

ENVIRONMENT, PLANNING AND TRANSPORT COMMITTEE

Date: Wednesday 6 February 2002
Time: 2.00 to 5.00 pm
Venue: Committee Rooms 3 & 4, National Assembly Building

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

Purpose

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

Background

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

3. At the last meeting on 23 January the Committee questioned representatives of Bro Taf Health Authority, Environment Agency Wales and Rhondda Cynon Taf County Borough Council on their responses to the Investigator's report, and identified **areas for clarification** by the Investigator, summarised at **Annex B**.

Today's meeting

4. The meeting will be devoted to consideration of the Independent Investigator's report and responses to the report. The Independent Investigator, David Purchon, will be present to address points of clarification on his report. The Chief Medical Officer will also be present to assist with consideration of the Independent Investigator's conclusions and recommendations relating to the commissioning of further health studies.

The Independent Investigator's report

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

Responses to the report

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

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

Consideration

8. The Committee may wish to invite David Purchon to clarify the issues set out in Annex B and consider:

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

And suggest:

- Recommendations to be made to plenary.

Next steps

9. Following consideration at today's meeting, the Secretariat will draft a report setting out the Committee's emerging conclusions and recommendations, which will need to be finalised and adopted by the Committee at a subsequent meeting.

10. The Committee's final report is scheduled for presentation to plenary on 26 February 2002, and must be laid by 18 February. The Committee is not scheduled to meet again until 27 February, but the Chair has sought Business Committee's agreement that, exceptionally, the Committee may meet from 9.00 to 10.30 am on Tuesday 12 February to consider its draft final report.

Recommendation

11. Members are invited to:

- consider the Independent Investigator's report and responses to the report, as suggested at paragraph 8 above, and suggest recommendations to be made to plenary;
- subject to Business Committee approval, agree to meet from 9.00-10.30 am on Tuesday 12 February to agree the text of a final report to plenary.

Committee Secretariat

February 2002

ANNEX A

RESPONSES TO THE INDEPENDENT INVESTIGATOR'S REPORT

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

Public Bodies:

Bro Taf Health Authority

Environment Agency Wales

National Assembly for Wales (Welsh Assembly Government)

Rhondda Cynon Taf CBC

Organisations:

Amgen Rhondda Ltd.

Environmental Services Association

Friends of the Earth

Institute of Waste Management

Ove Arup and Partners Ltd .

Individuals:

June Bacon

Victor J Collier

Jim Davies

Gwyn Evans

MD Evans

M Hann

Mansal Mason

Garrod Owen

Rhondda Against Nantygwyddon Tip (RANT)

Mike Ryan

Heather Sutton

Gareth R Thomas

Joan Thomas

William M Thomas

Andrew Tree

Dr D Van Steenis

Graham Wayman

ANNEX B

AREAS FOR CLARIFICATION BY THE INVESTIGATOR

At the last meeting on 23 January, Members asked that further clarification be sought from the Independent Investigator on the following issues (without prejudice to the final view which the Committee takes in relation to the relevant recommendations):

Recommendation 1 – end household waste disposal at Nantygwyddon

Recommendation 2 – swiftly complete phase 1

- Recommendation for disposal of commercial and industrial waste
- Timescale for ending disposal of household waste (RCT's waste strategy already plans closure of site within 2 years)
- Impact of accelerated closure on ability to swiftly complete phase 1, and level of satisfaction with Amgen Rhondda Ltd.'s proposals for completion of phase 1
- Recommendation for disposal of household waste not taken to Nantygwyddon
- Estimated cost of early closure and remediation of site

Recommendation 3 – design, implement, monitor and review landfill gas management system

Recommendation 4 – treat leachate on site

Recommendation 5 – maintain water collection and management until successful "plating"

- Level of satisfaction with the systems currently in operation, range of monitoring data, and accessibility of information to the public

Recommendation 6 – commission specific health studies

- Suggested terms of reference for health studies needed (desired outcome, issues to be

addressed, and hypotheses to be tested – scope only landfill or other factors?)

- Suggested bodies/individuals to undertake the studies – and issue of independence
- Involvement of local residents and the Health Authority in commissioning health studies
- Views on role of bodies involved in public health protection – recommendation for statutory changes?

Recommendation 7 – issue mandatory guidance to the Environment Agency Wales on openness and transparency, and press for freedom of environmental information

Recommendation 8 – support the principle of public accountability

- Views on current regulatory powers and resources of Environment Agency
- Suggested changes to Environment Agency procedures, to improve openness and transparency, and accountability to public
- Views on role of UK and National Assembly roles in setting environmental standards and guidance for the Environment Agency
- Suggested scope and content of (statutory) guidance
- Recommendation that under existing legislation, publicly funded/owned companies should be required to disclose 'commercially confidential' records?
- Recommendation for changes to existing primary legislation and regulatory frameworks?

Recommendation 10 – commission an authoritative stability study

- Suggested terms of reference
- Suggested bodies/individuals to undertake the study
- Relationship to stability investigation due to be conducted this year as part of the site licence conditions

Recommendation 14 – consider best use of formal impact assessments for waste disposal plans, programmes and projects

- Suggestions for taking this forward at all-Wales level, and community involvement in process
- Views on means of determining and communicating acceptable levels of environmental and health risks

Recommendation 15 – consider means for commissioning of independent research and health risk appraisal by communities

- Suggestions for taking this forward

RESPONSES TO THE RECOMMENDATIONS

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

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

Amgen Rhondda Ltd. – pp. 14-15

Bro Taf Health Authority – p. 9

Environment Agency Wales – Appendix 1

Friends of the Earth – para. 1

Rhondda Cynon Taf CBC – Appendix 1

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

Amgen Rhondda Ltd. – p. 15

June Bacon

Environment Agency Wales – Appendix 1

Friends of the Earth – paras. 3.1 and 3.2

Ove Arup – para. 3.0

Rhondda Cynon Taf CBC – Appendix 1

Andrew Tree

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

Amgen Rhondda Ltd. – pp. 15-16

Environment Agency Wales – Appendix 1

Andrew Tree

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

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

Andrew Tree

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

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

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

Environment Agency Wales – Appendix 1

June Bacon

Bro Taf Health Authority – p. 9

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

Andrew Tree

- **Recommendation 7 – issue mandatory guidance to the Environment Agency Wales on openness and transparency, and press for freedom of environmental information** (National Assembly for Wales)

Environment Agency Wales – Appendix 1

National Assembly for Wales – para. 3.3

Friends of the Earth – paras. 5.1 to 5.6

Andrew Tree

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

National Assembly for Wales – paras. 3.4 – 3.8

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

Amgen Rhondda Ltd. – p. 16

Environment Agency Wales – Appendix 1

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

National Assembly for Wales – paras. 2.9 – 2.13

Andrew Tree

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

Victor Collier

Michael Evans

- **Recommendation 13 – consider human rights implications of use of legal sanctions by public bodies against protestors** (National Assembly for Wales)

Andrew Tree

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

Friends of the Earth – para. 8

Andrew Tree

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

Bro Taf Health Authority – p. 5

Friends of the Earth – para. 9

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