Amgen rightly says. I think that it being able to keep on top of the job here may be difficult if it is not receiving the income from significant waste streams that are continuing to be received on the site; it may not be able to continue to manage the landfill gas. One of the things that emerged in discussion between us was my view that the operation of the landfill gas management system needed, if possible, to be in the public domain so that if the flares were down, that is, not working for some reason, it was known. If the performance of the flare, the temperature at which the flare was operating, and the residence time of the gas within the flare, was being monitored, then I thought that there could be quite a lot of confidence in the area that the flares were doing their job and could be seen to be doing their job. At the moment, it seems to me that the only weakness in the system is that the company and the Environment Agency are monitoring what is going on on the site and the public is rather suspicious as to what is going on on the site. Therefore, it needs to be more transparent than it is at the moment. My suggestion for temporal records, and, if possible, a real time recording of the factors that I have listed there, would help public confidence. I do not think that there is any reason to be lacking in confidence just at the moment because the company is operating in the full glare of publicity and the Environment Agency tells us how much effort it is putting in there. There are probably less problems there than anywhere else at the moment in terms of the monitoring that is going

**Mr Purchon:** Un o’r pethau y dylwn eu cydnabod yma—ac yr oedd ymateb Amgen Rhondda Cyfyngedig yn ddefnyddiol iawn yn hyn o beth—yw bod pethau’n mynd rhagddynt tra’r oeddwn i’n gwneud fy ymchwiliad. Yr wyf yn llawer mwy hyderus bod mater y nwy tirlenwi yn cael ei reoli ar hyn o bryd. Cafodd ei reoli’n annigonol yn y gorffennol. Cafwyd nifer o broblemau, ond bu buddsoddiad mawr o ran amser a thrafferth, fel y dywed Amgen yn deg. Yr wyf yn meddwl y gall fod yn anodd iddo gadw ar ben y gwaith yma os nad yw’n cael yr incwm o’r ffrydiau gwastraff sylweddol sydd yn dal i gael eu derbyn ar y safle; efallai na fydd yn gallu parhau i reoli’r nwy tirlenwi. Un o’r pethau a gododd mewn trafodaeth rhyngom oedd fy marn i bod angen i weithrediad y system reoli nwy tirlenwi fod yn gyhoeddus, petai modd, fel y byddai’n hysbys petai’r llosgydd i lawr, hynny yw, ddim yn gweithio am ryw reswm. Pe bai perfformiad y llosgydd, y tymheredd y gweithiai’r llosgydd arno, ac amser preswyllo’r nwy o fewn y llosgydd, yn cael eu monitro, yna meddyliais y gellid cael cryn dipyn o hyder yn yr ardal fod y llosgyddion yn gwneud eu gwaith ac y gellid gweld eu bod yn gwneud eu gwaith. Ar hyn o bryd, ymddengys i mi mai’r unig wendid yn y system yw mai’r cwmni ac Asiantaeth yr Amgylchedd sydd yn monitro’r hyn sydd yn digwydd ar y safle ac mae’r cyhoedd braidd yn amheus ynghylch beth sydd yn digwydd ar y safle. Felly, mae angen iddo fod yn fwy tryloyw nag ar hyn o bryd. Byddai fy awgrym i y dylid cadw cofnodion tymhorol, ac, os oes modd, cofnod amser real o’r ffactorau a restrais yn y fan honno, yn helpu hyder cyhoeddus. Ni chredaf fod unrhyw reswm dros fod yn ddihyder ar hyn o bryd oherwydd mae’r cwmni’n gweithredu yng ngolau llachar cyhoeddus ac mae Asiantaeth yr Amgylchedd yn dweud wrthym gymaint o ymdrech y mae’n ei wneud yno. Mae’n debyg fod yno lai o broblemau nag yn unman arall ar hyn o bryd o ran y monitro sydd

on, the investment that has gone on and the effort that has been made.

[32] **Christine Chapman:** I will just make a very general point and then ask a question. I think that David Davies mentioned composting and recycling. This refers, I think, to 16.1,

‘that there should be an end to household waste disposal’.

I know that Rhondda Cynon Taff is involved in recycling but I am just wondering whether you have a view on the sort of timescale that it would actually take RCT to accomplish this, bearing in mind that we know that there is an issue about capturing people’s hearts and minds in terms of recycling. I know that there have been good initiatives from Sue Essex in the Assembly, but it is a hearts and minds issue as well and I am just wondering how realistic this would be, and about the timescale.

**Mr Purchon:** I think that this investigation should have been useful in concentrating hearts and minds on a better system of waste management, so that is probably one of the benefits to bear in mind, certainly when one considers the cost and whether it could have been better spent. One is always looking for more practical solutions than investigations, I think. So perhaps it has helped a little in that regard. I think that the problem that I can see—and this is from observing what happens in the Rhondda rather than having any discussions with Rhondda Cynon Taff, because my contact with it has been very limited—is that it has one of the crudest collection systems that you could have, which is black bags left on the kerbside for the wind, weather and any animals to do as they will with them. There is no separate collection, so you have an immediate problem as to how you are going to segregate the waste into what is

yn digwydd, y buddsoddiad sydd wedi digwydd a’r ymdrech a wnaethpwyd.

[32] **Christine Chapman:** Hoffwn wneud pwynt cyffredinol iawn ac wedyn ofyn cwestiwn. Yr wyf yn meddwl y soniodd David Davies am gompostio ac ailgylchu. Mae hyn yn cyfeirio, yr wyf yn meddwl, at 16.1,

‘dylid rhoi’r gorau i waredu gwastraff domestig’.

Gwn fod Rhondda Cynon Taf yn ymwneud ag ailgylchu ond yr wyf yn meddwl tybed a oes gennych farn ar y math o amser y byddai’n ei gymryd i’r cyngor gyflawni hyn, gan gofio ein bod yn gwybod bod yma gwestiwn ynghylch perswadio pobl fod ailgylchu yn beth da. Gwn y cafwyd cynlluniau da gan Sue Essex yn y Cynulliad, ond mae’n fater o ennill calonnau a meddyliau hefyd ac yr wyf yn meddwl tybed pa mor realistig fyddai hyn, a beth fyddai’r amserlen.

**Mr Purchon:** Yr wyf yn meddwl y dylai’r ymchwiliad hwn fod wedi bod yn fuddiol o ran ennill calonnau a meddyliau o ran system well o reoli gwastraff. Mae’n debyg felly fod hynny’n un o’r manteision i’w cofio, yn sicr pan ystyrir y gost a ph’un ai y gellid bod wedi ei gwario’n well. Mae rhywun yn edrych am atebion mwy ymarferol nag ymchwiliadau bob amser, gredaf fi. Felly efallai iddo fod o ryw gymorth yn hynny o beth. Yr wyf yn meddwl mai’r broblem a welaf fi—a daw hyn o sylwi ar yr hyn sydd yn digwydd yn y Rhondda yn hytrach nag unrhyw drafodaethau gyda Rhondda Cynon Taf, oherwydd bu fy nghysylltiad gyda’r cyngor yn gyfyngedig iawn—yw bod ganddo un o’r systemau casglu mwyaf sylfaenol y gallech ei chael, sef bagiau du wedi’u gadael ar ymyl y ffordd i’r gwynt, y tywydd ac anifeiliaid wneud fel y mynnont â hwy. Nid oes dim casgliad ar wahân i hynny, felly mae gennych broblem yn



recyclable and what is compostable. It may be that the plans are very well advanced for that, I do not know. They have not been shared with me and I just have to say that I do not know how long it might take. However, it is coming from a long way back, as far as I can see. Presumably it has no engineered facilities for composting as yet, and if you want to encourage that kind of thing, first of all you have to find your site. Sites are hard to identify for any waste disposal application and you have to win the hearts and minds of the people who will be next to the waste recycling plant, who may be concerned about it. Yes, it will take some time. I cannot say how long because I do not know where it is at at the moment. I hope that it is further forward than I think, and I think that it probably is.

[33] **Tom Middlehurst:** Is your question specific to this, Geraint?

[34] **Geraint Davies:** Yes. You are talking about hearts and minds and I am pleased to tell you that we started our recycling scheme two or three weeks ago. There has been an 80 to 85 per cent response to that scheme. We have 24,000 houses now, which is a third of the population of RCT, having kerbside recycling. We have three different pilot schemes to find out which is the best and most effective way. So we have moved on quite a bit, and the important thing is that it has been worked up over the past two years and has involved the community and voluntary groups. The community as a whole has worked to solve the problem. It is not only the council doing something; we have the people with us. We are pleased about that. I am speaking with my council hat on at present.

syth o ran gwahanu'r gwastraff yn wastraff ailgylchadwy a gwastraff compostadwy. Gallai'r cynlluniau ar gyfer hynny fod wedi eu datblygu'n sylweddol, ni wn. Ni chefais wybod am hynny, ac mae'n rhaid imi ddweud na wn i ddim pa mor hir y gallai ei gymryd. Fodd bynnag, mae'n dod o sefyllfa lle yr oedd ar ei hôl hi, o'r hyn a welaf fi. Mae'n debyg nad oes gan y cyngor gynlluniau ar gyfer cyfleusterau compostio eto, ac os oes arnoch eisiau annog y math hwnnw o beth, mae'n rhaid ichi ddod o hyd i'ch safle yn gyntaf. Mae safleoedd yn anodd eu canfod ar gyfer unrhyw waith gwaredu gwastraff ac mae'n rhaid ichi ennill calonau a meddyliau'r bobl a fydd yn byw agosaf at y ffatri ailgylchu gwastraff, ac a all fod yn bryderus yn ei chylch. Gwnaiff, fe gymer beth amser. Ni allaf ddweud pa mor hir oherwydd ni wn beth yw'r sefyllfa ar y funud. Gobeithiaf ei bod wedi datblygu ymhellach nag yr wyf yn meddwl, a chredaf mai'r tebygolrwydd yw ei bod.

[33] **Tom Middlehurst:** A ydyw eich cwestiwn yn benodol ar hyn, Geraint?

[34] **Geraint Davies:** Ydyw. Yr ydych yn sôn am galonnau a meddyliau ac mae'n dda gennyf ddweud wrthy ch ein bod wedi dechrau'n cynllun ailgylchu ers pythefnos neu dair wythnos. Cafwyd ymateb o 80 i 85 y cant i'r cynllun hwnnw. Mae 24,000 o dai ar hyn o bryd, sef un rhan o dair o boblogaeth yr awdurdod lleol, yn gallu gadael gwastraff ar ymyl y ffordd i'w ailgylchu. Mae gennym dri gwahanol gynllun peilot i ganfod pa un yw'r ffordd orau a mwyaf effeithiol. Felly yr ydym wedi symud ymlaen gryn dipyn, a'r peth pwysig yw bod hyn wedi'i ddatblygu dros y ddwy flynedd diwethaf ac wedi cynnwys y gymuned a grwpiau gwirfoddol. Mae'r gymuned gyfan wedi gweithio i ddatrys y broblem. Nid dim ond y cyngor sydd yn gwneud rhywbeth; mae'r bobl gyda ni. Yr ydym yn falch am hynny. Yr wyf yn siarad yn fy rôl fel

However, I must concur with the view that the tip should not have been put there in the first place. I travel down the valley every morning and what do I see in front of me but a tip. It is aesthetically unpleasing, apart from all the problems—the nuisance and the health problems which are associated with it. It should not have been put there in the first place. What you said at the meeting in Treorchy, that you thought that household waste should cease, was useful. However, to come back to the point that Helen Mary Jones made, what about commercial waste, and what about the waste that goes to amenity sites? A lot of that waste is biodegradable. Also, will you give us an indication of when the tip should close finally? I think that it would be very useful if you could give us that date.

[35] **Tom Middlehurst:** Do you want to come in on this, David? Is it relevant?

[36] **David Davies:** It is difficult to say really.

[37] **Tom Middlehurst:** I will let David Purchon answer Geraint's questions, and you can come in then.

cynghorydd ar hyn o bryd.

Fodd bynnag, rhaid imi gyd-fynd â'r farn na ddylasid bod wedi rhoi'r domen yno yn y lle cyntaf. Teithiaf i lawr y cwm bob bore a beth welaf o'm blaen ond tomen. Mae'n annymunol o safbwynt esthetig, heb sôn am yr holl broblemau—y niwsans a'r problemau iechyd sy'n gysylltiedig â hi. Ni ddylasid bod wedi ei rhoi yno yn y lle cyntaf. Yr oedd yr hyn a ddywedasoeh yn y cyfarfod yn Nhreorci, sef eich bod o'r farn y dylid rhoi'r gorau i dderbyn gwastraff ty yno, yn ddefnyddiol. Fodd bynnag, â dod yn ôl at y pwynt a wnaeth Helen Mary Jones, beth am wastraff masnachol, a beth am y gwastraff a aiff i safleoedd mwynderau? Mae llawer o'r gwastraff hwnnw'n fiogdiraddadwy. Hefyd, a rowch chi syniad inni ba bryd y dylai'r domen gau'n derfynol? Credaf y byddai'n ddefnyddiol iawn pe gallech roi'r dyddiad hwnnw inni.

[35] **Tom Middlehurst:** A ydych yn dymuno gwneud sylw ar hyn, David? A ydyw'n berthnasol?

[36] **David Davies:** Mae'n anodd dweud, â dweud y gwir.

[37] **Tom Middlehurst:** Gadawaf i David Purchon ateb cwestiynau Geraint, a chewch chi gyfrannu wedyn.

**Mr Purchon:** I sense that I am repeating myself here, but I did say an end to household waste. I think that, on reflection, given the uncertainty, I probably should have added putrescible and biodegradable waste. That probably makes it a little clearer, and I am happy to do that. I really do not have any handle on how long it might take. I do not have the executive responsibility; if I did have, I am sure that I could tell you.

However, I do not have any of the necessary knowledge or levers to tell you how quickly that site could be engineered to a close. I do not know what it is going to cost and I do not know how long it is going to take, because I do not know what plans the authority already has. My understanding was that there has been quite a lot of pressure to close this tip for quite a long time. Therefore, one would have imagined that there might have been a contingency plan for how to do it and how to fund it. However, I am speaking very naively; I do not know of the politics in this part of the world.

[38] **Tom Middlehurst:** I think that David was quite right when he said that these are matters for the appropriate authorities: for the Assembly, the local authority, agencies and so forth. Helen Mary, did you want to come in on this point? I will bring in David Davies after that.

**Mr Purchon:** Synhwyraf fy mod yn ailadrodd fy hun yma, ond fe ddywedais y dylid rhoi terfyn ar wastraff ty. Credaf, o feddwl am y peth, yn wyneb yr ansicrwydd, efallai y dylaswn fod wedi ychwanegu gwastraff pydradwy a bioddiraddadwy. Mae'n debyg fod hynny'n ei gwneud ychydig yn gliriach, ac yr wyf yn hapus i wneud hynny. Nid oes gennyf unrhyw syniad pa mor hir y gallai hyn gymryd. Nid yw'r cyfrifoldeb gweithredol gennyf fi; pe bai gennyf, yr wyf yn siwr y gallwn ddweud wrthyich. Fodd bynnag, nid oes gennyf ddim o'r wybodaeth na'r grym angenrheidiol i ddweud wrthyich pa mor gyflym y gellid cau'r safle hwnnw. Ni wn beth fydd y gost ac ni wn faint o amser a gymer, oherwydd ni wn pa gynlluniau sydd gan yr awdurdod yn barod. Yr hyn a ddeallais i oedd y bu cryn dipyn o bwysau am gau'r domen hon ers cryn amser. Felly, byddai dyn wedi meddwl efallai y byddai cynllun wrth gefn yn bodoli ar gyfer sut i wneud hynny a sut i dalu amdano. Fodd bynnag, yr wyf yn siarad yn naif iawn; ni wn am y wleidyddiaeth yn y rhan hon o'r byd.

[38] **Tom Middlehurst:** Yr wyf yn meddwl bod David yn llygad ei le pan ddywedodd mai materion i'r awdurdodau priodol yw'r rhain: i'r Cynulliad, yr awdurdod lleol, asiantaethau ac ati. Helen Mary, a oeddech yn dymuno dweud rhywbeth ar y pwynt hwn? Rhoddaf gyfle i David Davies wedyn.

[39] **Helen Mary Jones:** I wanted to refer fellow members to the evidence that we had from Rhondda Cynon Taff council in the last meeting, which pointed out to us that it had published, I think in November—so before Mr Purchon’s report was produced; although I think we knew which way the wind was blowing with Mr Purchon’s report before we had it—a plan that would have ended that kind of disposal of household waste within two years in any case. That took into account all the difficulties, as Christine said, around convincing people to recycle. In a sense, as Mr Purchon has said, the Rhondda is probably one of the places where it will be relatively easy to get people to adopt new methods because they know the consequences of not doing that, in a way that people who have not had to live with landfill do not. The local authority has fairly well worked-out plans. However, the question is that these recommendations will require some of those to be accelerated, and there are additional costs in relation to that acceleration. My suggestion would be, Chair, that that really is not something that the Committee needs to go into in any kind of detail. The appropriate authorities can look at that with the Minister and the Environment Agency, once the Assembly in Plenary accepts, or does not accept, our report.

[40] **Tom Middlehurst:** That is a fair point to make.

[39] **Helen Mary Jones:** Yr oedd arnaf eisiau cyfeirio cyd-aelodau at y dystiolaeth a gawsom gan gyngor Rhondda Cynon Taf yn y cyfarfod diwethaf, a nododd ei fod wedi cyhoeddi, ym mis Tachwedd, mi gredaf—cyn llunio adroddiad Mr Purchon, felly; er y tybiaf ein bod yn gwybod pa ffordd yr oedd y gwynt yn chwythu gydag adroddiad Mr Purchon cyn inni ei dderbyn—gynllun a fuasai wedi rhoi terfyn ar y math hwnnw o waredu gwastraff ty o fewn dwy flynedd beth bynnag. Yr oedd hwnnw’n ystyried yr holl anawsterau, fel y soniodd Christine, o ran darbwyllio pobl i ailgylchu. Mewn un ystyr, fel y dywedodd Mr Purchon, mae’r Rhondda’n un o’r lleoedd, mae’n debyg, lle y bydd yn gymharol hawdd cael pobl i fabwysiadu dulliau newydd oherwydd y gwyddant beth yw canlyniadau peidio â gwneud hynny, mewn ffordd na wyr pobl na fu raid iddynt fyw gyda safle tirlenwi. Mae gan yr awdurdod lleol gynlluniau sydd wedi’u cynllunio’n eithaf da. Fodd bynnag, y pwynt yw y bydd yr argymhellion hyn yn gofyn am gyflymu rhai o’r cynlluniau hynny, ac mae costau ychwanegol ynghlwm wrth y cyflymu hwnnw. Fy awgrym i, Gadeirydd, fyddai nad yw hynny’n rhywbeth y mae angen i’r Pwyllgor fynd i mewn iddo mewn unrhyw fath o fanylder. Gall yr awdurdodau priodol edrych ar hynny gyda’r Gweinidog ac Asiantaeth yr Amgylchedd, unwaith y bydd Cyfarfod Llawn y Cynulliad wedi derbyn, neu heb dderbyn, ein hadroddiad.

[40] **Tom Middlehurst:** Mae hynny’n bwynt teg i’w wneud.

[41] **David Davies:** What I want to say is that I have a slight sense of unease about where all of this is taking us. This whole investigation was set up specifically to look at the Nantygwyddon landfill site, whether it should have been set up and whether it was properly managed. My personal view, having read these reports, is that the answer to both questions is ‘no’; it should not have been set up and it has been badly managed. We have to look at where we go next. However, I get this feeling that we are moving away from all of this; we are asking Rhondda Cynon Taff council to look at its methods of waste collection. Monmouthshire County Council collects waste in plastic bags at the side of the road. That may or may not be the best way of doing things; it probably is not. However, there is no problem in Monmouthshire because it has not built a controversial landfill site, which is what we are looking at here. I just have this feeling that if we go too far away from the original subject we are going to start getting into a political debate as to what the best methods of dealing with waste are. We all know that we need more recycling and more composting. We all accept that. However, that should not be an integral part of the report, because the report is purely to look at the Nantygwyddon landfill site.

