



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

## **Y Pwyllgor Deisebau** **The Petitions Committee**

**Dydd Mawrth, 1 Mai 2012**  
**Tuesday, 1 May 2012**

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Cofnodir y trafodion hyn yn yr iaith y llefarwyd hwy ynndi yn y pwyllgor. Yn ogystal, cynhwysir cyfieithiad Saesneg o gyfraniadau yn y Gymraeg.

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

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

Russell George	Ceidwadwyr Cymreig Welsh Conservatives
Bethan Jenkins	Plaid Cymru The Party of Wales
William Powell	Democratiaid Rhyddfrydol Cymru (Cadeirydd y Pwyllgor) Welsh Liberal Democrats (Committee Chair)
Joyce Watson	Llafur Labour

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

Steve Brown	Asiantaeth yr Amgylchedd Cymru Environment Agency Wales
Haf Elgar	Ymgyrchydd, Cyfeillion y Ddaear Cymru Campaigner, Friends of the Earth Cymru
Dr Frances Gibbon	Niwrolegydd Pediatrig Ymgynghorol, Ysbyty Athrofaol Cymru Consultant Paediatric Neurologist, University Hospital of Wales
Tony Harrington	Dŵr Cymru Welsh Water
Dr Chris Jones	Cyfarwyddwr Meddygol GIG Cymru Medical Director NHS Wales
Julian Kirby	Arbenigwr mewn Gwastraff, Cyfeillion y Ddaear Waste Specialist, Friends of the Earth
Dr Kathryn Monk	Asiantaeth yr Amgylchedd Cymru Environment Agency Wales
Fergus O'Brien	Dŵr Cymru Welsh Water
Dr Heather Payne	Uwch-swyddog Meddygol, Iechyd Mamau a Phlant Senior Medical Officer, Maternal and Child Health
Daniel Phillips	Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru Welsh Health Specialised Services Committee
Dr Cerilan Rogers	Pwyllgor Gwasanaethau Iechyd Arbenigol Cymru Welsh Health Specialised Services Committee
Katherine Simmons	Deisebydd (Kyle's Goal) Petitioner (Kyle's Goal)
Julie Smith	Headway
Emma Wools	Kyle's Goal

**Swyddogion Cynulliad Cenedlaethol Cymru yn bresennol**  
**National Assembly for Wales officials in attendance**

Gwyn Griffiths	Uwch-gynghorydd Cyfreithiol Senior Legal Adviser
Sarita Marshall	Dirprwy Glerc Deputy Clerk
Abigail Phillips	Clerc Clerk

*Dechreuodd y cyfarfod am 9.07 a.m.  
The meeting began at 9.07 a.m.*

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

**William Powell:** Bore da i chi i gyd a **William Powell:** Good morning to you all  
chroeso cynnes ar y bore diflas hwn. and a warm welcome on this dismal morning.

As ever, you are free to speak in Welsh or English, as you wish and are able. Headsets are available for translation and amplification: channel 0 is for amplification only, and channel 1 is for the translation. Please switch off your mobile phones—and allow me just to make sure that I have obeyed my own request. Off we go. We have received no apologies this morning.

I would like to issue a very warm welcome to Dr Catherine Bochel, who is observing our proceedings from the public gallery. She has a keen interest in the petitions process and will wish to meet members of the committee at some point. In addition to that, later on this morning, we will be joined by a delegation of Ugandan MPs and elected representatives, again in the public gallery.

9.08 a.m.

**P-04-329 Rheoli Sŵn o Dyrbinau Gwynt sy'n Peri Diflastod—Trafod  
Ymweliadau â Safleoedd a'r Dystiolaeth a Ddaeth i Law ar 28 Chwefror  
P-04-329 Control of Noise Nuisance from Wind—Discussion of the Site Visits  
and Evidence Given on 28 February**

**William Powell:** For this item, we undertook a series of site visits and also took evidence on 28 February, as you will recall. The petition was submitted by James Shepherd Foster in September 2011. It collected in excess of 1,000 signatures and the wording is available for us all to see. We also have the transcript of the proceedings on that day, and I ask that you have that to hand as we consider this petition this morning, as that would be helpful.

We heard from a number of interested parties on that day, and I think that the open-mike section went particularly well. I seek your views on how we should now take this forward. Certainly, it seems to me that one option is to move to a short report on this matter.

**Joyce Watson:** I agree with that. I would like us to produce a short report and request a Plenary debate.

**William Powell:** Do we have support from colleagues in that?

**Russell George:** Yes. I support Joyce in that, Chair. I think that it is a good idea.

**William Powell:** Excellent. Let us do precisely that. I think that it would be a very useful follow-up to last week's excellent session, and I thank you all now for your contributions and support in relation to the coastguard report, on which there has been quite a lot of feedback.

9.10 a.m.

## **Deisebau Newydd New Petitions**

**William Powell:** The first new petition is P-04-384, which relates to the link to the M48 off the B4245 for Caldicot/Rogiet. It was submitted by Councillor James Harris and has the backing of 275 signatures. You can see the detailed wording of the petition. In line with our protocols, I have already written to the Minister to seek his views on this issue, but I have not heard back yet. Are there any thoughts on how we should proceed?