[42] **Tom Middlehurst:** I have to draw your attention to the terms of reference, David. Quite clearly, it would be foolhardy for any committee not to take account of the implications of the activities at Nantygwyddon for other landfill sites generally in Wales. That is clearly within the terms of reference. We do talk about waste management issues more generally. We talk about what constitutes current best practice in terms of the management of landfill sites. So, it was a wider investigation. Clearly, the investigation focused on Nantygwyddon, because

[41] **David Davies:** Yr hyn sydd arnaf fi eisiau ei ddweud yw bod gennyf ryw deimlad o anesmwythyd braidd ynghylch ble y mae hyn i gyd yn mynd â ni. Sefydlwyd yr ymchwiliad yma yn benodol i edrych ar safle tirlenwi Nantygwyddon—a ddylasid bod wedi’i sefydlu ac a oedd yn cael ei reoli’n iawn. Fy marn bersonol i, wedi darllen yr adroddiadau hyn, yw mai’r ateb i’r ddau gwestiwn yw ‘na’; ni ddylasid bod wedi’i sefydlu a chafodd ei reoli’n wael. Rhaid inni edrych ar ble yr awn nesaf. Fodd bynnag, teimlaf ein bod yn symud i ffwrdd oddi wrth hyn i gyd; yr ydym yn gofyn i gyngor Rhondda Cynon Taf edrych ar ei ddulliau casglu gwastraff. Mae Cyngor Sir Fynwy’n casglu gwastraff mewn sachau plastig ar ochr y ffordd. Efallai mai dyna’r ffordd orau o wneud pethau neu efallai ddim; mae’n debyg nad dyna’r ffordd orau. Fodd bynnag, nid oes problem yn Sir Fynwy oherwydd nid yw wedi adeiladu safle tirlenwi dadleuol, sef yr hyn yr ydym ni’n ei ystyried yn y fan hon. Teimlaf, os awn yn rhy bell oddi wrth y pwnc gwreiddiol, y byddwn yn dechrau dadl wleidyddol ar beth yw’r dulliau gorau o ddelio â gwastraff. Gwyr pawb ohonom fod angen mwy o ailgylchu a mwy o gompostio, a derbyniwn hynny. Fodd bynnag, ni ddylai hynny fod yn rhan annatod o’r adroddiad, oherwydd unig ddiben yr adroddiad yw edrych ar safle tirlenwi Nantygwyddon.

[42] **Tom Middlehurst:** Rhaid imi dynnu’ch sylw at y cylch gorchwyl, David. Yn gwbl glir, ffolineb fyddai i unrhyw bwyllgor beidio ag ystyried goblygiadau’r hyn sydd yn digwydd yn Nantygwyddon i safleoedd tirlenwi eraill yng Nghymru yn gyffredinol. Mae hynny’n glir o fewn y cylch gorchwyl. Y mae sôn am faterion rheoli gwastraff yn fwy cyffredinol. Soniwn am beth yw’r arfer gorau ar hyn o bryd o ran rheoli safleoedd tirlenwi. Felly, yr oedd yn ymchwiliad ehangach. Yn amlwg, canolbwyntiodd yr ymchwiliad ar Nantygwyddon, gan mai dyna lle

that is where the issues emerged, but, inevitably, we learn lessons from all of that. I think that David Purchon has quite rightly raised those issues in a wider context and I think that we should be grateful for that.

[43] **Sue Essex:** I just want to say something in relation to that because, as Tom says, there are two aspects to this. One is specifically to respond to the concerns about Nantygwyddon and, secondly, because we are in the process of constructing a new waste strategy for Wales, to see if there were general recommendations that could feed into it. In fact, David used to sit, when he was available, on the waste forum that was a part of that. I think, in fairness, it was not about asking David about aspects of Rhondda Cynon Taff's future policy or Monmouthshire's future policy. It was about whether there were any core lessons to be learned from this and, indeed, there are some general conclusions on health too. I just want to remind people that we do have a waste strategy in draft form, which is almost finished in its final form, and this Committee has discussed that. The kind of conclusions that David has drawn certainly do not contradict that. I think that it emphasises the objectives within that strategy and, clearly, in that strategy, combined with the extra money that we have given, the emphasis is on recycling and composting and moving away from landfill. Perhaps David does not quite understand that, across the length and breadth of Wales, I am afraid that many local authorities still put all the stuff in black plastic bags and it goes out. So, we have a huge change to make in many areas of Wales.

[44] **David Davies:** But—

[45] **Tom Middlehurst:** Just a minute, David; Helen Mary is first, then you.

y daeth y materion i'r amlwg, ond, yn anochel, dysgwn wersi o hynny i gyd. Yr wyf yn meddwl bod David Purchon yn gwbl gywir wedi codi'r materion hynny mewn cyd-destun ehangach a chredaf y dylem fod yn ddiolchgar am hynny.

[43] **Sue Essex:** Hoffwn ddweud rhywbeth ynglyn â hynny oherwydd, fel y dywed Tom, mae dwy agwedd i hyn. Un, yn benodol, yw ymateb i bryderon ynghylch Nantygwyddon a'r ail, gan ein bod yn y broses o lunio strategaeth rheoli gwastraff newydd i Gymru, yw gweld a oes argymhellion cyffredinol y gellid eu defnyddio yn hynny o beth. Yn wir, arferai David eistedd, pan oedd ar gael, ar y fforwm gwastraff a oedd yn rhan o hynny. Credaf, er tegwch, nad holi David ynghylch agweddau ar bolisi Rhondda Cynon Taf i'r dyfodol na pholisi Sir Fynwy i'r dyfodol oedd amcan yr ymarfer. Yr oedd yn ymwneud â pha un ai oedd unrhyw wersi craidd i'w dysgu oddi wrth hyn ac, yn wir, mae casgliadau cyffredinol ar iechyd hefyd. Hoffwn atgoffa pobl fod gennym strategaeth rheoli gwastraff ar ffurf ddrafft, sydd bron wedi'i chwblhau yn ei ffurf derfynol, ac mae'r Pwyllgor hwn wedi trafod hynny. Yn sicr, nid yw'r math o gasgliadau y daeth David iddynt yn gwrth-ddweud hynny. Credaf ei fod yn pwysleisio amcanion y strategaeth honno ac, yn amlwg, yn y strategaeth honno, ynghyd â'r arian ychwanegol yr ydym wedi'i roi, mae'r pwyslais ar ailgylchu a chompostio a symud i ffwrdd oddi wrth dirlenwi. Efallai nad yw David yn deall yn iawn fod llawer o awdurdodau lleol, mae gennyf ofn, ar hyd a lled Cymru yn dal i roi'r stwff i gyd mewn sachau plastig du a'i roi allan. Felly, mae gennym newid mawr i'w wneud mewn sawl rhan o Gymru.

[44] **David Davies:** Ond—

[45] **Tom Middlehurst:** Un funud, David; Mae Helen Mary'n gyntaf, ac yna y cewch chi gyfle.

[46] **Helen Mary Jones:** Sorry. I have been very patient here. Just to support what the Minister said about this, one of the reasons why our group—which would have preferred a full public investigation into the ins and outs of Nantygwyddon—was prepared to accept this model was precisely so that this report could be brought forward in time to inform the waste strategy. The whole point was that there would be specific recommendations to deal with people’s concerns about this one site, but that it would also lead to some general ideas. I accept what David Davies says about it not being appropriate to dot the i’s and cross the t’s about what needs to be done next. We have all made that point several times. That is something that will happen after this report goes before Plenary, depending on what Plenary decides. However, the terms of reference clearly state

‘to identify lessons for the future, both in relation to the site and in relation to waste management issues more generally.’

That was agreed cross-party as the terms of reference at the time. It is perfectly legitimate for both the members to ask more general questions. We would have been wasting Mr Purchon’s time, I think, if he had not made some of those general recommendations as well as the crucial site-specific ones. If the Conservative group had a problem with that, it might have been useful for it to have let us know that at the time, but it did not and so that is what we are working from.

[47] **David Davies:** We did not have a problem.

[46] **Helen Mary Jones:** Mae’n ddrwg gennyf. Yr wyf wedi bod yn amyneddgar iawn yma. Dim ond i ategu’r hyn a ddywedodd y Gweinidog am hyn, un o’r rhesymau pam yr oedd ein grwp ni—er y buasai’n well gennym fod wedi cael ymchwiliad cyhoeddus llawn i holl fater Nantygwyddon—yn barod i dderbyn y model hwn oedd fel y gellid cyflwyno’r adroddiad hwn mewn amser i fod yn sail i’r strategaeth rheoli gwastraff. Yr holl bwynt oedd y byddai gennym argymhellion penodol i ddelio â phryderon pobl ynghylch y safle arbennig hwn, ond y byddai hefyd yn arwain at rai syniadau cyffredinol. Derbyniaf yr hyn a ddywed David Davies ynghylch amhriodoldeb penderfynu’n derfynol beth sydd angen ei wneud nesaf. Yr ydym i gyd wedi gwneud y pwynt hwnnw sawl gwaith. Mae hynny’n rhywbeth a fydd yn digwydd wedi i’r adroddiad hwn fynd gerbron y Cyfarfod Llawn, gan ddibynnu ar benderfyniad y Cyfarfod Llawn. Fodd bynnag, mae’r cylch gorchwyl yn datgan yn glir

‘ceisio dod o hyd i wersi ar gyfer y dyfodol, mewn perthynas â’r safle ac mewn perthynas â materion mwy cyffredinol ynglyn â rheoli gwastraff.’

Cytunwyd ar hynny yn drawsbleidiol fel y cylch gorchwyl ar y pryd. Mae’n berffaith deg i’r ddau aelod ofyn cwestiynau mwy cyffredinol. Buasem wedi gwastraffu amser Mr Purchon, dybiaf fi, pe na bai wedi gwneud rhai o’r argymhellion cyffredinol hynny yn ogystal â’r rhai allweddol sy’n ymwneud yn benodol â’r safle. Os oedd gan y grwp Ceidwadol broblem gyda hynny, efallai y buasai’n fuddiol iddynt fod wedi gadael inni wybod hynny ar y pryd, ond ni wnaeth, ac felly ar y sail honno yr ydym yn gweithio.

[47] **David Davies:** Nid oedd gennym broblem.

[48] **Tom Middlehurst:** Hang on, David. You will have an opportunity to come back. I just want to bring Gareth in and then I will bring you back in.

[49] **Gareth Jones:** Diolch. Yr wyf yn gwranddo ar David ond mae'n rhaid iddo sylweddoli bod yr arolwg sy'n mynd ymlaen, a'r adroddiad sydd gerbron, â goblygiadau llawer ehangach na Nantygwyddon. Yr ydym, wedi'r cyfan, yn Gynulliad Cenedlaethol, ac mae negeseuon yma. Mae'r neges, yn syml, yn mynd â chi i'r strategaeth wastraff. Derbyniaf hynny, ond cofiwch fod dimensiwn arall hefyd yr hoffwn weld ystyriaeth fanwl a thrylwyr yn cael ei rhoi iddo, sef ein bod ar hyn o bryd yn bwriadu adeiladu ar y safleoedd hyn—yr hen domenni, tir heintiedig ac ati. Os oes unrhyw fath o gasgliadau a gwersi i'w dysgu o hyn, dylem ymestyn yr ymchwiliad ymhellach fel bod y Cynulliad Cenedlaethol yn dod i ryw gasgliad ar y doethineb o adeiladu a datblygu ysgolion, er enghraifft, ar y math hwn o safle yn y dyfodol.

[50] **Tom Middlehurst:** David, do you want to come in?

[51] **David Davies:** Nid oes dwywaith amdani, mae problem yn y ffordd yr ydym yn delio ag ysbwriel ar hyn o bryd. Fodd bynnag, yr hyn sydd yn fy mhoeni yw ein bod yn defnyddio'r ffaith bod y cyngor yn y Rhondda yn amlwg wedi gwneud llawer o gamgymeriadau gyda Nantygwyddon i gyfiawnhau sawl polisi newydd arall. Yr wyf yn poeni ein bod yn cymysgu popeth gyda'i gilydd. Derbyniaf ei bod yn bwysig inni ddelio gyda sbwriel. Fodd bynnag, nid wyf yn siwr ai hwn yw'r fforwm ar gyfer trafod pethau felly.

[48] **Tom Middlehurst:** Arhoswch funud, David. Cewch gyfle i ateb. Yr wyf am adael i Gareth gyfrannu ac wedyn fe gewch chi gyfle eto.

[49] **Gareth Jones:** Thank you. I am listening to David, but he must realise that the review that is taking place, and the report before us, have implications much wider than Nantygwyddon. We are, after all, a National Assembly, and there are messages here. The message, simply, brings you to the waste strategy. I accept that, but remember that there is also another dimension that I would like to see being given detailed and thorough consideration, namely that we are at present intending to build on these sites—the old tips, contaminated land and so on. If there are any kind of conclusions and lessons to be learned from this, we should extend the investigation further so that the Assembly can reach a conclusion on the wisdom of building and developing schools, for example, on this kind of site in the future.

[50] **Tom Middlehurst:** David, a ydych yn dymuno dweud rhywbeth?

[51] **David Davies:** There are no two ways about it, there is a problem with the way in which we deal with waste at present. However, what troubles me is that we are using the fact that the council in the Rhondda obviously made many mistakes with Nantygwyddon to justify several other new policies. I am concerned that we are mixing everything up together. I accept that it is important that we deal with waste. However, I am not sure whether this is the forum in which to discuss such issues.



[52] **Tom Middlehurst:** Well, you have made your point, David, but the Committee has been guided, quite obviously, by the detailed terms of reference, which were agreed here. There are obviously issues that impact on landfill and waste management generally that are contained in the report, and rightly so, I think.

[53] **Sue Essex:** Chair, just to be helpful, I think that in terms of the recommendations, as they are set out, there is a difference, as you said, between the site-specific ones—which we have agreed to take first—and the general ones. All the recommendations sit within the terms of reference. As long as we stick to those, that would be acceptable to everyone, I would have thought.

[54] **Tom Middlehurst:** Are there any further questions or points of clarification or any comments on the responses that we have heard?

[55] **Karen Sinclair:** May I ask a question on 16.2? I have no scientific knowledge whatsoever; let me make that very clear. However, I do know that coal slags get very hot above ground. The recommendation involves the reclamation of the Gelli coal spoil tip. Is there any legitimacy to a concern that it would get hot underground in the same way as it would above ground? What would the impact of that increased temperature be, if that were the case, at the side of a landfill that was working itself, as it has to anyway, over the years? I just wondered about that.

[52] **Tom Middlehurst:** Wel, yr ydych wedi gwneud eich pwynt, David, ond mae'r Pwyllgor wedi cael ei arwain, yn amlwg ddigon, gan y cylch gorchwyl manwl, a gytunwyd yn y fan yma. Yn amlwg mae materion sydd yn effeithio ar dirlenwi a rheoli gwastraff yn gyffredinol wedi'u cynnwys yn yr adroddiad, a iawn yw hynny, dybiwn i.

[53] **Sue Essex:** Gadeirydd, er mwyn cynorthwyo, yr wyf yn meddwl, o ran yr argymhellion, fel y maent wedi'u hamlinellu, fod gwahaniaeth, fel y dywedaso, rhwng y rhai sy'n ymwneud yn benodol â'r safle—yr ydym wedi cytuno i'w cymryd yn gyntaf—a'r rhai cyffredinol. Mae'r holl argymhellion yn dod o fewn y cylch gorchwyl. Dim ond inni lynu at hwnnw, byddai hynny'n dderbyniol gan bawb, dybiwn i.

[54] **Tom Middlehurst:** A oes unrhyw gwestiynau neu bwyntiau pellach o eglurhad neu unrhyw sylwadau ar yr ymatebion a glywsom?

[55] **Karen Sinclair:** A gaf fi ofyn cwestiwn ar 16.2? Nid oes gennyf ddim gwybodaeth wyddonol o gwbl; gadewch imi wneud hynny'n gwbl glir. Fodd bynnag, gwn fod sorod glo yn poethi'n aruthrol uwchben y ddaear. Mae'r argymhelliad yn cynnwys adennill tomen sbwriel glo y Gelli. A eelir cyfiawnhau'r pryder y byddai'n poethi dan y ddaear yn yr un modd ag y byddai uwchben y ddaear? Beth fyddai effaith y poethi hwnnw, pe bai hynny'n digwydd, ar safle tirlenwi a fyddai'n gweithio, fel y mae'n rhaid iddo beth bynnag, dros y blynyddoedd? Dim ond meddwl am hynny yr oeddwn i.

**Mr Purchon:** The Gelli coal spoil tips are being used and other coal spoil has been used on this site in the past and, I think, will be used in the future. It is a very sensible question. There are two concerns. Yes, coal tip fires certainly were a problem historically; they certainly were in West Yorkshire, where I come from. It really is the mass of the coal spoil that is the problem there. Once the tip does go on fire there is a terrible problem with putting it out, because nearly everything you do introduces more oxygen and makes the fire worse. However, I think that you can use this material in part. The worry I would have would be about the sulphur content of it. In most UK coal, you have quite a significant sulphur content, hence the problem of sulphur dioxide in our air, particularly in industrial areas where, historically, coal has been burned. That is also true of much crude oil. So there is a concern about using this material, but in the absence of other, more suitable material, I think it can be used, but with care. It certainly has been used historically on this site, but I am not sure that it has contributed to the problem.

[56] **Karen Sinclair:** May I have clarification on that?

[57] **Tom Middlehurst:** Yes, if you must, Karen.

**Mr Purchon:** Mae tomenni gwastraff glo y Gelli'n cael eu defnyddio, a defnyddiwyd gwastraff glo arall ar y safle hwn yn y gorffennol ac, yr wyf yn meddwl, fe'i defnyddir yn y dyfodol. Mae'n gwestiwn call iawn. Mae dau bryder. Yr oedd tanau tomenni glo yn sicr yn broblem yn hanesyddol; yn sicr yr oedd hynny'n wir yng Ngorllewin Swydd Efrog, bro fy mebyd i. Màs y gwastraff glo yw'r broblem mewn gwirionedd. Unwaith yr aiff y domen ar dân mae ei diffodd yn broblem ofnadwy, oherwydd bydd bron bopeth a wnewch yn cyflwyno mwy o ocsigen ac yn gwneud y tân yn waeth. Fodd bynnag, yr wyf yn meddwl y gallwch ddefnyddio'r deunydd hwn i raddau. Byddwn i'n pryderu am faint o sylffwr sydd ynddo. Yn y rhan fwyaf o lo'r DU, mae cynnwys sylffwr eithaf sylweddol, sydd yn egluro problem y sylffwr deuocsid yn ein haer, yn enwedig mewn ardaloedd diwydiannol lle llosgwyd glo yn y gorffennol. Mae hynny'n wir hefyd am lawer o olew crai. Felly y mae pryder ynghylch defnyddio'r deunydd hwn, ond yn absenoldeb deunydd arall, mwy addas, credaf y gellir ei ddefnyddio, ond gyda gofal. Yn sicr fe'i defnyddiwyd yn hanesyddol yn y safle hwn, ond nid wyf yn siwr ei fod wedi cyfrannu at y broblem.

[56] **Karen Sinclair:** A gaf fi eglurhad ar hynny?

[57] **Tom Middlehurst:** Cewch, os oes rhaid, Karen.

[58] **Karen Sinclair:** It actually mentions using it in the untipped areas. I do not know what sort of depth that means; it does not mean anything to me. I presume that it has been used in small depths for other things, but has it been used in depths sufficient to compare with this, if that is what you were suggesting? Is the recommendation based on knowledge of its being used to that mass and that depth in other areas?

**Mr Purchon:** To my knowledge it has not been used in considerable depths and I think that would certainly be something to be wary of. What I think is quite clear may be done on that hillside is as follows. You have very prominent coal spoil tips. You also have a large area that does need to be 'reclaimed' to acceptable levels and profiled to try to make it less prominent than it is at the moment. It is just some of the material that is available for use. However, I think that great care needs to be taken when using it, as with any commercial or industrial waste that was imported. It would be important to ensure that you were not adding to the problem.

[59] **Tom Middlehurst:** Colleagues, this is an important part of the process. Obviously it is important to question Mr Purchon in some detail about this as we move to making conclusions and recommendations in the second half of today's session. I would like to try to draw this first session to a close at approximately 3.30 p.m., but we need to move on to the other recommendations in the report. In the second half of the session, when we reconvene, we will have the opportunity to pull together what we might consider to be some preliminary conclusions on the recommendations, for the further meeting that we will have next week. So, that is what I

[58] **Karen Sinclair:** Mae'n sôn mewn gwirionedd am ei ddefnyddio yn yr ardaloedd lle nad oes tomenni. Ni wn pa fath o ddyfnder a olygir wrth hynny; nid yw'n golygu dim i mi. Tybiaf ei fod wedi'i ddefnyddio mewn dyfnderau bach ar gyfer pethau eraill, ond a ydyw wedi'i ddefnyddio mewn dyfnderau digonol i'w cymharu â hyn, os dyna'r oeddech yn ei awgrymu? A yw'r argymhelliad yn seiliedig ar wybodaeth ynghylch ei ddefnyddio i'r màs hwnnw a'r dyfnder hwnnw mewn lleoedd eraill?

**Mr Purchon:** Hyd y gwn i, nid yw wedi'i ddefnyddio mewn dyfnderoedd sylweddol a chredaf y byddai hynny'n sicr yn rhywbeth i ochel rhagddo. Mae'r hyn y gellir ei wneud, yn eithaf clir, ar lethr y bryn hwnnw fel a ganlyn. Mae gennych domenni rwbel glo amlwg iawn. Mae gennych ardal fawr hefyd y mae angen ei 'hadennill' i lefelau derbyniol a'i thirlunio i geisio'i gwneud yn llai amlwg nag y mae ar hyn o bryd. Dim ond rhywfaint o'r deunydd sydd ar gael i'w ddefnyddio. Fodd bynnag, yr wyf yn meddwl bod angen bod yn ofalus iawn wrth ei ddefnyddio, fel gydag unrhyw wastraff masnachol neu ddiwydiannol a fewnforiwyd. Byddai'n bwysig sicrhau nad oeddech yn gwaethygu'r broblem.

[59] **Tom Middlehurst:** Gyfeillion, mae hyn yn rhan bwysig o'r broses. Yn amlwg mae'n bwysig holi Mr Purchon yn eithaf manwl am hyn wrth inni symud tuag at ffurfio casgliadau ac argymhellion yn ail hanner y sesiwn heddiw. Hoffwn geisio dod â'r sesiwn gyntaf hon i ben erbyn oddeutu 3.30 p.m., ond mae angen inni symud ymlaen at yr argymhellion eraill yn yr adroddiad. Yn ail hanner y sesiwn, pan ailymgynullwn, cawn y cyfle i dynnu ynghyd yr hyn y gallem farnu eu bod yn gasgliadau cychwynnol ar yr argymhellion, ar gyfer y cyfarfod pellach a gawn yr wythnos nesaf. Felly, dyna beth y gobeithiaf y gallwn ei wneud yn y

would hope to be able to do in this session, but I do not want to discourage any member from asking questions on anything in Mr Purchon's report, or indeed on any of the responses that we have heard. Can we move on to the remainder of the questions in the recommendations—the more general ones, as I referred to them?

[60] **Val Lloyd:** I would like to move on to 16.7 and to focus on the words 'openness and transparency' and 'freedom of environmental information'. I was very pleased to see this recommendation, but sad that it had to be included. I appreciate that it is specific to this investigation, but I think that—as is drawn out in the recommendation—it can be spread very much wider. There are many processes and installations which cause public alarm, and very often that public alarm is heightened simply because of a lack of knowledge. There is a lack of knowledge because the information is not always readily available in the public domain. I just wondered whether Mr Purchon could elaborate on that recommendation?

[61] **Tom Middlehurst:** Would you like to deal with that, Mr Purchon?

**Mr Purchon:** There are lots of issues, but I think that the main one in this regard, was the way in which the Environment Agency agreed to accept that the current operator, Amgen Rhondda Ltd, were fit and proper persons, as the legislation requires, in that it was not required to provide a bond but was allowed to establish what I think is referred to as an escrow account, into which some of its operating surpluses could be put into a fund to meet future environmental obligations on the site. The Environment Agency pronounced itself satisfied; but that was having previously assured the community that it would require what is referred to as a bond. So the way in which that licence was transferred was very unsatisfactory to the people who were interested

sesiwn hon, ond nid oes arnaf eisiau gomedd unrhyw aelod rhag gofyn cwestiynau am unrhyw beth yn adroddiad Mr Purchon, nac yn wir am unrhyw un o'r ymatebion a glywsom. A gawn ni symud ymlaen at weddill y cwestiynau yn yr argymhellion—y rhai mwy cyffredinol, fel y cyfeiriais i atynt?

[60] **Val Lloyd:** Hoffwn symud ymlaen at 16.7 a chanolbwyntio ar y geiriau 'agored a thryloyw' a 'hawl i bobl gael gwybodaeth am yr amgylchedd'. Yr oeddwn yn falch iawn o weld yr argymhelliad hwn, ond yn drist bod yn rhaid ei gynnwys. Sylweddolaf ei fod yn benodol i'r ymchwiliad hwn, ond yr wyf yn meddwl y gellir—fel a amlygir yn yr argymhelliad—ei ledaenu'n llawer iawn ehangach. Mae llawer o brosesau a sefydliadau sydd yn peri braw i'r cyhoedd, ac yn aml cynyddir y braw cyhoeddus hwnnw yn syml oherwydd diffyg gwybodaeth. Ceir diffyg gwybodaeth oherwydd nad yw'r wybodaeth bob amser ar gael yn rhwydd i'r cyhoedd. Meddwl yr oeddwn tybed a allai Mr Purchon ymhelaethu ar yr argymhelliad hwnnw?

[61] **Tom Middlehurst:** A hoffech chi ddelio â hynny, Mr Purchon?

**Mr Purchon:** Mae llawer o faterion, ond credaf mai'r prif un yn hyn o beth oedd y modd y cytunodd Asiantaeth yr Amgylchedd i dderbyn bod y gweithredwyr cyfredol, Amgen Rhondda Cyf, yn rhai addas a phriodol, yn unol â'r ddeddfwriaeth, fel na fu gofyn iddynt ddarparu bond, ond y caniatwyd iddynt sefydlu'r hyn a elwir, mi gredaf, yn gyfrif ysgrow, y gellid rhoi rhywfaint o'i gwargedau gweithredu i mewn i gronfa ynddo i dalu am y goblygiadau amgylcheddol yn y dyfodol yn y safle. Cyhoeddodd Asiantaeth yr Amgylchedd ei bod yn fodlon; ond yr oedd hynny wedi iddi sicrhau'r gymuned y byddai'n mynnu yr hyn y cyfeirir ato fel bond. Felly yr oedd y modd y trosglwyddwyd y drwydded honno'n anfoddfaol iawn i'r bobl a

around about, and it was never explained, other than that the Environment Agency said that it was satisfied. I would say that there is a case for the public knowing why it was satisfied—what were the criteria that were satisfied, what was the scale of the fund, over how many years would it be accumulated and what would happen in any crisis that would give the public some concern? The public had seen one arm's-length company fail, therefore it was at least theoretically possible that the next could fail. The local authority was clearly hamstrung by the legislation in that it could not take over the operation of the site itself, so if the second company had failed, it would have had to find somebody else to operate it. Would that company have been any better? All this is very unsatisfactory, to my mind.

The legislation appears to have been drafted to give some financial backing to the operator so that the costs of remediation and maintenance of pollution facilities did not fall upon the public purse. The first time, it did fall on the public purse, because the procedure by which the site was privatised did not require a bond to be put in place. When it was transferred to another company, the Environment Agency was required to be satisfied. It did not and would not say on what grounds it was satisfied. That does not seem to me to be satisfactory in terms of the public interest and right to know. So that is indicative of a very major problem.

oedd â diddordeb, ac ni chafwyd eglurhad byth, ac eithrio i Asiantaeth yr Amgylchedd ddweud ei bod yn fodlon. Fe ddywedwn i fod achos dros i'r cyhoedd gael gwybod pam yr oedd yn fodlon—beth oedd y meini prawf a fodlonwyd, beth oedd maint y gronfa, dros faint o flynyddoedd y câi ei chronni a beth fyddai'n digwydd mewn unrhyw argyfwng a fyddai'n peri pryder i'r cyhoedd? Yr oedd y cyhoedd wedi gweld un cwmni hyd-braich yn methu, felly yr oedd o leiaf yn ddamcaniaethol bosibl y gallai'r nesaf fethu. Yr oedd yr awdurdod lleol yn amlwg wedi'i glymu gan y ddeddfwriaeth i'r graddau na allai ymgymryd â rheoli'r safle ei hun, felly pe bai'r ail gwmni wedi methu, buasai'n rhaid iddo ganfod rhywun arall i'w weithredu. A fuasai'r cwmni hwnnw wedi bod rywfaint yn well? Mae hyn i gyd yn anfoddhaol iawn, i'm meddwl i.

Mae'n ymddangos bod y ddeddfwriaeth wedi'i drafftio i roi rhywfaint o gefnogaeth ariannol i'r gweithredwr fel na fyddai costau adfer a chynnal cyfleusterau llygredd yn cwmpo ar y pwrs cyhoeddus. Y tro cyntaf, fe gwmpodd ar y pwrs cyhoeddus, am nad oedd y drefn y preifateiddiwyd y safle o dani yn mynnu bod bond yn cael ei sefydlu. Pan y'i trosglwyddwyd i gwmni arall, yr oedd angen bodloni Asiantaeth yr Amgylchedd. Ni ddywedodd ac ni wnâi ddweud ar ba sail y'i bodlonwyd. Nid yw hynny'n ymddangos i mi yn foddhaol o ran lles y cyhoedd a'r hawl i wybod. Felly dyna arwydd o broblem fawr iawn.

There were also a number of issues raised during the hearings about how awkward and difficult it could be to get information from the agency from time to time. So I made the recommendation that it should be quite clear that, having moved beyond the era of deregulation into better regulation, that requires better transparency and open government. There is a lot of talk about this, but it seems to be rather slow in being brought into operation, if the experience here is anything to go by. Interestingly, since you published this report of mine, I have been inundated with similar messages from other people up and down the country saying, ‘we are in this position too; we do not know what is going on’. Is not the Environment Agency there primarily to serve the public interest? Yes, working with operators, certainly, because that is the best way of getting a satisfactory outcome; working with people—there is no problem with that at all—but why does it have to be clandestine on occasion? It is clear that the legislation is part of the problem. It enshrines the principle—and it hurts me to even say this—of commercial confidentiality. There was no strictly commercial confidentiality in this case. It was the arm’s-length company of a local authority, entirely owned by the local authority, and should anything go wrong, the buck stopped with the taxpayer. Therefore, there was no reason for confidentiality and, in my view, there is no reason for it; it is not helping.

Codwyd nifer o faterion hefyd yn ystod y gwrandawladau ynghylch mor lletchwith ac anodd y gallai fod i gael gwybodaeth gan yr asiantaeth o bryd i bryd. Felly argymhellais y dylai fod yn gwbl glir, wedi symud y tu hwnt i oes dadreoleiddio i well rheoleiddio, fod hynny’n galw am well tryloywder a llywodraeth agored. Mae llawer o siarad am hyn, ond mae’n ymddangos bod peth arafwch wrth ei roi ar waith, os yw’r profiad yn y fan yma yn nodweddiadol. Yn ddiddorol, oddi ar ichi gyhoeddi’r adroddiad hwn o’r heiddo, cefais llawer iawn o negeseuon tebyg gan bobl eraill ar hyd a lled y wlad yn dweud, ‘yr ydym ninnau yn y sefyllfa hon hefyd; ni wyddom beth sydd yn mynd ymlaen’. Onid yw Asiantaeth yr Amgylchedd yno yn bennaf i wasanaethu lles y cyhoedd? Ie, gweithio gyda gweithredwyr, yn sicr, gan mai dyna’r ffordd orau o gael canlyniad boddhaol; gweithio gyda phobl—nid oes problem â hynny o gwbl—ond pam mae rhaid iddi fod yn y dirgel ar adegau? Mae’n amlwg mai’r ddeddfwriaeth yw rhan o’r broblem. Mae’n dyrchafu’r egwyddor—ac mae’n peri loes imi ddweud hyn, hyd yn oed—o gyfrinachedd masnachol. Nid oedd dim cyfrinachedd masnachol gwirioneddol yn yr achos hwn. Cwmni hyd-braich i awdurdod lleol ydoedd, yn gyfan gwbl ym meddiant yr awdurdod lleol, a phe bai rhywbeth yn mynd o’i le, y trethdalwr fyddai’n talu’r pris. Felly, nid oedd dim rheswm dros gyfrinachedd ac, yn fy marn i, nid oes rheswm drosto; nid yw’n helpu.

[62] **Helen Mary Jones:** I would just like to say how much I agree with that. I think that that was a point well made and something that I hope that we as a Committee will want to take to the full Assembly. I have two points, Chair. First, on 16.6, which is about specific health studies in relation to Nantygwyddon, and it is more of a comment than a question, to which I would like Mr Purchon's reaction. Mr Purchon, you will have seen the responses from the health authority and heard what it had to say. I felt that it usefully clarified what it had to say in the meeting because I thought that its written response was a bit negative, but then it clarified things in a more positive way in the meeting. However, I feel that this is something that we should retain as a recommendation and that we should seek a way to achieve it. It may be that very formal epidemiological studies, in the full scientific sense that Bro Taf Health Authority was talking to us about, is not the right way to do that. However, I am sure that we have to take some kind of action here. I almost see it in relation to what you said, Mr Purchon, about the stability studies. People need reassurance. If there is not a problem, we need to find a way of showing that there is not a problem, as well as showing that there is.

I was a bit concerned about what the health authority said, in terms of stating that you needed to know what problem you were looking for before you went to look for it. I understand that, but I am sure that there are other things that can be looked at. In relation to that, recommendation 16.14—that we look again generally at how these studies can be used at an earlier stage—is an issue. One is almost about remediating a situation, the other is about looking to the future and trying to ensure that that kind of groundwork is done, so that you have baselines. Obviously, it

[62] **Helen Mary Jones:** Hoffwn innau ddweud gymaint y cytunaf â hynny. Yr wyf yn credu ichi wneud y pwynt hwnnw yn dda, a gobeithiaf y byddwn ni fel Pwyllgor eisiau mynd ag ef i'r Cynulliad llawn. Mae gennyf ddau bwynt, Gadeirydd. Yn gyntaf, ar 16.6, sydd yn ymwneud ag astudiaethau iechyd penodol yng nghyswllt Nantygwyddon, ac mae'n fwy o sylw na chwestiwn, yr hoffwn adwaith Mr Purchon iddo. Mr Purchon, byddwch wedi gweld yr ymatebion gan yr awdurdod iechyd ac wedi clywed beth oedd ganddo i'w ddweud. Teimlais ei fod wedi eglurhau yn fuddiol yr hyn oedd ganddo i'w ddweud yn y cyfarfod oherwydd imi feddwl bod ei ymateb ysgrifenedig ychydig yn negyddol, ond wedyn fe eglurodd bethau mewn ffordd fwy cadarnhaol yn y cyfarfod. Fodd bynnag, teimlaf fod hyn yn rhywbeth y dylem ei gadw fel argymhelliad ac y dylem geisio ffordd i'w wireddu. Efallai nad astudiaethau epidemiologol ffurfiol iawn, yn yr ystyr wyddonol llawn yr oedd Awdurdod Iechyd Bro Taf yn sôn amdanynt wrthym, yw'r ffordd iawn i wneud hynny. Fodd bynnag, yr wyf yn siwr bod yn rhaid inni wneud rhywbeth yma. Yr wyf bron yn ei gweld yng nghyswllt yr hyn a ddywedasoch chi, Mr Purchon, am yr astudiaethau sefydlogrwydd. Mae pobl angen sicrwydd. Os nad oes problem, mae angen inni ganfod ffordd o ddangos nad oes problem, yn ogystal â dangos bod un.

Yr oeddwn ychydig yn bryderus ynghylch yr hyn a ddywedodd yr awdurdod iechyd, o ran datgan bod angen gwybod pa broblem yr oeddech yn chwilio amdani cyn mynd i chwilio amdani. Deallaf hynny, ond yr wyf yn siwr bod pethau eraill y gellir edrych arnynt. Ynglyn â hynny, mae argymhelliad 16.14—ein bod yn edrych eto'n gyffredinol ar sut y gellir defnyddio'r astudiaethau hyn yn gynharach—yn bwysig. Mae a wnelo un bron ag adfer sefyllfa, mae a wnelo'r llall ag edrych i'r dyfodol a cheisio sicrhau y gwneir y math hwnnw o waith gosod sylfaen, fel

is very difficult to work without baselines. It is important, as a Committee—and forgive me, Chair, if I am jumping the gun to the discussion stage—that we do not lose sight of that. There must be a way of finding out how to do that. In terms of the written response from Bro Taf, I got a slight sense of it looking for ways in which it could prevent itself from having to do that. When it actually gave evidence, I felt that the approach was a bit more positive. I think that we need to hang on to this issue.

[63] **Christine Chapman:** I just wanted to come in with a similar issue on the health studies. I wondered whether David could confirm what sort of differences he would expect between these health studies and Professor Palmer's report. We are also talking about the public's level of confidence on this. I know that it is extremely difficult, because we are talking about people's lives and people do become extremely worried. I just wondered whether you had a view on how different these studies would be compared, say, to Professor Palmer's study? What other data should be collected?

**Mr Purchon:** I think that the health studies are a difficult area. As far as this investigation was concerned, I do not think that the investigation and Bro Taf Health Authority gelled at all. That is probably pretty clear to you. We probably did not get off to the greatest of starts and things went downhill from there. I think, looking at what Mark Temple had to say in the response, it is clear that he is approaching this from one direction and I am approaching it from another. I am approaching it from the view of environmental toxicology and he is approaching it from the end of disease and medical diagnosis of disease. Epidemiology, I think, sits in the middle. As far as Professors Palmer and Coleman were concerned, they wished to do more and I

bod gennyh linellau gwaelod. Yn amlwg, mae'n anodd iawn gweithio heb linellau gwaelod. Mae'n bwysig, fel Pwyllgor—a maddeuwch imi, Gadeirydd, os ydwyf yn neidio ymlaen i'r cam trafod—na chollwn olwg ar hynny. Rhaid bod ffordd o ganfod sut i wneud hynny. O ran yr ymateb ysgrifenedig gan Bro Taf, cefais i ryw deimlad ei fod yn chwilio am ffyrdd i osgoi gorfod gwneud hynny. Pan ddaeth i roi tystiolaeth, teimlais fod yr agwedd ychydig yn fwy cadarnhaol. Credaf fod angen inni ddal ein gafael ar y mater hwn.

[63] **Christine Chapman:** Hoffwn i ddod i mewn â mater tebyg ar yr astudiaethau iechyd. Tybed a allai David gadarnhau pa fath o wahaniaethau y byddai ef yn eu disgwyl rhwng yr astudiaethau iechyd hyn ac adroddiad yr Athro Palmer? Yr ydym yn siarad hefyd am lefel hyder y cyhoedd yn hyn. Gwn ei bod yn anodd iawn, gan ein bod yn sôn am fywydau pobl ac mae pobl yn tueddu i boeni'n aruthrol. Tybed a oes gennyh farn ynghylch pa mor wahanol fyddai'r astudiaethau hyn o'u cymharu, dyweder, ag astudiaeth yr Athro Palmer? Pa wybodaeth ychwanegol y dylid ei chasglu?

**Mr Purchon:** Credaf fod yr astudiaethau iechyd yn faes anodd. O ran yr ymchwiliad hwn, nid wyf yn meddwl y cafwyd cytgorod o gwbl rhwng yr ymchwiliad ac Awdurdod Iechyd Bro Taf. Mae'n debyg bod hynny'n eithaf clir i chi. Mae'n debyg na chawsom gychwyn delfrydol ac aeth pethau ar i waered o'r fan honno. Credaf, o edrych ar yr hyn yr oedd gan Mark Temple i'w ddweud yn yr ymateb, ei bod yn glir ei fod ef yn dod at hyn o un cyfeiriad a minnau o gyfeiriad arall. Yr wyf fi'n edrych arno o safbwynt gwenwyneg amgylcheddol ac mae ef yn edrych arno o safbwynt afiechyd a diagnosis meddygol afiechyd. Mae epidemioleg, yr wyf yn meddwl, yn eistedd yn y canol. O ran yr Athrawon Palmer a Coleman, yr oeddent eisiau gwneud mwy a



think that if they had done more it would have been very useful. I believe that they still wish to do more, but, of course, they can only do what people commission them to do. I think that they have a great deal more to give. I was very impressed by what they had to say and I would like to see more done.

I am very conscious of the fact that you have your Chief Medical Officer here. She knows much more than I do about specific health studies and I think that it would be better if you took her advice on what I have had to say. There is some disagreement, I think, between Bro Taf and myself as to what is the best way of proceeding, particularly in the light of the American experience. However, I downloaded very recently the outline of a study that has been done around a chemical company site in Florida. Very prominent in this release about what is being done, second only to public health assessment, is community involvement activities. The community around Nantygwyddon had not been involved until this investigation took place.

There is also the question of preliminary health studies and environmental health education because there is a big knowledge deficit in that area. We can see how other governments are tackling these difficult problems—and they are difficult. There are difficulties in terms of expertise, of time and of resourcing. Also, we do, I think, sometimes face aspects of industry pressure that is trying to slow down everything in terms of trying to develop knowledge in this area. A recent response from the Environmental Services Association to the latest analysis of old health data seemed to me to be bizarre. It was so extreme that I could not understand how the chap could be employed in such a public relations role

chredaf pe buasent wedi gwneud mwy y buasai'n ddefnyddiol iawn. Credaf eu bod yn dymuno gwneud mwy o hyd, ond, wrth gwrs, ni allant ond gwneud yr hyn y'u comisiynir i'w wneud. Yr wyf yn meddwl bod ganddynt lawer iawn mwy i'w roi. Gwnaeth yr hyn a oedd ganddynt i'w ddweud argraff ddofn arnaf a hoffwn eu gweld yn gwneud mwy.

Yr wyf yn ymwybodol iawn o'r ffaith bod gennych chi eich Prif Swyddog Meddygol yma. Gwyr hi lawer mwy na mi am astudiaethau iechyd penodol ac yr wyf yn meddwl y byddai'n well pe cymerech ei chyngor hi ar yr hyn a fu gennyf i'w ddweud. Y mae rhywfaint o anghytundeb, yr wyf yn meddwl, rhwng Bro Taf a mi ynghylch beth yw'r ffordd orau o fynd ati, yn enwedig yng ngolau profiad America. Fodd bynnag, yn ddiweddar cefais amlinelliad ar y we o astudiaeth a wnaethpwyd o gwmpas safle cwmni cemegau yn Florida. Yn amlwg iawn yn y datganiad hwn am yr hyn sydd yn cael ei wneud, yn ail i asesiad iechyd cyhoeddus yn unig, mae gweithgareddau sydd yn cynnwys y gymuned. Nid oedd y gymuned o gwmpas Nantygwyddon wedi cael cyfranogi o gwbl nes digwyddodd yr ymchwiliad hwn.

Ceir y cwestiwn hefyd o astudiaethau iechyd rhagarweiniol ac addysg iechyd amgylchedd oherwydd bod diffyg gwybodaeth mawr yn y maes hwnnw. Gallwn weld sut y mae llywodraethau eraill yn ymdrin â'r problemau anodd hyn—ac maent yn anodd. Ceir anawsterau o ran arbenigedd, amser ac adnoddau. Hefyd, yr ydym weithiau, fe gredaf, yn wynebu pwysau gan ddiwydiant sydd yn ceisio arafu pob ymgais i ddatblygu gwybodaeth yn y maes hwn. Yr oedd ymateb diweddar gan y Gymdeithas Gwasanaethau Amgylcheddol i'r dadansoddiad diweddaraf o hen ddata iechyd yn od iawn yn fy nhyb i. Yr oedd mor eithafol fel na allwn ddeall sut y gallai'r dyn fod wedi'i gyflogi mewn swydd

and say such silly things. So there is an element of uncertainty as to what is the best way to go.

However, I think that rather than me banging on in frustration, it would be very helpful for the Chief Medical Officer, to perhaps advise the Committee about how the NHS and public health protection in Wales is going to respond to this type of issue in the future. I think that most people would agree that the response so far has not been ideal. Mark Temple and I can argue until we are blue in the face, but probably neither of us have the capacity to solve the problem as specialists in narrow areas. It needs a holistic approach and it needs the community to be involved and it is going to be difficult and expensive to do it properly and well.

[64] **Tom Middlehurst:** I will invite Dr Ruth Hall to comment; I have already indicated that I would do that. However, Geraint wants to ask a related health question first.

[65] **Geraint Davies:** We have mentioned Professor Palmer. In his report he called for a field study on the gastroschisis incidence. I understand that that has not been carried out yet. Neither has the report that he recommended on the study of birth defects. I think that we should also be looking at the therapeutic abortions that have taken place, with babies with chromosomal problems. I think that that should be undertaken. Perhaps that should be taken on board later on. In Bro Taf Health Authority's evidence, the authority mentions that it would be unethical to take biopsy samples of unknown and unspecified substances. Could we get around that if we analysed exactly what was in the tip? What be the best method of doing that? There has been talk of bore holes and so on; what is your view on that? If we knew what was there perhaps we

gysylltiadau cyhoeddus o'r fath a dweud pethau mor wirion. Felly mae elfen o ansicrwydd ynghylch y ffordd orau o fynd ymlaen.

Fodd bynnag, yn hytrach na fy mod i'n rhygnu ymlaen mewn rhwystredigaeth, credaf y byddai'n fuddiol efallai i'r Prif Swyddog Meddygol ddweud wrth y Pwyllgor sut y mae'r GIG a gwarchodaeth iechyd cyhoeddus yng Nghymru yn mynd i ymateb i'r math yma o fater yn y dyfodol. Credaf y byddai'r rhan fwyaf o bobl yn cytuno na fu'r ymateb yn ddelfrydol hyd yma. Gall Mark Temple a mi ddadlau yn ddi-ddiwedd, ond mae'n debyg nad oes gan y naill na'r llall ohonom y gallu i ddatrys y broblem fel arbenigwyr mewn meysydd cul. Mae angen mynd ati mewn modd cyfannol ac mae angen cynnwys y gymuned a bydd yn anodd ac yn gostus i'w wneud yn iawn ac yn dda.

[64] **Tom Middlehurst:** Byddaf yn gwahodd Dr Ruth Hall i roi sylwadau; yr wyf eisoes wedi dweud y byddwn yn gwneud hynny. Fodd bynnag, mae ar Geraint eisiau gofyn cwestiwn perthnasol i iechyd yn gyntaf.

[65] **Geraint Davies:** Yr ydym wedi sôn am yr Athro Palmer. Yn ei adroddiad galwodd am astudiaeth yn y maes o ffigurau gastrosgisis. Deallaf nad yw honno wedi digwydd eto, na'r adroddiad a argymhellodd ar astudiaeth o ddiffygion geni. Yr wyf yn meddwl y dylem edrych hefyd ar yr erthyliadau therapiwtig a ddigwyddodd, gyda babanod â phroblemau cromosomaidd. Credaf y dylid gwneud hynny. Efallai y dylid mynd i'r afael â hynny yn nes ymlaen. Yn nhystiolaeth Awdurdod Iechyd Bro Taf, sonia'r awdurdod y byddai'n anfoesegol cymryd samplau biopsi o sylweddau anhysbys ac amhenodol. A allem oresgyn hynny pe baem yn dadansoddi'n union beth oedd yn y domen? Beth fyddai'r dull gorau o wneud hynny? Soniwyd am dreidd-dyllau ac ati; beth yw eich barn ar hynny? Pe gwyddem beth oedd yno efallai y byddem

would be in a better position to find out what is causing the problem.

[66] **Tom Middlehurst:** David, before I invite Dr Hall to comment, do you want to comment on the specific point that Geraint Davies has just raised?

**Mr Purchon:** Yes, I will happily comment on that. I do not think that there is any exclusively best way of approaching this. It clearly is very useful to know what has been placed in the tip and what is being emitted from it. We may not find it at all practicable to find out exactly what was placed there, but it would be practicable, if difficult and expensive, to find out what is being emitted from the mass of waste there.

The other angle from which to approach this is in terms of what dose, if any, is being received. Possibly, that can be quite readily done in terms of the people who are working on the site. It gets more difficult as the numbers go up around the site. However, I guess that there would not be a shortage of volunteers who might waive their right to anonymity around such a site. This is being tackled in the United States—it presumably has a general medical council, or something similar—and it is not, to my mind, a difficulty that is impossible to surmount. I think that it is a difficulty that, with community participation and co-operation, could, at least in part, be overcome, because people living around a site of which they are fearful, would, I would have thought, be more than anxious to have their health status assessed and to co-operate. This is achieved in different places, but it does not make it easy to do; it makes it very difficult. You will, possibly, then get bias in the results, if you are only looking at volunteers. However, I would be interested to know what Dr Hall thinks of this.

mewn safle gwell i ganfod beth sydd yn achosi'r broblem.

[66] **Tom Middlehurst:** David, cyn imi wahodd Dr Hall i roi sylwadau, a ydych chi eisiau gwneud sylw ar y pwynt penodol a gododd Geraint Davies yn awr?

**Mr Purchon:** Byddaf, byddaf yn falch o roi sylwadau ar hynny. Ni chredaf fod un ffordd orau o fynd ati. Yn amlwg mae'n ddefnyddiol iawn gwybod beth a roddwyd yn y domen a beth sydd yn dod allan ohoni. Efallai na fydd yn ymarferol o gwbl inni ganfod beth yn union a roddwyd yno, ond byddai'n ymarferol, os yn anodd a chostus, canfod beth sydd yn cael ei ollwng allan o'r holl wastraff yno.

Yr ongl arall i edrych ar hyn ohoni yw o safbwynt pa ddog, os o gwbl, a geir. O bosibl, gellir gwneud hynny'n ddigon rhwydd o ran y bobl sydd yn gweithio ar y safle. Y mae'n anoddach wrth i'r niferoedd godi o gwmpas y safle. Fodd bynnag, mae'n debyg gennyf fi na fyddai prinder gwirfoddolwyr a fyddai'n ildio'u hawl i gyfrinachedd o amgylch safle o'r fath. Mae hyn yn cael sylw yn yr Unol Daleithiau—mae'n debyg bod ganddynt gyngor meddygol cyffredinol, neu ryw beth tebyg—ac nid yw, yn fy marn i, yn anhawster amhosibl ei oresgyn. Credaf ei fod yn anhawster y gellid ei oresgyn, o leiaf yn rhannol, gyda chyfranogiad a chydweithrediad y gymuned, oherwydd y byddai pobl sydd yn byw o gwmpas safle y maent yn ei ofni, fe dybiwn i, yn fwy nag awyddus i gael asesu eu statws iechyd ac i gydweithredu. Gwneir hyn mewn gwahanol leoedd, ond nid yw hynny'n ei wneud yn beth hawdd i'w wneud; mae'n peri anawsterau mawr. Wedyn mae'n bosibl efallai y cewch duedd yn y canlyniadau, os mai dim ond ar wirfoddolwyr yr edrychwch. Fodd bynnag, byddai gennyf ddiddordeb gwybod barn Dr Hall ar hyn.

**Dr Hall:** I fully support the spirit of Mr Purchon's recommendation 16.6, which is that further research is needed. We are at the beginning of an understanding of some of the links between the environment and health, and we have lacked, until very recently, any substantive research base upon which to take the understanding forward. We have, however, a small number of very important studies in hand, and these are studies at international, national and at local level. We need to make sure that in moving forward we add to the knowledge base and that we are not repeating work that is being done by other bodies, and work that has already been commissioned. The specific recommendation made in 16.6 is one that I think merits examination in terms of its feasibility and the kind of methodology that might be used to generate a result. It presents some difficulties in that, for instance, there are assumptions about where people have lived over a period of time and about the willingness which people might have to come forward with the kind of specimens that are being suggested. However, it is certainly a recommendation which merits advice and I would be willing to consider further how we might take stock of the knowledge base—I am talking of the international knowledge base—and how we, in the context of our particular concerns here in Wales, might progress research which can address the concerns that people have locally in their communities and also be of wider benefit. In the course of that, we need to take stock of the need for ongoing data in the spirit of improving our surveillance, and that is surveillance on the health side, and our ability to link that to the specific information that is coming forward from the environmental and site data sources. We do not have that capacity. We are in the process of giving that serious consideration and I am, in conjunction with the Minister for Health and Social Services, certainly considering that in the context of 'Better Health, Better Wales' mark

**Dr Hall:** Cefnogaf yn llawn ysbryd argymhelliad 16.6 gan Mr Purchon, sef bod angen ymchwil bellach. Yr ydym ar drothwy dealltwriaeth o rai o'r dolenni cyswllt rhwng yr amgylchedd ac iechyd, ac ni fu gennym, tan yn ddiweddar iawn, unrhyw sylfaen ymchwil sylweddol ar gyfer datblygu'r ddealltwriaeth honno. Y mae gennym, fodd bynnag, nifer fach o astudiaethau pwysig iawn mewn llaw, ac astudiaethau yw'r rhain ar lefel ryngwladol, genedlaethol a lleol. Mae angen inni wneud yn siwr ein bod, wrth symud ymlaen, yn ychwanegu at y sylfaen wybodaeth ac nad ydym yn ailadrodd gwaith sydd yn cael ei wneud gan gyrff eraill, a gwaith sydd eisoes wedi'i gomisiynu. Mae'r argymhelliad penodol a wneir yn 16.6 yn un sydd, yn fy marn i, yn teilyngu ei archwilio o ran ei ymarferoldeb a'r math o fethodoleg y gellid ei defnyddio i gael canlyniad. Mae'n cynnig rhai anawsterau: er enghraifft, ceir rhagdybiaethau ynghylch lle mae pobl wedi bod yn byw dros gyfnod o amser ac ynghylch parodrwydd posibl pobl i ddod ymlaen gyda'r math o sbesimenau a awgrymir. Fodd bynnag, y mae'n sicr yn argymhelliad sydd yn teilyngu cyngor a byddwn yn fodlon ystyried ymhellach sut y gallem bwysu a mesur y sylfaen wybodaeth—yr wyf yn sôn am y sylfaen wybodaeth ryngwladol—a sut y gallem ni, yng nghyd-destun ein pryderon arbennig yma yng Nghymru, ddatblygu ymchwil a all ateb y pryderon sydd gan bobl yn lleol yn eu cymunedau a hefyd fod o fudd ehangach. Wrth wneud hynny, mae angen inni bwysu a mesur yr angen am ddata parhaus er mwyn gwella'n gwyliadwriaeth, hynny yw gwyliadwriaeth ar yr ochr iechyd, a'n gallu i gysylltu hynny â'r wybodaeth benodol a ddaw o'r ffynonellau data amgylcheddol ac ar y safle. Nid yw'r gallu hwnnw gennym. Yr ydym yn y broses o roi ystyriaeth ddifrifol i hynny ac yr wyf fi, ar y cyd â'r Gweinidog dros Iechyd a Gwasanaethau Cymdeithasol, yn sicr yn ystyried hynny yng nghyd-destun yr ail fersiwn o 'Gwell Iechyd,

2—a strategic development which we are currently embarking upon.

[67] **Tom Middlehurst:** Thank you, Dr Hall. Are there any other questions or comments on Mr Purchon's report and recommendations?

[68] **Sue Essex:** Yes. Following on from Ruth, as it were, in another place, I will say that Jane Hutt and I, as Minister for Environment, have obviously discussed this and I endorse what Ruth has said wholeheartedly. We feel that that is the way to go forward. May I just ask a bit more about 16.7, David? We had a slight discussion on it. One of your statements was that the community had not been involved until this investigation. I think that what comes through from the work that you have done is that you have given a voice to the concerns that the public had and formulated those in recommendations as to how we might improve systems so that people do not have to go to the same lengths that the residents of Nantygwyddon and Rhondda Against Nantygwyddon Tip had to go. We need to make sure that people do not have to go through that process. I think what came out last week in discussion with the Environment Agency—and I do not think that it just applies to us; it applies to local authorities and everyone—was whether we need to develop a code, because the Environment Agency is accountable to us. That is not in your recommendations but I wonder whether, as part of your recommendation on openness and transparency, you would think that that kind of work would be useful. That is one thing. On 16.17, and commercial confidentiality, which has, if I can say so, bedevilled the problem of the public getting access to information, you referred to the law. I cannot remember the date, but we had to deal with the same problem when I was a councillor in Cardiff City Council about the privatisation of waste functions. Are you saying

Gwell Cymru'—datblygiad strategol yr ydym yn dechrau arno'n awr.

[67] **Tom Middlehurst:** Diolch, Dr Hall. A oes unrhyw gwestiynau neu sylwadau eraill ar adroddiad ac argymhellion Mr Purchon?

[68] **Sue Essex:** Oes. Gan ddilyn ymlaen oddi wrth Ruth, fel petai, mewn man arall, dywedaf fod Jane Hutt a mi, fel y Gweinidog dros yr Amgylchedd, yn amlwg wedi trafod hyn ac ategaf yr hyn a ddywedodd Ruth yn llwyr. Teimlwn mai dyna'r ffordd ymlaen. A gaf fi ofyn ychydig mwy am 16.7, David? Cawsom drafodaeth fer arno. Un o'r pethau a ddywedasoch oedd nad oedd y gymuned wedi cael cyfranogi cyn yr ymchwiliad hwn. Credaf mai'r hyn a amlygir yn y gwaith a wnaethoch chi yw eich bod wedi rhoi llais i'r pryderon a oedd gan y cyhoedd ac wedi rhoi ffurf arnynt mewn argymhellion ynghylch sut y gallem wella systemau fel na fydd yn rhaid i bobl fynd i'r un trafferthion ag y bu'n rhaid i drigolion Nantygwyddon a Rhondda Against Nantygwyddon Tip fynd. Mae angen inni wneud yn siwr nad oes raid i bobl fynd drwy'r broses honno. Credaf mai'r hyn a ddaeth i'r amlwg yr wythnos ddiwethaf mewn trafodaeth gydag Asiantaeth yr Amgylchedd—ac nid wyf yn meddwl mai amdanom ni'n unig y mae hyn yn wir; mae'n wir am awdurdodau lleol a phawb—oedd a oes angen inni ddatblygu côd, oherwydd mae Asiantaeth yr Amgylchedd yn atebol i ni. Nid yw hynny yn eich argymhellion, ond tybed a fyddech, fel rhan o'ch argymhelliad ar fod yn agored a thryloyw, yn meddwl y byddai'r math hwnnw o waith yn fuddiol. Dyna un peth. Ar 16.17, a chyfrinachedd masnachol, sydd, os caf ddweud, wedi ei gwneud yn anodd drybeilig i'r cyhoedd gael mynediad at wybodaeth, cyfeiriasoch at y gyfraith. Ni allaf gofio'r dyddiad, ond bu'n rhaid inni ddelio â'r un broblem pan oeddwn yn gynghorydd yng

that there are problems with that law of whenever it was, 1995 or perhaps earlier—

**Mr Purchon:** 1990, I think.

[69] **Sue Essex:** Yes, 1990. Are there problems that preclude our opening up the system and not having things hide behind commercial confidentiality, or, in the case of local authority waste disposal companies, is there the capacity to open them up much more because, in effect, they are publicly owned organisations? I think that that is important, if we are to take this forward and remove this barrier of commercial confidentiality. Do we have to get a change in the law or is it a matter of the interpretation of the law, and will it be easier to achieve in terms of publicly owned waste companies than privately owned waste companies?

[70] **Tom Middlehurst:** Do you want to comment on that, David?

**Mr Purchon:** Yes, in so far as I can. My understanding is that this principle was enshrined in the Environmental Protection Act 1990—I think in the annexes to it; I am running on memory here. However, I think that it is a myth that these are strictly private companies. Perhaps the shareholders could resolve to be entirely open as regards environmental liabilities and at least the outline of the business plan. It may be an issue that covers quite a considerable amount of law. I think that the more that the traditionally public functions are contracted out, the harder it is to follow the public pound, how it is being used and what risks may be taken with public liability. It may be something that the better regulation unit could consider in the future because it may go beyond environmental pollution control law. I certainly think that some

Nghyngor Dinas Caerdydd gyda phreifateiddio swyddogaethau gwastraff. A ydych yn dweud bod problemau gyda'r ddeddfwriaeth honno a luniwyd pryd bynnag ydoedd, 1995 neu efallai ynghynt—

**Mr Purchon:** 1990, yr wyf yn meddwl.

[69] **Sue Essex:** Ie, 1990. A oes problemau sydd yn ein rhwystro rhag agor y system allan a pheidio â gadael i bethau guddio y tu ôl i gyfrinachedd masnachol, neu, yn achos cwmnïau gwaredu gwastraff awdurdodau lleol, a oes posibilrwydd i'w hagor yn llawer mwy gan mai cyrff sydd mewn meddiant cyhoeddus ydynt mewn gwirionedd? Credaf fod hynny'n bwysig, os ydym am symud hyn yn ei flaen a dileu rhwystr cyfrinachedd masnachol. A oes raid inni sicrhau newid yn y ddeddf ynteu ai mater o'r dehongliad o'r ddeddf ydyw, ac a fydd yn haws ei gyflawni gyda chwmnïau gwastraff sydd yn eiddo cyhoeddus na chwmnïau gwastraff preifat?

[70] **Tom Middlehurst:** A hoffech chi roi sylwadau ar hynny, David?

**Mr Purchon:** Hoffwn, hyd y gallaf. Fy nealltwriaeth i yw bod yr egwyddor hon wedi'i chynnwys yn Neddf Diogelu'r Amgylchedd 1990—yn yr atodiadau iddi, yr wyf yn meddwl; yr wyf yn dibynnu ar fy nghof yn awr. Fodd bynnag, credaf mai myth ydyw mai cwmnïau hollol breifat yw'r rhain. Efallai y gallai'r cyfranddalwyr benderfynu bod yn gwbl agored o ran atebolrwydd amgylcheddol ac o leiaf o ran amlinelliad y cynllun busnes. Gall fod yn fater sydd yn ymwneud â chryn dipyn o gyfraith. Yr wyf yn meddwl po fwyaf y caiff y swyddogaethau traddodiadol gyhoeddus eu contractio allan, anoddaf ydyw dilyn y bunt gyhoeddus, sut y caiff ei defnyddio a pha risg y gellir ei chymryd gydag atebolrwydd cyhoeddus. Fe all fod yn rhywbeth y gallai'r uned rheoleiddiad gwell ei ystyried yn y dyfodol

of the principles around it would apply to the liability for contaminated land and, ultimately, who might be responsible for that, because if you get an orphan site in relation to contaminated land, it would tend to fall on the public purse. If the land has no value and nobody wants it or owns it, who else will remediate it, for example?

I think that this legislation is a creature of its time. It is a creature of the attitude of 'let us put things out, harness the creativity and the expertise of the private sector and we will get a better result'. I do not think that it was ever envisaged that the companies might collapse and leave problems behind them and that the owners—in this case the local authority—could not step back in and address what needed to be addressed. This legislation is bizarre in that there is no way that the shareholders can take on the responsibility. So, in this case, the local authority had to find another vehicle. Had it not had another vehicle available, it, presumably, would have had to offer a handsome premium to anyone who might have been prepared to take on the operation of the site. So, again, it would fall on the public purse. So I think that it goes beyond this particular case, and perhaps the whole concept of limited liability in relation to environmental liabilities is incompatible. Certainly, in some legislation, for example, corporate killing and the Health and Safety at Work Act 1974, there is a demand for personal responsibility and the liability of directors. This is a very difficult area and it really needs a fundamental review. Possibly the better regulation unit is a body to which this could be referred as an issue about which you have great concern.

oherwydd gall fynd y tu hwnt i gyfraith rheoli llygredd amgylcheddol. Yn sicr, credaf y byddai rhai o'r egwyddorion yn ei gylch yn berthnasol i'r atebolrwydd am dir halogedig ac, yn y pen draw, am bwy a allai fod yn gyfrifol am hynny, oherwydd os cewch safle amddifad o ran tir halogedig, byddai'n tueddu i syrthio ar y pwrs cyhoeddus. Os nad oes gwerth i'r tir ac nad oes ar neb ei eisiau na neb yn berchen arno, pwy arall wnaiff ei adfer, er enghraifft?

Credaf fod y ddeddfwriaeth hon yn greadur ei hoes. Mae'n greadigaeth yr agwedd 'dewch inni roi pethau allan, harneisio creadigrwydd ac arbenigedd y sector preifat ac fe gawn well canlyniad'. Nid wyf yn meddwl y rhagwelwyd erioed y gallai'r cwmnïau fynd i'r wal a gadael problemau ar eu holau ac na allai'r perchenogion—sef yr awdurdod lleol yn yr achos hwn—gamu'n ôl i mewn a datrys yr hyn yr oedd angen ei ddatrys. Mae'r ddeddfwriaeth hon yn rhyfedd oherwydd nid oes unrhyw ffordd y gall y cyfranddalwyr ymgymryd â'r cyfrifoldeb. Felly, yn yr achos hwn, yr oedd yn rhaid i'r awdurdod lleol ddod o hyd i fodd arall. Pe na buasai modd arall ar gael iddo, mae'n debyg y buasai'n rhaid iddo gynnig premiwm sylweddol i unrhyw un a fuasai'n fodlon gweithredu'r safle. Felly, eto, byddai'n cwmpo ar y pwrs cyhoeddus. Felly yr wyf yn meddwl ei fod yn mynd y tu hwnt i'r achos arbennig hwn, ac efallai fod holl gysyniad atebolrwydd cyfyngedig mewn perthynas ag atebolrwydd amgylcheddol yn anghydnaws. Yn sicr, mewn rhai deddfau, er enghraifft, lladd corfforaethol a Deddf Iechyd a Diogelwch yn y Gwaith 1974, mae galw am gyfrifoldeb personol ac atebolrwydd cyfarwyddwyr. Dyma faes anodd iawn ac mae gwir angen adolygiad sylfaenol ohono. Efallai fod yr uned rheoleiddiad gwell yn gorff y gellid cyfeirio hyn ato fel mater y mae gennych bryder mawr yn ei gylch.

[71] **Gareth Jones:** Yr wyf wedi gwranddo ar y trafodaethau hyn yn ofalus. Mae sensitifrwydd economaidd neu gyfrinachedd yn gallu bod yn andwyol ac, yn sicr, nid yw'n caniatáu i'r cyhoedd gael yr wybodaeth y maent yn haeddu ei chael. Fodd bynnag, o'm cysylltiad i â'r mathau hyn o hen diroedd—gwn fod hon yn sefyllfa ychydig yn wahanol, ond yr ydych wedi cyfeirio at dir heintiedig—ac o'r hyn a welaf i, mae'r problemau yn ymwneud â rheoliadau adeiladu. Hynny yw, mae gan yr awdurdod lleol yr hawl i roi caniatâd iddo ei hun i adeiladu ar y math hwn o dir a'i ddatblygu. Rôl ymgynghorol—ac fe gewch fy nghywiro—sydd gan Asiantaeth yr Amgylchedd. Rôl ymgynghorol sydd gan yr awdurdod iechyd hefyd. Nid oes rhaid i'r awdurdod lleol ymgynghori, hyd yn oed, â'r awdurdod iechyd. Mae'r Prif Swyddog Meddygol wedi rhoi neges sydd, i mi, yn ddigon amwys. Oes bygythiad i iechyd neu beidio? Mae negeseuon gwahanol yn dod allan, ac mae hyn yn ychwanegu at ddryswch ac ofnau'r cyhoedd. Mae angen newid y rheolau unwaith ac am byth, a rhoi sicrwydd i'r cyhoedd yn y lle cyntaf, os oes datblygiad o'r math hwn, bod y tir hwnnw yn berffaith ddiogel, ac yna nad oes bygythiad i iechyd.

[72] **Tom Middlehurst:** I do not know whether you need to respond to that, David.

**Mr Purchon:** I would welcome the opportunity, Chairman. I think that the key here is the precautionary principle, because when knowledge is uncertain, I think that the traditional approach in this country is probably to press on, almost regardless, until the serious consequences are known. Obviously, sometimes the serious consequences come to light quite quickly and sometimes they are a very a long time coming or they are very uncertain. So I think that it is easy enough to talk about the precautionary principle, but it is quite hard to

[71] **Gareth Jones:** I have listened to these discussions carefully. Economic sensitivity or confidentiality can be damaging and certainly does not allow the public to get the information it deserves to get. However, from my involvement with this type of old land—I know that this situation is slightly different, but you have referred to contaminated land—and from what I can see, the problems relate to building regulations. That is, the local authority has the right to give itself permission to build on this type of land and to develop it. The Environment Agency—and you may correct me—has a consultative role. The health authority also has a consultative role. The local authority does not even have to consult with the health authority. The Chief Medical Officer has given a message which, to me, is fairly ambiguous. Is there a threat to health or not? There are different messages coming out, and this adds to the confusion and fears of the public. We need to change the regulations once and for all, and assure the public that, firstly, if there is a development such as this, the land is perfectly safe, and then that there is no threat to health.

[72] **Tom Middlehurst:** Ni wn a oes angen ichi ymateb i hynny, David.

**Mr Purchon:** Byddwn yn croesawu'r cyfle, Gadeirydd. Yr wyf yn meddwl mai'r allwedd yn y fan hyn yw'r egwyddor o ragofal, oherwydd pan fydd gwybodaeth yn ansicr, credaf mai'r peth traddodiadol i'w wneud yn y wlad hon mae'n debyg yw dal ati, bron doed a ddelo, hyd nes bo'r canlyniadau difrifol yn hysbys. Wrth reswm, weithiau daw'r canlyniadau difrifol i'r golwg yn eithaf cyflym ac weithiau byddant yn araf iawn yn dod neu byddant yn ansicr iawn. Felly yr wyf yn meddwl ei bod yn ddigon hawdd siarad am yr egwyddor ragofalus, ond mae'n



operate it in practice. However, that is the direction in which we should be moving. We have found that people in New York state were living in houses built on a canal full of toxic waste and it affected their health—I refer to the Love Canal; we have found that the discharges from industry were affecting the fish on which people were surviving in Japan and causing minimata disease. Some of these historical lessons are very instructive and we should take note of them. Therefore, one is right to question the wisdom of, shall we say, putting a primary school on a reclaimed refuse tip and this sort of thing. These are issues that deserve some very, very careful consideration, rather than pressing on willy-nilly.

[73] **Karen Sinclair:** Given your response to Gareth on the precautionary principle, how do you still stand with your recommendation 16.2, based on the answer that you gave me previously?

**Mr Purchon:** The problem, I think, with what to do with the waste that is there, is trying to arrive at what is the least worst option. Therefore, for the time being, I think that we are best off not adding to the problem, and trying to complete the engineering of the closure of the site, dealing as best we can with the water and gas problems that remain. So that is a pragmatic recommendation. I do not feel that it is entirely satisfactory. I think that what some people would like—the entire removal of the waste deposited there—looks to me to be a tremendous problem. I am not at all satisfied that that would be the best thing to do. However, there is not a good solution at the moment. Any solution looks difficult and uncertain.

eithaf anodd ei gweithredu'n ymarferol. Fodd bynnag, dyna'r cyfeiriad y dylem fod yn symud iddo. Yr ydym wedi canfod bod pobl yn nhalaith Efrog Newydd yn byw mewn tai a oedd wedi'u hadeiladu ar ben camlas oedd yn llawn gwastraff gwenwynig ac fe effeithiodd hynny ar eu hiechyd—cyfeirio'r wyf at y Love Canal; gwelsom fod yr arllwysiadau gan ddiwydiant yn effeithio ar y pysgod yr oedd pobl yn byw arnynt yn Japan gan achosi clefyd minimata. Mae rhai o'r gwersi hanesyddol hyn yn ddadlennol iawn a dylem eu nodi. Felly, mae'n iawn cwestiynu doethineb, dyweder, rhoi ysgol gynradd ar ben hen domen sbwriel a'r math yma o beth. Dyma faterion sydd yn haeddu ystyriaeth ofalus iawn, iawn, yn hytrach na dal ati'n ddifeddwl.

[73] **Karen Sinclair:** Yng ngoleuni'ch ymateb i Gareth ar yr egwyddor o ragofal, sut y glynwch o hyd at eich argymhelliad 16.2, yn seiliedig ar yr ateb a roesoch imi yn gynharach?

**Mr Purchon:** Y broblem, dybiaf fi, gyda beth i'w wneud â'r gwastraff sydd yno, yw ceisio dewis yr opsiwn lleiaf gwael. Felly, am y tro, yr wyf yn meddwl mai'r peth gorau i ni yw peidio ag ychwanegu at y broblem, a cheisio cwblhau'r gwaith i gau'r safle, gan ddelio gystal ag y gallwn â'r problemau dwr a nwy sy'n dal i fodoli. Felly dyna argymhelliad pragmataidd. Nid wyf yn teimlo ei fod yn gwbl foddhaol. Yr wyf yn meddwl bod yr hyn a hoffai rhai pobl—sef symud yr holl wastraff a roddwyd yno oddi yno—yn ymddangos yn broblem aruthrol i mi. Nid wyf yn fodlon o gwbl mai dyna fyddai'r peth gorau i'w wneud. Fodd bynnag, nid oes ateb da ar y funud. Mae unrhyw ateb yn edrych yn anodd ac yn ansicr.

[74] **Tom Middlehurst:** Thank you, David. I think that the direction of the last few questions and the responses from David have indicated just how this particular investigation has opened up a whole raft of issues for us, with regard to waste disposal, safety on site, and health and environmental issues. They justify the terms of reference that we drew up for this Committee in the first place. This is an opportunity now to continue to question David, of course, and to seek clarification, and also to take account of the responses that we have had. That is what we are doing in this session: to satisfy ourselves, in questioning David, that the responses from the various agencies and the individuals have been properly reflected in our questions, and that we can feel comfortable about moving forward in the next part of the meeting to consider what recommendations and conclusions we might want to make. We have another 10 minutes to go before we break at 3.30 p.m.

[75] **Helen Mary Jones:** I would like to ask Mr Purchon a bit more about his response to what the Environment Agency has had to say in response to his report. I think that we have all been perhaps a bit careful about this so far. However, I have to admit that I was a bit disappointed at what I felt was an unnecessarily defensive response, and an inability to say, 'Well, there may have been things in the past that we did not quite get right that we want to get right next time'. I also feel that I—and I know that the rest of my group would want to do this—want to put on record our regret at the way in which the Environment Agency has chosen to take this matter into the press, and so on and so forth, before the document has come before a Plenary session and before, even, this Committee has come to a final decision about whether this report is our document in a formal sense. However, just in this last little bit of this session, Chair, I would like to find out whether there is

[74] **Tom Middlehurst:** Diolch, David. Yr wyf yn meddwl bod cyfeiriad yr ychydig gwestiynau diwethaf a'r ymatebion gan David wedi dangos yn union gymaint y mae'r ymchwiliad arbennig hwn wedi amlygu nifer o faterion i ni, ynghylch gwaredu gwastraff, diogelwch ar y safle, a materion iechyd ac amgylcheddol. Maent yn cyfiawnhau'r cylch gorchwyl a luniwyd gennym i'r Pwyllgor hwn yn y lle cyntaf. Mae hyn yn gyfle yn awr i ddal i holi David, wrth gwrs, ac i geisio eglurhad, a hefyd i ystyried yr ymatebion a gawsom. Dyna beth yr ydym yn ei wneud yn y sesiwn hwn: ein bodloni'n hunain, wrth holi David, fod yr ymatebion gan y gwahanol asiantaethau a'r unigolion wedi'u hadlewyrchu'n briodol yn ein cwestiynau, ac y gallwn deimlo'n gyfforddus ynglyn â symud ymlaen yn rhan nesaf y cyfarfod i ystyried pa argymhellion a chasgliadau y gallem ddymino eu gwneud. Mae gennym 10 munud arall i fynd cyn cymryd egwyl am 3.30 p.m.

[75] **Helen Mary Jones:** Hoffwn holi Mr Purchon ychydig yn fwy am ei ymateb i'r hyn y bu gan Asiantaeth yr Amgylchedd i'w ddweud mewn ymateb i'w adroddiad. Yr wyf yn meddwl ein bod ni i gyd wedi bod braidd yn ofalus efallai am hyn hyd yma. Fodd bynnag, rhaid imi gyfaddef imi gael fy siomi braidd gan ymateb a oedd, i'm tyb i, yn ddiangen o amddiffynnol, ac anallu i ddweud, 'Wel, efallai fod pethau yn y gorffennol na wnaethom yn hollol iawn ac yr hoffem eu gwneud yn iawn y tro nesaf'. Teimlaf hefyd yr hoffwn—a gwn y byddai gweddill fy ngrwp am wneud hyn—gofnodi'n gofid ynghylch y ffordd y dewisodd Asiantaeth yr Amgylchedd fynd â'r mater hwn i'r wasg, ac ati, cyn i'r ddogfen ddod gerbron Cyfarfod Llawn a hyd yn oed cyn i'r Pwyllgor hwn ddod i benderfyniad terfynol ynghylch ai'r adroddiad hwn fydd ein dogfen yn yr ystyr ffurfiol. Fodd bynnag, yn y darn bach olaf hwn o'r sesiwn hwn, Gadeirydd, hoffwn ganfod a oes unrhyw beth yn

anything in what the Environment Agency had to say that makes any difference at all to what David Purchon has said in his recommendations to us in this report. I have to say that there was nothing that convinced me, but I do think that we have to be clear, as you have said, Chair, that all angles have been explored and be clear that we have really heard, as well as listened to, what organisations have said in response. I was left completely unmoved, but I would be interested to see whether or not the agency touched Mr Purchon's heart with its heartfelt pleas, because it left mine stone cold, I have to say.

[76] **Tom Middlehurst:** David, do you want to respond to that?

**Mr Purchon:** Well, Chairman, I think that that might take rather a long time.

[77] **Helen Mary Jones:** Do we want five minutes or the full half hour?

**Mr Purchon:** Perhaps I could give you the potted version. First of all, I welcome the opportunity to comment on the Environment Agency board member for Wales's response to my report. He described it, I am reliably informed, as the work of a fertile imagination. I have not been so flatteringly described before, so it is difficult to know how to react. However, that seemed to me to be a particularly silly response to what had been 14 months of work and a great deal of effort from a great many people—not just me. Yes, it was a defensive response that the Environment Agency submitted. That is perfectly understandable. I thought that it was a very professional response in writing, although I do not agree with quite a lot of it. Watching the tape of the last meeting, I saw a couple of somersaults turned by the area director for Wales. I will just

yr hyn a ddywedodd Asiantaeth yr Amgylchedd sydd yn gwneud unrhyw wahaniaeth o gwbl i'r hyn a ddywedodd David Purchon yn ei argymhellion i ni yn ei adroddiad. Rhaid imi ddweud nad oedd dim a'm darbwyllodd i, ond yr wyf yn meddwl bod yn rhaid inni fod yn glir, fel y dywedaso, Gadeirydd, fod pob safbwynt wedi'i archwilio a bod yn glir ein bod yn wir wedi clywed, yn ogystal ag wedi gwranddo ar, yr hyn y mae cyrff wedi'i ddweud wrth ymateb. Ni chefais i fy symud o gwbl, ond byddai gennyf ddiddordeb gweld a gyffyrddodd yr asiantaeth galon Mr Purchon ai peidio gyda'i ble o'r galon, oherwydd gadawyd fy nghalon i'n oer fel carreg, mae'n rhaid imi ddweud.

[76] **Tom Middlehurst:** David, a ydych am ymateb i hynny?

**Mr Purchon:** Wel, Gadeirydd, yr wyf yn meddwl y gallai hynny gymryd amser maith braidd.

[77] **Helen Mary Jones:** A ydym eisiau pum munud ynteu'r hanner awr llawn?

**Mr Purchon:** Efallai y gallwn roi crynodeb ichi. Yn gyntaf oll, croesawaf y cyfle i roi sylwadau ar ymateb aelod bwrdd Asiantaeth yr Amgylchedd dros Gymru i f'adroddiad. Fe'i disgrifiodd, yn ôl a glywaf o le da, fel gwaith dychymyg ffrwythlon. Nid wyf wedi cael fy nisgrifio gyda'r fath eiriau teg o'r blaen, felly mae'n anodd gwybod sut i adweithio. Fodd bynnag, yr oedd hynny'n ymddangos i mi yn ymateb arbennig o wirion i waith a barhaodd am 14 mis a chryn dipyn o ymdrech gan lawer iawn o bobl—nid fi yn unig. Ie, ymateb amddiffynnol a gafwyd gan Asiantaeth yr Amgylchedd. Mae hynny'n berffaith ddealladwy. Yr oeddwn yn meddwl ei fod yn ymateb proffesiynol iawn ar bapur, er nad wyf yn cytuno â llawer iawn ohono. Wrth wyllo tâp y cyfarfod diwethaf, gwelais y cyfarwyddwr rhanbarth dros Gymru'n newid ei feddwl yn

indicate what those were: one was around treating leachate on the site and the other was on the 'benefits' of commercial confidentiality. I welcome that conversion during the meeting; I think that that is very helpful.

I believe that there are problems, and I am glad that Gareth Wardell is not representing my interests on the Environment Agency and I wish you well with his continued services. I believe that this report was worthy of serious consideration. I think that it is now being given serious consideration. Certainly, the officers of the Environment Agency were considering it seriously. I found them very professional to deal with. In a strange way, I enjoyed working with them and I am grateful for their co-operation, but I hope that they will take the benefit of this investigation because in principle, the Environment Agency is exactly the sort of body we ought to have in the UK. I would be all for increasing its powers and the resources available to it and I look forward to working with it again in the future.

[78] **Tom Middlehurst:** Thank you, David, for that very combative response to that question.

[79] **Helen Mary Jones:** May I ask a question on a specific point of clarification? Mr Purchon, you make reference in your report to what you describe as a lack of culture of enforcement in the Environment Agency. In response to our asking it about this—and various members asked about the culture of enforcement—it referred us to its written policy. I think that I made the point that I had a lot of experience of equal opportunities policies, when I worked in that field, which were wonderful on paper, but nonetheless I was having to prosecute people for breaching them. Presumably, you have seen its written enforcement policy and, for clarification, are you implying or saying to us that there is a

llwyr unwaith neu ddwy. Fe nodaf ynglyn â beth yr oedd hynny: un waith ynghylch trin trwytholchiad ar y safle a'r llall ar 'fanteision' cyfrinachedd masnachol. Croesawaf y dröedigaeth honno yn ystod y cyfarfod; yr wyf yn meddwl bod hynny'n fuddiol iawn.

Credaf fod problemau, ac yr wyf yn falch nad yw Gareth Wardell yn cynrychioli fy muddiannau i ar Asiantaeth yr Amgylchedd a dymunaf yn dda ichi gyda'i wasanaethau yn y dyfodol. Credaf i'r adroddiad hwn deilyngu ystyriaeth ddifrifol. Yr wyf yn meddwl ei fod bellach yn cael ystyriaeth ddifrifol. Yn sicr, yr oedd swyddogion Asiantaeth yr Amgylchedd yn ei ystyried yn ddifrifol. Cefais eu bod hwy'n broffesiynol iawn i ymwneud â hwy. Mewn ffordd od, mwynheais weithio gyda hwy ac yr wyf yn ddiolchgar am eu cydweithrediad, ond gobeithiaf y manteisiant ar yr ymchwiliad hwn oherwydd mewn egwyddor, Asiantaeth yr Amgylchedd yw'r union fath o gorff y dylem ei gael yn y DU. Byddwn i'n gryf o blaid cynyddu ei phwerau a'r adnoddau sydd ar gael iddi ac edrychaf ymlaen at weithio gyda hi eto yn y dyfodol.

[78] **Tom Middlehurst:** Diolch, David, am yr ymateb ymrysongar iawn i'r cwestiwn hwnnw.

[79] **Helen Mary Jones:** A gaf fi ofyn cwestiwn ar bwynt penodol er eglurhad? Mr Purchon, cyfeiriwch yn eich adroddiad at yr hyn a ddisgrifiwch fel diffyg diwylliant gorfodi yn Asiantaeth yr Amgylchedd. Wrth ymateb i'n cwestiynau ni iddi ynghylch hyn—a holodd amryw o aelodau am y diwylliant gorfodi—cyfeiriodd ni at ei pholisi ysgrifenedig. Yr wyf yn meddwl i mi wneud y pwynt imi gael llawer o brofiad o bolisiau cyfle cyfartal, pan weithiais yn y maes hwnnw, a oedd yn wych ar bapur, ond serch hynny fy mod wedi gorfod erlyn pobl am eu torri. Mae'n debyg eich bod chi wedi gweld ei pholisi gorfodi ysgrifenedig ac, er mwyn eglurder, a ydych yn awgrymu neu'n

gap between its stated policy and how that is put into practice or is it that the stated policy is not up to scratch either? In terms of taking some of these issues on, I would concur with what you said about the Environment Agency being a body that we very much need. It has a very important job to do and a lot of its officers on the ground do very good work. I do not think that any of us would want to suggest otherwise, but there is that difference between a culture of enforcing the regulations and a policy. Is there a gap, as you perceive it, between its written policy and the culture or does the policy reflect a culture that really wants to avoid enforcement?

**Mr Purchon:** Clearly, I sought the Environment Agency's enforcement policy very early in the investigation. It was available on the web. I cannot actually remember the date on which it was adopted, but it was a considerable time after the establishment of the agency. When I inquired about that, I was told that it was the National Rivers Authority's enforcement policy that had been used prior to the date that the new policy was adopted. I think, as you say about equal opportunities policies, it is a very reasonable document. Therefore, one would not have a problem with it in principle. I think that what is probably at issue is how quickly action was taken in relation to this particular site and in relation to licence modifications and the enforcement of enforcement notices, once the time given for works had elapsed and, what I still think is a little bit odd, the failure to suspend the licence to the tip after an enforcement notice has expired.

dweud wrthym fod bwlch rhwng ei pholisi datganedig a'r ffordd y rhoddir hwnnw ar waith ynteu ai'r gwir ydyw nad yw'r polisi datganedig yn ddigon da ychwaith? O ran mynd i'r afael â rhai o'r materion hyn, byddwn yn cyd-fynd â'r hyn a ddywedaso ch ynghylch bod Asiantaeth yr Amgylchedd yn gorff y mae angen mawr amdano. Mae ganddi waith pwysig iawn i'w wneud ac mae llawer o'i swyddogion ar lawr gwlad yn gwneud gwaith da iawn. Nid wyf yn meddwl y byddai ar neb ohonom eisiau awgrymu fel arall, ond fe geir y gwahaniaeth hwnnw rhwng diwylliant o orfodi'r rheoliadau a pholisi. A oes bwlch, yn ôl a welwch chi, rhwng ei pholisi ysgrifenedig a'r diwylliant ynteu a yw'r polisi'n adlewyrchu diwylliant sydd mewn gwirionedd eisiau osgoi gorfodi?

**Mr Purchon:** Wrth reswm, ceisiais gael gafael ar bolisi gorfodi Asiantaeth yr Amgylchedd yn gynnar iawn yn yr ymchwiliad. Yr oedd ar gael ar y we. Nid wyf yn cofio'r union ddyddiad y'i mabwysiadwyd, ond yr oedd yn gyfnod sylweddol ar ôl sefydlu'r asiantaeth. Pan holais ynghylch hynny, dywedwyd wrthyf mai polisi gorfodi'r Awdurdod Afonydd Cenedlaethol a ddefnyddid cyn y dyddiad y mabwysiadwyd y polisi newydd. Yr wyf yn meddwl, fel y dywedaso ch am bolisiau cyfle cyfartal, ei bod yn ddogfen resymol dros ben. Felly, ni fyddai problem gyda hi mewn egwyddor. Yr wyf yn meddwl mai craidd y mater, mae'n debyg, yw pa mor gyflym y gweithredwyd mewn perthynas â'r safle arbennig hwn ac mewn perthynas ag addasiadau i'r drwydded a gweithredu rhybuddion gorfodi, unwaith yr oedd yr amser a roddwyd ar gyfer gwaith wedi pasio ac, rhywbeth yr wyf yn dal i feddwl ei fod ychydig yn od, y methiant i atal y drwydded i'r domen ar ôl i rybudd gorfodi ddod i ben.

I have managed to look into this a little more and the Scottish Environment Protection Agency does appear to have closed sites in somewhat similar circumstances. I am relying on journal reports; I have not looked in detail at these particular sites, but I do think that it is an important matter of principle that if somebody is not complying, you stop the operation. This is clearly envisaged in food safety law. It happens with factory inspectors or Health and Safety Executive inspectors now. If something is dangerous, they prohibit the activity. One of the doubts that I had about the Environment Agency's policy response was that it was almost saying, 'Well, we're here to implement the law rather than to develop it'. If you do not have the power to do something, then I think that you should try to use the legislation as best you can and then say that it needs strengthening, altering or whatever because you do not quite have the powers that you need. I did not sense, in talking to Mr Lee, the head of waste policy, and I did not sense in listening to the new area director, any interest in improving the law and getting better regulation. I know that the Food Standards Agency is committed to this and that the Health and Safety Commission takes a very active role in this. I am a little puzzled as to why the Environment Agency does not. I think that it is important that a body which the public regards as its protection against environmental pollution is seen to be proactive. That applies just as much in the field of improving legislation as it does in implementing and enforcing legislation. So, I was a bit unhappy with the way it was left as, 'We're here to do what the legislators tell us'. I think that it could go beyond that, and that would surely come across at board level if it were to come across at all.

Yr wyf wedi llwyddo i ymchwilio ychydig ymhellach i hyn ac mae'n ymddangos bod Asiantaeth Diogelu'r Amgylchedd yr Alban wedi cau safleoedd mewn amgylchiadau digon tebyg. Yr wyf yn dibynnu ar adroddiadau newyddion; nid wyf wedi edrych yn fanwl ar y safleoedd arbennig hyn, ond yr wyf yn meddwl ei bod yn fater pwysig o egwyddor eich bod yn atal y gwaith os nad yw rhywun yn cydymffurfio. Mae hyn wedi'i ragdybio'n glir yng nghyfraith diogelwch bwyd. Mae'n digwydd gydag arolygwyr ffatrioedd neu arolygwyr y Awdurdod Gweithredol Iechyd a Diogelwch yn awr. Os yw rhywbeth yn beryglus, gwaharddant y gweithgaredd. Un o'r amheuan a fu gennyf fi ynghylch ymateb polisi Asiantaeth yr Amgylchedd oedd ei bod bron yn dweud, 'Wel, yma i weithredu'r gyfraith yn hytrach na'i datblygu yr ydym ni'. Os nad yw'r grym gennyf i wneud rhywbeth, yna yr wyf yn meddwl y dylech geisio defnyddio'r deddfwriaeth orau y gallwch ac wedyn dweud bod angen ei chryfhau, ei haltro neu beth bynnag am nad yw'r pwerau y mae eu hangen arnoch gennyf yn llawn. Ni synhwyras, wrth siarad â Mr Lee, y pennaeth polisi gwastraff, ac ni synhwyras wrth wrando ar y cyfarwyddwr ardal newydd, unrhyw ddi-ddordeb mewn gwella'r gyfraith a chael gwell rheoleiddiad. Gwn fod yr Asiantaeth Safonau Bwyd wedi ymrwymo i hyn a bod y Comisiwn Iechyd a Diogelwch yn chwarae rhan weithgar iawn yn hyn. Mae'n dipyn o benbleth imi pam nad yw Asiantaeth yr Amgylchedd yn gwneud hynny. Credaf ei bod yn bwysig fod corff y mae'r cyhoedd yn ei weld fel ei warchodwr yn erbyn llygredd amgylcheddol yn cael ei weld i fod yn rhagweithiol. Mae hynny yr un mor wir ym maes gwella deddfwriaeth ag ydyw ym maes gweithredu a gorfodi deddfwriaeth. Felly, yr oeddwn braidd yn anhapus gyda'r ffordd y gadawyd y mater gyda geiriau tebyg i, 'Yr ydym yma i wneud yr hyn a ddywed y deddfwyr'. Yr wyf fi'n meddwl y

gallai fynd ymhellach na hynny, a byddai hynny'n siwr o gael ei chyfleu ar lefel y bwrdd pe cai ei chyfleu o gwbl.

[80] **Tom Middlehurst:** It is now 3.30 p.m. It is not essential that we break at this moment. I would like to try to draw this particular discussion to some logical conclusion. There will be a further opportunity, of course, to discuss when we reconvene. However, I know that Ruth Hall wanted to make a comment on this so I will bring her in.

**Dr Hall:** Very briefly, Chair, my earlier contribution was described as confusing. I just wanted to make it absolutely clear that I was responding, in respect of the discussion on recommendation 16.6, that I fully support Mr Purchon's concern about the need for further research, the need for us to address what can be done in Wales to contribute to that, and also the specific requirement to examine the feasibility of the particular study that he has recommended.

[81] **Tom Middlehurst:** I think that, when we reconvene, it would be appropriate for us to consider, when we are drawing our conclusions, what has been said now and how we may want to respond to that in dealing with the recommendations. Unless it is absolutely pressing—

Geraint, do you want to raise a question this moment?

[82] **Geraint Davies:** It can wait, as long as we can raise it afterwards.

[83] **Tom Middlehurst:** Of course you can. We will now take a break.

[80] **Tom Middlehurst:** Mae bellach yn 3.30 p.m. Nid yw'n hanfodol inni gymryd egwyl y funud hon. Hoffwn geisio dwyn y drafodaeth arbennig hon i ryw gasgliad rhesymegol. Bydd cyfle pellach, wrth gwrs, i drafod pan ailymgynullwn. Fodd bynnag, gwn fod Ruth Hall eisiau gwneud sylw ar hyn felly rhoddaf gyfle iddi yn awr.

**Dr Hall:** Yn fyr iawn, Gadeirydd, disgrifiwyd fy nghyfraniad cynharach fel un dryslyd. Dim ond eisiau nodi'n hollol glir yr oeddwn mai fy ymateb oedd, yng nghyswllt y drafodaeth ar argymhelliad 16.6, fy mod yn llwyr gefnogi pryder Mr Purchon ynghylch yr angen am ymchwil bellach, yr angen inni ystyried beth y gellir ei wneud yng Nghymru i gyfrannu at hynny, a hefyd yr angen penodol i archwilio ymarferoldeb yr astudiaeth arbennig y mae ef wedi'i argymell.

[81] **Tom Middlehurst:** Yr wyf yn meddwl, pan ddeuwn yn ôl, y byddai'n briodol inni ystyried, wrth inni lunio'n casgliadau, yr hyn a ddywedwyd yn awr a sut efallai yr hoffem ymateb i hynny wrth ddelio â'r argymhellion. Oni bai ei fod yn hollol reidiol—

Geraint, a ydych chi eisiau gofyn cwestiwn y munud hwn?

[82] **Geraint Davies:** Gall aros, dim ond os y cawn ei godi wedyn.

[83] **Tom Middlehurst:** Wrth gwrs y cewch. Cymerwn egwyl yn awr.

*Cynhaliwyd egwyl rhwng 3.31 p.m. a 3.50 p.m.*

*A break was held between 3.31 p.m. and 3.50 p.m.*

## **Ystyriaeth o Gasgliadau ac Argymhellion**

### **Consideration of Conclusions and Recommendations**

**Tom Middlehurst:** Welcome back. What we want to try to do in this part of the meeting is to draw some conclusions from David Purchon's very comprehensive report. I am very grateful to David for the work that he has undertaken and I am sure that there will be further opportunities to recognise that. However, we have a set of recommendations which we must deal with and, in doing so, we need to take account of all the representations that we have heard in this Committee from individuals and organisations in response to David's recommendations. So, I want to move forward on that basis. With that—

**Geraint Davies:** Chair, I wanted to ask a question.

**Tom Middlehurst:** I do apologise, Geraint, because you did indicate that you wanted to say something before the break.

**Geraint Davies:** I have a query regarding the Environment Agency's response to Mr Purchon's allegation that the ground water was probably polluted. The Environment Agency has carried out other tests and says that it cannot find any evidence of that. I would like to ask Mr Purchon whether he still thinks that the ground water is probably polluted and what we can do to reassure the people of the area that there is not pollution of the ground water.

**Tom Middlehurst:** Croeso'n ôl. Yr hyn yr hoffem geisio'i wneud yn y rhan hon o'r cyfarfod yw tynnu rhai casgliadau o adroddiad cynhwysfawr iawn David Purchon. Yr wyf yn ddiolchgar iawn i David am y gwaith a wnaeth ac yr wyf yn siwr y daw cyfleoedd pellach i gydnabod hynny. Fodd bynnag, mae gennym set o argymhellion y mae'n rhaid inni ddelio â hwy ac, wrth wneud hynny, mae angen inni ystyried yr holl sylwadau a glywsom yn y Pwyllgor hwn gan unigolion a chyrrff mewn ymateb i argymhellion David. Felly, yr wyf am symud ymlaen ar y sail honno. Gyda hynny—

**Geraint Davies:** Gadeirydd, yr oeddwn eisiau gofyn cwestiwn.

**Tom Middlehurst:** Mae'n ddrwg gennyf, Geraint, oherwydd fe ddywedasoich cyn yr egwyl fod arnoch eisiau dweud rhywbeth.

**Geraint Davies:** Mae gennyf ymholiad ynglyn ag ymateb Asiantaeth yr Amgylchedd i honiad Mr Purchon fod y dwr daear wedi'i lygru yn ôl pob tebyg. Cynhaliodd Asiantaeth yr Amgylchedd brofion eraill a dywed na all ganfod unrhyw dystiolaeth o hynny. Hoffwn ofyn i Mr Purchon a ydyw'n dal o'r farn ei bod yn debygol fod y dwr daear wedi'i lygru a beth allwn ni ei wneud i dawelu meddwl pobl y fro nad oes llygredd yn y dwr daear.



**Mr Purchon:** The particular pollutants identified by the British Geological Survey were man-made and could not have been generated spontaneously or naturally. It seems to me uncertain whether its results could be duplicated. Presumably, that is what the agency and the current operator are now trying to do. I think that they should continue to do that. There would be little point in me commissioning the British Geological Survey on your behalf, being satisfied with what it was doing and how it did it, and then saying that I did not believe the results. Clearly, I believe the results that it obtained and they will probably be replicated in due course.

**Geraint Davies:** Do you have any explanation as to why the British Geological Survey had positive results for pollution whereas the Environment Agency had negative ones? Is there an explanation?

**Mr Purchon:** No, I do not have an explanation for that.

**Tom Middlehurst:** It is now for the Committee members to consider. We have a Plenary slot on 26 February, of which I am sure that we would all wish to take advantage. Working back from that, we need as a Committee to reach some conclusions rather quickly so that they can be included in a report for the Plenary session on 26 February. I know that members might find it inconvenient, but I think that it is important that every individual makes every effort to try to attend a meeting next Tuesday. It will be a short one at 9.15 a.m. I regret that on a personal basis because it means that I will have to travel much earlier than I normally would, but nonetheless it is important. We are only scheduling it to last until 10.30 a.m., so it will not restrict the other business of Members on Tuesday.

**Mr Purchon:** Llygrynnau o wneuthuriad dyn oedd y llygrynnau a ganfuwyd gan yr Arolwg Daearegol Prydeinig ac ni ellid bod wedi'u cynhyrchu'n ddigymell nac yn naturiol. Mae'n ymddangos i mi'n ansicr a ellid dyblygu ei ganlyniadau. Gellir tybio mai dyna beth y mae'r asiantaeth a'r gweithredwr presennol yn ceisio'i wneud yn awr. Credaf y dylent barhau i wneud hynny. Ni fyddai fawr o bwynt i mi gomisiynu'r Arolwg Daearegol Prydeinig ar eich rhan, bod yn fodlon â'r hyn a wnaeth a sut y'i gwnaeth, ac wedyn dweud nad oeddwn yn credu'r canlyniadau. Wrth reswm, credaf y canlyniadau a gafodd ac mae'n debyg y cânt eu dyblygu maes o law.

**Geraint Davies:** A oes gennych unrhyw esboniad pam y cafodd yr Arolwg Daearegol Prydeinig ganlyniadau positif ar gyfer llygredd tra cafodd Asiantaeth yr Amgylchedd rai negyddol? A oes esboniad?

**Mr Purchon:** Na, nid oes gennyf esboniad am hynny.

**Tom Middlehurst:** Mater ydyw yn awr i aelodau'r Pwyllgor ei ystyried. Mae gennym le yn y Cyfarfod Llawn ar 26 Chwefror, ac yr wyf yn siwr y byddem i gyd yn dymuno manteisio arno. A gweithio'n ôl o hynny, mae angen i ni fel Pwyllgor ddod i gasgliadau'n weddol gyflym fel y gellir eu cynnwys mewn adroddiad i'r Cyfarfod Llawn ar 26 Chwefror. Gwn efallai y bydd hyn yn anghyfleus i aelodau, ond yr wyf yn meddwl ei bod yn bwysig bod pob unigolyn yn gwneud pob ymdrech i geisio mynychu cyfarfod ddydd Mawrth nesaf. Cyfarfod byr fydd, am 9.15 a.m. Yr wyf yn gresynu am hynny ar sail bersonol oherwydd mae'n golygu y bydd yn rhaid imi deithio'n llawer cynharach nag a fyddwn fel arfer, ond serch hynny mae'n bwysig. Dim ond tan 10.30 a.m. y mae'r cyfarfod wedi'i drefnu i bara, felly ni wnaiff amharu ar fusnes arall

So, with your agreement, what we want to do, following today's considerations, is to draft the report. Committee Secretariat will do that. It will send it out at close of play on Friday. That means that we have the weekend and Monday to consider that and come back on Tuesday. I know that that makes demands of members, but I hope that, given all the circumstances and the long road that we have travelled and that we are now in the final straight—although there are many decisions still to be made—you would agree that we should endeavour to do it that way. Are Members content with that timetable? In that case, we will move now to look at our conclusions and whether we want to accept all or some of David Purchon's recommendations or whether we want to clarify, qualify or, indeed, add to them, given what you have heard from David Purchon today and, equally, what we have heard from respondents to David's report. Helen Mary, you wanted to come in on that?

**Helen Mary Jones:** Yes, thank you. I would advocate that we accept the recommendations. I think that there may be some specific points to clarify. For example, in response to one of my questions, I found it very useful to have the clarification about the nature of the waste that should and should not go into the tip. I think that making it clear that any biodegradable or putrescent waste—I think that 'putrescent' was the word used—should not be included is important, because that makes the recommendation clearer in terms of what the local authority needs to do. Other than making that kind of very specific clarification, I think that we should accept the recommendations.

Aelodau ddydd Mawrth.

Felly, gyda'ch cytundeb, yr hyn yr ydym am ei wneud, ar ôl ystyriaethau heddiw, yw drafftio'r adroddiad. Bydd Ysgrifenyddiaeth y Pwyllgor yn gwneud hynny. Caiff ei hanfon allan ganddi ar ddiwedd sesiwn dydd Gwener. Golyga hynny y bydd gennym y penwythnos a dydd Llun i'w ystyried a dod yn ôl ddydd Mawrth. Gwn fod hynny'n gofyn llawer o'r aelodau, ond gobeithiaf, o gofio'r holl amgylchiadau a'r ffordd hir yr ydym wedi'i theithio a'n bod bellach yn agos at y pen—er bod llawer o benderfyniadau yn dal i'w gwneud—y cytunech y dylem geisio ei gwneud fel hynny. A yw'r Aelodau'n fodlon â'r amserlen honno? Os felly, symudwn yn awr i edrych ar ein casgliadau a gweld a oes arnom eisiau derbyn y cyfan neu rai o argymhellion David Purchon neu a oes arnom eisiau eu heglurhau, eu cymhwyso neu'n wir, ychwanegu atynt, o gofio beth yr ydych wedi'i glywed gan David Purchon heddiw ac, yn yr un modd, beth yr ydym wedi'i glywed gan ymatebwyr i adroddiad David. Helen Mary, yr oeddech chi eisiau dod i mewn ar hynny?

**Helen Mary Jones:** Oeddwn, diolch. Byddwn i'n pwysu dros inni dderbyn yr argymhellion. Credaf efallai fod rhai pwyntiau penodol i'w heglurhau. Er enghraifft, mewn ymateb i un o'm cwestiynau, yr oedd yn ddefnyddiol iawn i mi gael yr eglurhad am natur y gwastraff a ddylai ac na ddylai fynd i'r domen. Yr wyf yn meddwl ei bod yn bwysig dweud yn glir na ddylid cynnwys unrhyw wastraff bioddiraddadwy neu bydradwy—credaf mai 'pydradwy' oedd y gair a ddefnyddiwyd—oherwydd mae hynny'n gwneud yr argymhelliad yn gliriach yn nhermau'r hyn y mae angen i'r awdurdod lleol ei wneud. Ar wahân i roi'r math hwnnw o eglurhad penodol iawn, yr wyf yn meddwl y dylem dderbyn yr argymhellion.

There are some things in some of the responses that Mr Purchon has given us today, which amplify some of the conclusions and explain them. They also help to explain why we as a Committee have decided to take this view rather than support some of the sort of countering points that have been put to us by other bodies. It might be useful to have those, either as separate recommendations or almost as an additional appendix. The only other suggestion that I have, Chair, would be that, in terms of grouping the recommendations to present them to Plenary, we group them into site-specific recommendations and broader recommendations. My suspicion would be that some of our fellow Assembly Members might take a keener interest in the lessons for the future. We as a Committee will want the specifics with regard to Nantygwyddon to be acted upon, but it might be easier for the purposes of debate to break up the recommendations in that way.

I have a couple of questions in terms of process, which we might want to return to. One is on the nature of the motion that will be tabled—and I know we do not necessarily normally do this, but this is not an ordinary Committee report; this is special. I think it would be useful to have the motion before the Committee next Tuesday as well as the report, if that is acceptable. We may want to look at the exact wording of that motion. It is not the same as an ordinary Committee report, where we are just asking for it to be noted, which is what usually happens. I think that we would also need to check what the protocol would be with regard to amending the motion. My own view would be that if there is cross-party agreement in this Committee, I would prefer to avoid an amendment, but I am conscious that, for example, the Conservative group has raised some concerns. My view would be that we would want this to be treated like a normal Committee report in that sense, in that the

Mae ambell beth yn rhai o'r ymatebion a gawsom gan Mr Purchon heddiw sydd yn ymhelaethu ar rai o'r casgliadau ac yn eu hegluro. Maent hefyd yn helpu i esbonio pam yr ydym ni fel Pwyllgor wedi penderfynu cymryd y farn hon yn hytrach na chefnogi rhai o'r gwrthbwyntiau a gynigiwyd inni gan gyrff eraill. Fe allai fod yn ddefnyddiol cael y rheini, naill ai fel argymhellion ar wahân neu bron fel atodiad ychwanegol. Yr unig awgrym arall sydd gennyf, Gadeirydd, fyddai, o ran grwpio'r argymhellion i'w cyflwyno i'r Cyfarfod Llawn, y dylem eu grwpio yn argymhellion sy'n ymwneud yn benodol â'r safle ac argymhellion mwy cyffredinol. Yr wyf fi'n amau y byddai gan rai o'n cyd-Aelodau Cynulliad fwy o ddiddordeb efallai yn y gwersi ar gyfer y dyfodol. Byddwn ni fel Pwyllgor eisiau gweld gweithredu ar y manylion ynghylch Nantygwyddon, ond efallai y byddai'n haws i ddibenion dadl gwahanu'r argymhellion fel yna.

Mae gennyf gwestiwn neu ddau ynghylch y broses, y byddem am ddod yn ôl atynt efallai. Mae un ar natur y cynnig a gyflwynir—a gwn na fyddwn o reidrwydd yn gwneud hyn fel arfer, ond nid adroddiad Pwyllgor arferol yw hwn; mae hwn yn arbennig. Yr wyf yn meddwl y byddai'n fuddiol cael y cynnig gerbron y Pwyllgor ddydd Mawrth nesaf yn ogystal â'r adroddiad, os yw hynny'n dderbyniol. Efallai y bydd arnom eisiau edrych ar union eiriad y cynnig hwnnw. Nid yw yr un fath ag adroddiad Pwyllgor cyffredin, lle byddwn yn gofyn yn syml am ei nodi, sef yr hyn sydd yn digwydd fel arfer. Yr wyf yn meddwl y byddai angen inni gadarnhau hefyd beth fyddai'r protocol o ran derbyn gwelliannau i'r cynnig. Fy marn i yw os oes cytundeb trawsbleidiol yn y Pwyllgor hwn, byddai'n well gennyf fi osgoi gwelliant, ond yr wyf yn ymwybodol fod y grwp Ceidwadol, er enghraifft, wedi mynegi rhai pryderon. Fy marn i yw y byddem yn dymuno i hwn gael ei drin fel adroddiad Pwyllgor arferol

motions normally cannot be amended under Standing Orders. We need to clear that up, I think. I am sorry that these are sort of tedious practical points, but I think that we need to get them worked out.

**Tom Middlehurst:** They are matters for Tuesday's meeting and quite rightly so. I do sense that we are moving forward on the basis of a fairly widely held consensus in this Committee.

**Helen Mary Jones:** I do not think that it is 100 per cent.

**Tom Middlehurst:** Well, that member is not here, so it is not fair to refer to that at this stage.

**Sue Essex:** The first rule of politics: always be there.

**Helen Mary Jones:** That is right, or take the consequences.

**Tom Middlehurst:** Yes, I think that is right. What we need to do now is focus on the nature of the recommendations. There are issues that need to be considered, obviously. Helen Mary has indicated that she feels that we should do that and I do not think that many will disagree—certainly I do not. Geraint, you wanted to comment on the recommendations?

**Geraint Davies:** With regard to the recommendation to stop household waste, can we put in the timescale that was recommended by Mr Purchon, that is, immediately?

**Tom Middlehurst:** Well, that is entirely up to the Committee. Is it necessary, given the—

yn hynny o beth, sef na ellir fel arfer gael gwelliant i'r cynigion dan y Rheolau Sefydlog. Mae angen bod yn glir ar hynny, dybiaf fi. Mae'n ddrwg gennyf fod y rhain yn bwyntiau ymarferol sydd braidd yn ddiflas, ond yr wyf yn meddwl bod angen inni eu setlo.

**Tom Middlehurst:** Maent yn faterion i gyfarfod dydd Mawrth, ac mae hynny'n gywir. Yr wyf yn synhwyro ein bod yn symud ymlaen ar sail consensws gweddol eang yn y Pwyllgor hwn.

**Helen Mary Jones:** Nid wyf yn meddwl ei fod 100 y cant.

**Tom Middlehurst:** Wel, nid yw'r aelod hwnnw yma, felly nid yw'n deg cyfeirio at hynny ar hyn o bryd.

**Sue Essex:** Rheol gyntaf gwleidyddiaeth: byddwch yno bob amser.

**Helen Mary Jones:** Digon gwir, neu derbyniwch y canlyniadau.

**Tom Middlehurst:** Ie, yr wyf yn meddwl bod hynny'n iawn. Yr hyn sydd angen inni ei wneud yn awr yw canolbwyntio ar natur yr argymhellion. Y mae materion sydd angen eu hystyried, yn amlwg. Mae Helen Mary wedi nodi ei bod yn teimlo y dylem wneud hynny ac nid wyf yn meddwl y bydd llawer yn anghytuno—nid fi, yn sicr. Geraint, yr oeddech am wneud sylw ar yr argymhellion?

**Geraint Davies:** Gyda golwg ar yr argymhelliad i atal gwastraff ty, a allwn gynnwys yr amseriad penodol a argymhellwyd gan Mr Purchon, hynny yw, yn syth?

**Tom Middlehurst:** Wel, mater yn llwyr i'r Pwyllgor yw hynny. A oes angen, o gofio—

**Sue Essex:** I think that we will get into problems if we start changing any of these. I absolutely agree with what Helen Mary said. Clearly, I have to respond in a ministerial capacity, but I feel that it would keep the Committee together if we do things in that way. If we start making any changes then it will be quite difficult, I think.

**Geraint Davies:** It was just to clarify what Mr Purchon meant. It is not to change anything, really. It was just explaining what he actually meant, because it was unclear. I was not talking about making a fundamental change.

**Helen Mary Jones:** Could we perhaps deal with that? I have suggested that there are some further things that Mr Purchon has said that we would want to add in an appendix or in an addendum to the report. I think that the concern has to be that it was suggested to us in our previous meeting—I think by the Environment Agency—that perhaps the local authority had been a bit hasty in its response. Now, Mr Purchon has said to us today that he was very pleased by that response. Perhaps rather than change the wording of the recommendations as they stand we should refer to some of those points of clarification in an appendix or an addendum. I do support what Sue said about trying to hold us together. We asked for recommendations, these are the ones we have, and I have not heard any evidence that makes me want to fundamentally change them. However, there are points of detail and of clarification, which I think would be useful for Plenary to have as well. That would include some of the things in terms of timescale that Mr Purchon has said; the nature of the waste; and some very useful—particularly for me—additional points around the recommendation on commercial confidentiality in 16.7 and 16.8. Some of the things that have

**Sue Essex:** Yr wyf yn meddwl yr awn i drafferthion os dechreuwn newid unrhyw rai o'r rhain. Cytunaf yn llwyr gyda'r hyn a ddywedodd Helen Mary. Yn amlwg, mae'n rhaid i mi ymateb fel gweinidog, ond teimlaf y byddai'n cadw'r Pwyllgor gyda'i gilydd os gwnawn bethau yn y ffordd yma. Os dechreuwn wneud newidiadau, yna bydd yn eithaf anodd, gredaf fi.

**Geraint Davies:** Dim ond eglurhau beth a olygai Mr Purchon oedd fy mwriad, nid newid dim, mewn gwirionedd. Dim ond esbonio beth yr oedd yn ei olygu mewn gwirionedd, oherwydd yr oedd yn aneglur. Nid oeddwn yn sôn am wneud newid sylfaenol.

**Helen Mary Jones:** A allem efallai ddelio â hynny? Awgrymais fod rhai pethau eraill a ddywedodd Mr Purchon yr hoffem eu hychwanegu mewn atodiad neu ychwanegiad i'r adroddiad. Yr wyf yn meddwl mai'r hyn y mae'n rhaid pryderu amdano yw yr awgrymwyd inni yn ein cyfarfod blaenorol—gan Asiantaeth yr Amgylchedd, mi gredaf—fod yr awdurdod lleol efallai wedi ymateb ychydig yn frysiog. Yn awr, mae Mr Purchon wedi dweud wrthym heddiw ei fod wedi'i blesio'n fawr gan yr ymateb hwnnw. Efallai, yn hytrach na newid geiriad yr argymhellion fel y safant, y dylem gyfeirio at rai o'r pwyntiau eglurhad hynny mewn atodiad neu ychwanegiad. Yr wyf yn cefnogi'r hyn a ddywedodd Sue ynghylch ceisio'n dal ni gyda'n gilydd. Gofynasom am argymhellion, dyma'r rhai sydd gennym, ac nid wyf wedi clywed unrhyw dystiolaeth sydd yn peri imi fod eisiau eu newid yn sylweddol. Fodd bynnag, y mae pwyntiau o fanylder ac eglurder, y byddai'n ddefnyddiol yn fy marn i i'r Cyfarfod Llawn eu cael yn ogystal. Byddai hynny'n cynnwys rhai o'r pethau a ddywedodd Mr Purchon ynghylch amseriad; natur y gwastraff; a rhai pwyntiau ychwanegol defnyddiol iawn—yn enwedig i mi—ynghylch yr argymhelliad ar gyfrinachedd

been said today, which I am sure the clerks can easily pick off the record, would help to explain to colleagues the background behind these recommendations. That would seem sensible.

**Tom Middlehurst:** I think that, within the terms of the report that we will produce, we can and ought to identify the issues that have been raised by Committee in response to the recommendations. Equally—and we must be even-handed in terms of the report to Plenary—we ought to indicate the nature of the responses to David’s report, to allow those agencies which may have been criticised today to have their views reflected in the report. I think that that is right; we must have proper balance. Whether I personally have a view on that is irrelevant. In terms of our function as a Committee, we must ensure that the Plenary is aware of all the issues and concerns that have been raised. However, we must be positive about the recommendations.

**Helen Mary Jones:** I think that that is right. However, we need to say that these are the concerns that were raised with us and we did not agree with them, because this is the kind of point at which we have talked before about the quasi-judicial function. We always knew that at some point we would have to decide between two lots of evidence that would not completely *taro deg*, that is, they would not knock together, they would not agree with each other. There are points where the Environment Agency has put forward one perspective, David has put forward another, and we are agreeing with what David has said. I think that it is fair to inform Plenary that other points were raised, but we need to be clear which points we agreed with and which points we did not.

masnachol yn 16.7 ac 16.8. Byddai rhai o’r pethau a ddywedwyd heddiw, y gall y clercod, yr wyf yn siwr, eu canfod yn hawdd o’r cofnod, yn helpu i egluro i’n cyd-Aelodau y cefndir y tu ôl i’r argymhellion hyn. Mae hynny’n ymddangos yn ddoeth.

**Tom Middlehurst:** Yr wyf yn meddwl, o fewn telerau’r adroddiad y byddwn yn ei lunio, y gallwn ac y dylem nodi’r materion a godwyd gan y Pwyllgor mewn ymateb i’r argymhellion. Yn yr un modd—a rhaid inni fod yn ddiuedd yn nhermau’r adroddiad i’r Cyfarfod Llawn—dylem nodi natur yr ymatebion i adroddiad David, i ganiatáu i’r asiantaethau hynny a feirniadwyd efallai heddiw gael adlewyrchu eu barn hwy yn yr adroddiad. Credaf fod hynny’n deg; rhaid inni gael cydbwysedd iawn. Nid yw’n berthnasol a oes gennyf farn bersonol ar hynny. O ran ein swyddogaeth fel Pwyllgor, rhaid inni sicrhau bod y Cyfarfod Llawn yn ymwybodol o’r holl faterion a phryderon a godwyd. Fodd bynnag, rhaid inni fod yn gadarnhaol ynghylch yr argymhellion.

**Helen Mary Jones:** Yr wyf yn meddwl bod hynny’n iawn. Fodd bynnag, mae angen inni ddweud mai dyma’r pryderon a godwyd gyda ni ac na wnaethom ni gytuno â hwy, oherwydd dyma’r math o bwynt lle’r ydym wedi siarad o’r blaen am y swyddogaeth led-farnwrol. Yr oeddem bob amser yn gwybod y byddai’n rhaid inni ar ryw bwynt benderfynu rhwng dwy set o dystiolaeth na fyddai’n taro deg yn hollol, hynny yw, na fyddai’n cyd-daro, na fyddai’n cytuno. Y mae pwyntiau lle mae Asiantaeth yr Amgylchedd wedi cynnig un safbwynt, a David wedi cynnig un arall, ac yr ydym yn cytuno â’r hyn a ddywedodd David. Yr wyf yn meddwl ei bod yn deg hysbysu’r Cyfarfod Llawn y codwyd pwyntiau eraill, ond mae angen inni fod yn glir ynghylch pa bwyntiau yr oeddem yn cytuno â hwy a pha bwyntiau nad oeddem yn cytuno â

hwy.

**Tom Middlehurst:** I think that there is a danger in trying to, if you like, reword the recommendations in such a way as might create some sort of differences within the Committee. There seems to be general support for the main thrust of what is in the report and for the recommendations. For us to further qualify the actual recommendations extensively might give rise to some concerns. There is a need for us to identify the reasons why we support the recommendations and, if you like, to qualify those within the body of the report, rather than to shift the recommendations. However, it is down to us; we do not have to accept the recommendations. It is a matter for you, as a Committee, to determine if you want to accept some, all, or any of the recommendations, or otherwise.

**Sue Essex:** As a general view, Chair, I know that there will be presumptions here, but obviously Eleanor Burnham has difficult personal circumstances and I think that we should say that she is not here because of the death of a parent.

**Tom Middlehurst:** Indeed, I heard that today.

**Sue Essex:** We must recognise that there are very good reasons why Eleanor is not here. However, I feel that around this table there is a willingness to accept the recommendations as they stand. As you say, there may be other points of explanation that need to go in the report. Certainly there needs to be coverage of the evidence given in the responses, and organisations' views need to be included for completeness. However, I feel that if we are to conduct and finalise this Committee report in the spirit in which it had been undertaken—and it has been undertaken in a brilliant spirit; I think

**Tom Middlehurst:** Yr wyf yn meddwl bod perygl o geisio, os mynnwch, aralleirio'r argymhellion mewn ffordd a allai greu rhyw fath o wahaniaethau o fewn y Pwyllgor. Mae'n ymddangos bod cefnogaeth gyffredinol i brif ergyd yr hyn sydd yn yr adroddiad ac i'r argymhellion. Byddai i ni gymhwyso'r argymhellion gwirioneddol hynny yn helaeth ymhellach yn gallu achosi pryderon. Mae angen inni nodi'r rhesymau pam yr ydym o blaid yr argymhellion ac, os mynnwch, cymhwyso'r rheini o fewn corff yr adroddiad, yn hytrach na symud yr argymhellion. Fodd bynnag, mater i ni ydyw; nid oes raid inni dderbyn yr argymhellion. Mater i chi, fel Pwyllgor, yw penderfynu a ydych am dderbyn rhai, y cyfan neu unrhyw un o'r argymhellion, neu fel arall.

**Sue Essex:** Gyda golwg gyffredinol, Gadeirydd, gwn y bydd rhagdybiaethau yma, ond yn amlwg mae gan Eleanor Burnham amgylchiadau personol anodd ac yr wyf yn meddwl y dylem ddweud ei bod yn absennol oherwydd marwolaeth rhiant.

**Tom Middlehurst:** Yn wir, clywais hynny heddiw.

**Sue Essex:** Rhaid inni gydnabod bod rhesymau da iawn pam nad yw Eleanor yma. Fodd bynnag, teimlaf fod parodrwydd o gwmpas y bwrdd hwn i dderbyn yr argymhellion fel y safant. Fel y dywedaso, efallai fod pwyntiau esboniadol eraill y mae angen eu cynnwys yn yr adroddiad. Yn sicr mae angen sylw i'r dystiolaeth a roddwyd yn yr ymatebion, ac mae angen cynnwys sylwadau cyrff er mwyn bod yn gyflawn. Fodd bynnag, teimlaf os ydym am gynnal a chwblhau'r adroddiad Pwyllgor hwn yn yr ysbryd yr ymgwymerwyd ag ef—ac fe ymgwymerwyd ag ef mewn ysbryd gwyach; yr wyf

that it shows the Assembly at its best, and why things are different after devolution—that it would be easiest to accept the recommendations as they stand. Would that be fair?

**Geraint Davies:** I have one suggestion to do with recommendations 16.2 and 16.10; one is to do with the remediation and the other to do with the stability study. I think that those two should be brought together, because they are to do with the final landform. I think that the stability study should be incorporated with the recommendation on the final landform. It would be stupid to design something that will change in the longer term.

**Tom Middlehurst:** Clearly, that is inevitable.

**Sue Essex:** I have already brought that out in the questions to David Purchon. That is the rationale for this. If we can keep the report as it is and there is a response to it, then I think that some of those points will be brought out.

**Tom Middlehurst:** Let us keep this structured. I understand your anxiety and determination to get the best out of this report; we all want that, and all those people out there want that, and we must take the benefits from Mr Purchon's exhaustive investigation. There is another dimension to the process: the report goes to Plenary on 26 February and then we will require an action plan, as far as the Minister is concerned, with regard to the implementation. Those aspects fall to her, of course, and that is another stage in the process.

yn meddwl ei fod yn dangos y Cynulliad ar ei orau, a pham y mae pethau'n wahanol ers datganoli—mai'r peth hawsaf fyddai derbyn yr argymhellion fel y safant. A fyddai hynny'n deg?

**Geraint Davies:** Mae gennyf un awgrym ynglyn ag argymhellion 16.2 ac 16.10; mae a wnelo un â'r gwaith adfer a'r llall â'r astudiaeth sefydlogrwydd. Credaf y dylid dod â'r ddau hynny at ei gilydd, oherwydd maent yn ymwneud â ffurf derfynol y tir. Yr wyf yn meddwl y dylid ymgorffori'r astudiaeth sefydlogrwydd gyda'r argymhelliad ar ffurf derfynol y tir. Twpdra fyddai dylunio rhywbeth a fydd yn newid yn y tymor hwy.

**Tom Middlehurst:** Yn amlwg, mae hynny'n anochel.

**Sue Essex:** Yr wyf eisoes wedi codi hynny yn y cwestiynau i David Purchon. Dyna'r rhesymeg dros hyn. Os gallwn gadw'r adroddiad fel y mae ac y ceir ymateb iddo, yna yr wyf yn meddwl yr amlygir rhai o'r pwyntiau hynny.

**Tom Middlehurst:** Dewch inni gadw strwythur i'r drafodaeth. Deallaf eich pryder a'ch awydd i gael y gorau o'r adroddiad hwn; yr ydym i gyd eisiau hynny, ac mae'r holl bobl allan yn y fan acw eisiau hynny, a rhaid inni fanteisio ar ymchwiliad trylwyr Mr Purchon. Mae dimensiwn arall i'r broses: aiff yr adroddiad i'r Cyfarfod Llawn ar 26 Chwefror ac wedyn bydd angen cynllun gweithredu, o safbwynt y Gweinidog, ar gyfer rhoi'r argymhellion ar waith. Peth iddi hi yw'r agweddau hynny, wrth gwrs, a cham arall yn y broses yw hynny.



**Helen Mary Jones:** On the concern that Geraint raised, it may be that that could be dealt with by grouping the recommendations, as I have suggested, because that is a site-specific recommendation. It is not an action for the local authority or for the company that runs the site, but it is site specific. So, I suggest that we group those in terms of the numbering, unless Mr Purchon is unhappy with that, and state that these are the recommendations that are specific to Nantygwyddon and these are the broader lessons, which also have implications for Nantygwyddon and what needs to happen next. I think that it will then be easier to structure the debate in the Plenary session, if we are clear on that. So, recommendation 16.10, in a sense, belongs further up somewhere because it is about what needs to be done with that particular site rather than what needs to be done with waste management systems, public accountability and all the other broader issues that we go on to raise.

**Tom Middlehurst:** If you recall, when we started this afternoon, I did suggest that there were what I called site-specific recommendations and that 16.1 to 16.5 and 16.10 sat well together. In that sense, we tried to structure the discussion and the questions to David. Clearly, they are directly related to actions on the particular site and the rest of the recommendations broaden to encompass the whole issue of the future of landfill and the impact on communities and so on. To try to get some agreement today, are we content to go forward on that basis? We can finalise this on Tuesday and we are not closing down further discussion, but I think that if we could move forward on the basis of an understanding—

**Helen Mary Jones:** Ynglyn â'r pryder a fynegodd Geraint, efallai y gellid delio â hynny drwy grwpio'r argymhellion, fel yr awgrymais, gan ei fod yn argymhelliad sy'n ymwneud yn benodol â'r safle. Nid gweithred i'r awdurdod lleol na'r cwmni sydd yn rhedeg y safle ydyw, ond mae'n ymwneud yn benodol â'r safle. Felly, awgrymaf ein bod yn grwpio'r rheini yn nhermau'r rhifau, oni bai fod Mr Purchon yn anhapus â hynny, ac y dywedwn mai dyma'r argymhellion sydd yn benodol i Nantygwyddon a dyma'r gwersi ehangach, sydd hefyd â goblygiadau i Nantygwyddon a'r hyn sydd angen digwydd nesaf. Yr wyf yn meddwl wedyn y bydd yn haws strwythuro'r ddadl yn y Cyfarfod Llawn, os ydym yn glir ar hynny. Felly, mae argymhelliad 16.10, mewn ffordd, yn perthyn rywle yn uwch oherwydd mae'n ymwneud â'r hyn y mae angen ei wneud gyda'r safle penodol hwnnw yn hytrach na'r hyn y mae angen ei wneud gyda systemau rheoli gwastraff, atebolrwydd cyhoeddus a'r holl faterion ehangach eraill yr awn ymlaen i'w codi.

**Tom Middlehurst:** Os cofiwch, pan ddechreuasom y prynhawn yma, fe awgrymais fod yma'r hyn a elwais i yn argymhellion sy'n ymwneud yn benodol â'r safle a bod 16.1 i 16.5 ac 16.10 yn cyd-eistedd yn dda. Yn yr ystyr hwnnw, ceisiasom strwythuro'r drafodaeth a'r cwestiynau i David. Yn amlwg, maent yn ymwneud yn uniongyrchol â gweithredoedd ar y safle arbennig hwn ac mae gweddill yr argymhellion yn ymledu i gynnwys holl gwestiwn dyfodol tirlenwi a'r effaith ar gymunedau ac ati. Er mwyn ceisio cael rhyw gytundeb heddiw, a ydym yn fodlon mynd ymlaen ar y sail honno? Gallwn wneud hyn yn derfynol ddydd Mawrth ac nid ydym yn rhwystro trafodaeth bellach, ond yr wyf yn meddwl pe gallem symud ymlaen ar sail dealltwriaeth—

**Helen Mary Jones:** May I formally move that we accept these recommendations, that there will be additional material in the report that reflects some of the other evidence that we have been given but reject—so that people have their say, but that we also make it clear where we stand—and that some of the points of clarification and additional information that Mr Purchon has given us, when he was questioned, are also reflected in a bit of the report, where they amplify or explain the background? I propose that we move forward on that basis and that we then have a motion to discuss on Tuesday that gives some format to the next step. For example, Chair, you mentioned requesting an action plan from the Minister, and that would seem to be sensible. I would hate this report to end up just being noted in Plenary. We know that the Minister will act on this, but I think that we would want in the motion, what the next stage is, just as a first next step.

**Tom Middlehurst:** We are talking about process, and I am sure that this is not too interesting to our audience, but we must get it right.

**Helen Mary Jones:** With respect, Chair, if we get it wrong, then an awful lot of work could end up being wasted because some of this stuff is very far-reaching and needs full Plenary backing to take on some of the more controversial things. There may be other Members who will want to argue against some of that—I do not know; I hope not. Sadly, these processes are endlessly tedious, but we know what happens when we get them wrong.

**Helen Mary Jones:** A gaf fi gynnig yn ffurfiol ein bod yn derbyn yr argymhellion hyn, y bydd deunydd ychwanegol yn yr adroddiad a fydd yn adlewyrchu peth o'r dystiolaeth arall a roddwyd ger ein bron ond a wrthodwyd gennym—fel bod pobl yn cael dweud eu dweud, ond ein bod ni hefyd yn dangos yn glir ymhle yr ydym yn sefyll—ac y caiff rhai o'r pwyntiau eglurhad a gwybodaeth bellach a roddodd Mr Purchon inni pan gafodd ei holi eu hadlewyrchu hefyd mewn tamaid o'r adroddiad, lle maent yn helaethu neu'n egluro'r cefndir? Cynigïaf ein bod yn symud ymlaen ar y sail honno ac wedyn y cawn gynnig i'w drafod ddydd Mawrth fydd yn rhoi rhyw fformat i'r cam nesaf. Er enghraifft, Gadeirydd, soniasoch am ofyn am gynllun gweithredu gan y Gweinidog, ac mae hynny'n ymddangos yn beth call. Byddai'n gas gennyf i'r adroddiad hwn orffen drwy gael ei nodi'n unig yn y Cyfarfod Llawn. Gwyddom y gwnaiff y Gweinidog weithredu ar hyn, ond yr wyf yn meddwl yr hoffem gael yn y cynnig rywbeth yn dweud beth yw'r cam nesaf, dim ond fel cam nesaf cyntaf.

**Tom Middlehurst:** Yr ydym yn siarad am broses, ac yr wyf yn siwr nad yw hyn yn rhy ddiddorol i'n cynulleidfa, ond rhaid ei chael yn iawn.

**Helen Mary Jones:** Gyda pharch, Gadeirydd, os gwnawn gamgymeriad, yna gallai peth wmbredd o waith gael ei wastraffu, oherwydd mae llawer o'r deunydd hwn yn bellgyrhaeddol iawn ac mae angen cefnogaeth y Cyfarfod Llawn i ymgymryd â rhai o'r pethau mwy dadleuol. Fe all fod Aelodau eraill a fydd eisïau dadlau yn erbyn rhywfaint o hynny—ni wn; gobeithiaf ddim. Ysywaeth, mae'r prosesau hyn yn ddiflas ddiddiwedd, ond gwyddom beth sydd yn digwydd pan awn ar gyfeiliorn.

**Tom Middlehurst:** Yes, there are now some precedents for dealing with Committee reports in Plenary—

**Helen Mary Jones:** Not of this nature.

**Tom Middlehurst:** Not quite of this nature, I agree, but there is a process for dealing with them.

**Sue Essex:** Perhaps we could move on. I know that the clerks will be working hard to complete the report, and we can see that and what the motion is.

**Tom Middlehurst:** Yes, I think that that is right. We could further discuss this particular issue on Tuesday, but let us deal with the recommendations today so that the clerk is in a position to go away at 5.30 p.m. and start writing her report.

**Helen Mary Jones:** My proposal, Chair—if it is possible and, if it is not, I accept that because of the pressure of work—is that we have a draft motion in front of us on Tuesday. We all know what happens if we start trying to draft the motion in Committee. It only needs to be simple.

**Tom Middlehurst:** I take your point. We will have limited time on Tuesday and we need to be able to reach a conclusion. I agree with you. Thank you.

**Helen Mary Jones:** If people have problems with issues, then perhaps it would better if they raised them with Richard, as Chair, and the clerk before that meeting so that we can address them rather than end up having a last minute hitch.

**Tom Middlehurst:** Oes, y mae ambell gynsail erbyn hyn ar gyfer delio ag adroddiadau Pwyllgor yn y Cyfarfod Llawn—

**Helen Mary Jones:** Nid rhai o'r natur hon.

**Tom Middlehurst:** Nid yn hollol o'r natur hon, cytunaf, ond y mae proses ar gyfer delio â hwy.

**Sue Essex:** Efallai y gallem symud ymlaen. Gwn y bydd y clerod yn gweithio'n galed i gwblhau'r adroddiad, a chawn weld hwnnw a gweld beth yw'r cynnig.

**Tom Middlehurst:** Ie, yr wyf yn meddwl bod hynny'n iawn. Gallem drafod y mater arbennig hwn ymhellach ddydd Mawrth, ond gadewch inni ddelio â'r argymhellion heddiw fel y bydd y cler mewn sefyllfa i fynd oddi yma am 5.30 p. m. a dechrau ysgrifennu'i hadroddiad.

**Helen Mary Jones:** Fy nghynnig, Gadeirydd—os yw'n bosibl, ac, os nad ydyw, derbynias hynny oherwydd pwysau'r gwaith—yw y cawn gynnig drafft ger ein bron ddydd Mawrth. Gwyddom i gyd beth fydd yn digwydd os dechreuwn geisio drafftio'r cynnig yn y Pwyllgor. Dim ond drafft syml sydd angen.

**Tom Middlehurst:** Cymeraf eich pwynt. Ychydig o amser fydd gennym ddydd Mawrth a bydd angen inni allu dod i gasgliad. Cytunaf â chi. Diolch.

**Helen Mary Jones:** Os oes gan bobl broblemau gyda materion, yna efallai y byddai'n well iddynt eu codi gyda Richard, fel Cadeirydd, a'r cler cyn y cyfarfod fel y gallwn ymdrin â hwy yn hytrach na chael problem ar y funud olaf.

**Tom Middlehurst:** There is a proposal that we should support the recommendations. Is that the general view of the Committee? Is there any dissent in the body of this Committee as it stands at the moment? I see that there is not. Okay.

**Karen Sinclair:** On the response to my questions in relation to 16.2, I am sure that the clerk will take them on board when she writes her report—

**Tom Middlehurst:** The comments can be reflected in there and, obviously, they must be, but not within the body of the recommendation.

I think that we are moving quite quickly towards some conclusions today. I am pleased with that, because I think that it has been an important session. As I said earlier, we are in the home straight, but the decisions have yet to be taken and it is the action that follows that is going to be crucially important. Are there any other issues with regard to the recommendations themselves before we perhaps do a bit of tidying up? Members seem to be generally happy—I am pleased with that.

Much has been said about the response of organisations and agencies. It has been constructive criticism and it is right that members of this Committee should be candid in their views and opinions. However, I just want to make sure that we put on record that we do recognise that there is a high degree of professionalism out there within the agencies. People who work for our public bodies and quasi-public bodies are consummate professionals and do an excellent job. The issues around the agencies themselves—their accountability, their democratic legitimacy and all of those things—are wider issues beyond the scope of

**Tom Middlehurst:** Mae cynnig y dylem gefnogi'r argymhellion. Ai dyna farn gyffredinol y Pwyllgor? A oes unrhyw anghytundeb yng nghorff y Pwyllgor hwn fel y saif ar hyn o bryd? Gwelaf nad oes. Iawn.

**Karen Sinclair:** Ar yr ymateb i'm cwestiynau mewn perthynas ag 16.2, yr wyf yn siwr y gwnaiff y clerc eu hystyried pan fydd yn ysgrifennu'i hadroddiad—

**Tom Middlehurst:** Gellir adlewyrchu'r sylwadau yn y fan honno ac, wrth reswm, rhaid gwneud hynny, ond nid o fewn corff yr argymhelliad.

Yr wyf yn meddwl ein bod yn symud yn eithaf cyflym tuag at gasgliadau heddiw. Yr wyf yn falch o hynny, oherwydd credaf iddi ymddangos bod yn sesiwn bwysig. Fel y dywedais yn gynharach, yr ydym yn nesáu at y terfyn, ond mae'r penderfyniadau eto i'w gwneud a'r gweithredu fydd yn dilyn fydd yn allweddol bwysig. A oes unrhyw faterion eraill ynghylch yr argymhellion eu hunain cyn inni efallai wneud ychydig o dacluso? Mae'n ymddangos bod yr aelodau'n gyffredinol yn hapus—yr wyf yn falch o hynny.

Soniwyd llawer am ymateb cyrff ac asiantaethau. Bu'n feirniadaeth adeiladol ac mae'n deg y dylai aelodau'r Pwyllgor hwn fod yn ddi-flewyn-ardafod wrth fynegi barn. Fodd bynnag, mae arnaf eisiau gwneud yn siwr ein bod yn cofnodi ein bod yn cydnabod bod gradd uchel o broffesiynoldeb allan yn yr asiantaethau. Mae'r bobl sydd yn gweithio i'n cyrff cyhoeddus a'n cyrff lled-gyhoeddus yn weithwyr proffesiynol a gwnânt waith ardderchog. Mae'r materion ynghylch yr asiantaethau eu hunain—eu hatebolrwydd, eu cyfreithlondeb democrataidd a'r holl bethau hynny—yn faterion ehangach y tu hwnt i gyrraedd llawer o bobl sydd yn gweithio o

many people who work within those organisations. We should give due regard to the work that they do. However, that does not in any way detract from what we said as a Committee in our response to the comments made by the agencies and the public bodies. I just wanted to recognise that there are some excellent people out there. I think that Helen Mary made that comment as well.

Is there anything else that we need to do today other than agree to meet again on Tuesday? No? In that case, I will go on to say to the members of the public that it has been a very productive day today and I want to thank you for your attendance again. I think that we are going to extend an invitation to you so that if you want to come here and go through all this again on Tuesday at 9.15 a.m., you are very much welcome. I think that we can use your existing passes again if you can generate enough enthusiasm to visit us again.

I thank Committee members and David Purchon in particular for being here today and answering the questions put to him so readily. I also thank all those who have contributed to today's proceedings.

**Helen Mary Jones:** There is one other point about which we asked for clarification, which is about the point at which the quasi-judicial function of this Committee ends and the point at which members are able to make comments. I think that you have requested from the Counsel a view about at what point we can start speaking publicly about the content of the report outside this meeting.

**Tom Middlehurst:** Yes, we have been on our best behaviour, have we not?

fewn y cyrff hynny. Dylem roi ystyriaeth ddyledus i'r gwaith a wnânt. Fodd bynnag, nid yw hynny mewn unrhyw fodd yn tynnu oddi wrth yr hyn a ddywedasom fel Pwyllgor yn ein hymateb i'r sylwadau a wnaethpwyd gan yr asiantaethau a'r cyrff cyhoeddus. Dim ond eisiau cydnabod yr oeddwn i fod yna bobl ardderchog i'w cael y tu allan i'r Cynulliad. Yr wyf yn meddwl y dywedodd Helen Mary hynny hefyd.

A oes unrhyw beth arall y mae angen inni'i wneud heddiw ac eithrio cytuno i gwrdd eto ddydd Mawrth? Nac oes? Os felly, af ymlaen i ddweud wrth aelodau'r cyhoedd y cawsom ddiwrnod cynhyrchiol iawn heddiw a hoffwn ddiolch ichi am eich presenoldeb eto. Yr wyf yn meddwl ein bod yn mynd i estyn gwahoddiad ichi fel bod croeso mawr ichi os hoffech ddod yma a mynd drwy hyn i gyd eto ddydd Mawrth am 9.15 a.m. Yr wyf yn meddwl y gallwn ddefnyddio'ch tocynnau mynediad eto os gallwch chi fagu digon o frwdfrydedd i ymweld â ni eto.

Diolchaf i aelodau'r Pwyllgor ac i David Purchon yn arbennig am fod yma heddiw ac ateb y cwestiynau a roddwyd iddo mor barod. Diolch hefyd i bawb a gyfrannodd at y drafodaeth heddiw.

**Helen Mary Jones:** Y mae un pwynt arall y gofynasom am eglurhad arno, sef ynghylch y pwynt lle daw swyddogaeth led-farnwrol y Pwyllgor hwn i ben a'r pwynt lle gall aelodau wneud sylwadau. Yr wyf yn meddwl eich bod wedi gofyn i'r Cwnsler am farn ynghylch ar ba bwynt y gallwn ddechrau siarad yn gyhoeddus am gynnwys yr adroddiad y tu allan i'r cyfarfod hwn.

**Tom Middlehurst:** Ie, yr ydym wedi bod yn blant da, onid do?

**Helen Mary Jones:** And it has not been easy.

**Tom Middlehurst:** Yes, it is difficult. Keith, would you like to advise us?

**Mr Bush:** Well, as I understand it, after the meeting on Tuesday, the final decision of this Committee in relation to this report, which may be in the form of a motion to go to Plenary, will have been finalised and therefore the investigation, as far as this Committee is concerned—or this Committee’s role in the investigation—will have been concluded. Therefore, the warning that I and my predecessor gave about maintaining an open mind and not saying or doing anything which could prejudice the appearance of impartiality will have ceased to apply from that stage, so members can express their views without feeling inhibited by the effect that that might have on the investigation.

**Helen Mary Jones:** Traps shut until Tuesday.

**Tom Middlehurst:** Yes, traps shut until Tuesday. Okay. Thank you very much indeed. That concludes the business for today.

**Helen Mary Jones:** Ac nid yw wedi bod yn hawdd.

**Tom Middlehurst:** Ydyw, mae’n anodd. Keith, a hoffech roi cyngor inni?

**Mr Bush:** Wel, yn ôl a ddeallaf fi, ar ôl y cyfarfod ddydd Mawrth, bydd penderfyniad terfynol y Pwyllgor hwn ar yr adroddiad hwn, a all fod ar ffurf cynnig i fynd gerbron y Cyfarfod Llawn, wedi ei wneud yn derfynol ac felly bydd yr ymchwiliad, cyn belled ag y mae’r Pwyllgor hwn yn y cwestiwn—neu rôl y Pwyllgor hwn yn yr ymchwiliad—wedi dod i ben. Felly, bydd y rhybudd a roddais i a’r rhagflaenydd ynghylch cadw meddwl agored a pheidio â dweud na gwneud dim a allai ragfarnu’r ymddangosiad o fod yn ddiuedd wedi peidio â bod yn berthnasol o hynny ymlaen, felly gall aelodau fynegi eu barn heb deimlo eu bod yn cael eu hatal gan yr effaith y gallai hynny ei chael ar yr ymchwiliad.

**Helen Mary Jones:** Taw piau hi tan ddydd Mawrth.

**Tom Middlehurst:** Ie, taw piau hi tan ddydd Mawrth. Iawn. Diolch yn fawr iawn ichi. Dyna ddiwedd ein busnes am heddiw.

*Daeth y cyfarfod i ben am 4.15 p.m.  
The meeting ended at 4.15 p.m.*