**Joyce Watson:** Chair, I think that we need to wait for that response.

**William Powell:** Yes, it was sent relatively recently, so that is the right way forward. I see that we are agreed.

The next petition is P-04-385 regarding balloon and lantern releases. The petition was submitted by Bryony Bromley and has collected 564 signatures. It calls upon the Welsh Government to legislate against the intentional release of balloons and Chinese lanterns. Again, I have written to the Minister on the committee's behalf, but it was in the same batch as the last piece of correspondence and so we have not yet had a response. I propose that we wait to hear the ministerial response before we go any further on that. I see that we are agreed.

The next petition is P-04-387 on signage and drainage on the A467. This is quite a poignant issue, as you will all have seen in preparing for today's meeting. The petition was submitted by Stacey Gallagher and has collected 362 signatures. It relates to a relatively recent tragedy on the road. You will have had the opportunity to study in detail the wording of the petition. I have already written to the Minister seeking views on this, and we still await a response. However, I am sure that it will not be long in coming. Therefore, I suggest that we wait for that and then take some steps on this. It is obviously a petition that we need to give very serious consideration once we have the ministerial response.

The next petition is P-04-388, which calls for the protection of collective worship as a legal requirement. The petition was submitted by Jim Stewart and has collected approximately 3,900 signatures. This is relevant to the wider context of the controversy that there has been surrounding this issue. I have written to the Minister seeking views on this, and we await a response. What do Members feel about this one?

**Russell George:** I think that it is a requirement in law for schools to provide for collective worship. Is it worth writing to Estyn to ask what it is doing to enforce the law? I think that I have understood that correctly.

**William Powell:** That will certainly be necessary as part of our consideration of this. Might it be wiser to hold off until we have heard from the Minister? I am sure that writing to Estyn will be a sensible way forward, but I suspect that that would be among a raft of letters that we may want to write then. If colleagues feel particularly strongly that we should write to Estyn now, I am happy to run with that.

**Russell George:** My view is that, whatever the Minister says, the law is the law as it currently stands, and it would be interesting to get Estyn's perspective on how it is enforcing the law. That does not have to wait until the Minister has responded.

**William Powell:** No, I understand that. They are two separate things. Colleagues, are there any other views on this?

**Joyce Watson:** I am happy to wait for the Minister's response.

**Bethan Jenkins:** Yes, because we have taken that approach with other petitions.

**William Powell:** For consistency's sake, I would back that.

**Bethan Jenkins:** We can then base the letter to Estyn on what the Minister says.

**Joyce Watson:** Exactly.

**William Powell:** Yes, and then, as a priority, we will write to Estyn on this matter. I suspect that it will not be the only letter that we will be writing, because I believe that there is a body called SACRE, the Standing Advisory Body on Religious Education, which exists in all local authorities to enforce and foster this particular area of the curriculum. I am sure that there will be a number of letters, and Russell is right to point out that Estyn is one of the key bodies that we need to be in touch with. Is this okay? I see that we are agreed.

9.15 a.m.

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

**William Powell:** We have P-04-365, Protect buildings of note on the Mid Wales Hospital site, which was submitted by John Tushingham with the support of in excess of 200 signatories. Colleagues will recall the aspirations of the petitioners to protect buildings that are unlisted but are nevertheless of note in the conservation area of Talgarth. I should restate my interest in this matter as this site is in a ward that I have represented on Powys County Council since 2004, and I am very conversant with these issues. You will also have seen in the papers for today's meeting a number of items of correspondence. We have heard from Powys County Council, the Brecon Beacons National Park Authority, and Mr Marcus Binney from SAVE Britain's Heritage, but, disappointingly, we lack a response so far from Cadw, unless that has come in. I am told that we are still awaiting a response from Cadw, which is really quite disappointing. I would be minded to ask colleagues to support writing to Cadw again with some urgency, particularly given the circumstances that now apply in that we have a live planning application on the site that seems to threaten a significant proportion of the buildings that are the subject of the petition. I would very much appreciate your views, because I am in danger of saying more than I ought.

**Bethan Jenkins:** I agree about contacting Cadw, though I do not hold out much hope given past experience.

**William Powell:** I realise that you have a track record of working on built heritage issues.

**Bethan Jenkins:** The issue here is that it is in a conservation area, which is different to the campaigns that I have been running locally. If we could emphasise that in the letter to Cadw and, hypothetically, you could ask: what is the point of a conservation area if it does not protect buildings that we want to retain? I acknowledge that the Government is coming up with a heritage protection Bill, but it will be too late for some of these buildings.

**William Powell:** Yes, due to its timescale.

**Bethan Jenkins:** There have to be interim changes because we know that there will be changes based on wide consultation, and so I sincerely believe that the Minister and Cadw should at least think of temporary measures in the run-up to that heritage Bill. That is what I would like us to communicate with the Minister about.

**William Powell:** We see in the Minister's letter that he has referred us both to Cadw and to the planning authority, which in this case is the Brecon Beacons National Park Authority.

**Bethan Jenkins:** We can write to the planning authority as well, but I think that, as the Minister has a strategic overview, we could also say that there are numerous issues across Wales, and ask whether he could not consider a temporary measure until the heritage Bill comes in, because these buildings will be demolished unless he steps in. They will be, because Cadw, in my experience—

**William Powell:** Cadw is rather passive, to put it mildly.

**Bethan Jenkins:** Cadw is more than passive. Sorry.

**William Powell:** No apology is needed on that matter. Do colleagues have any other views on this, in addition to that? Hopefully you all support writing to Cadw with some urgency, and writing again to the planning authority. Bethan has raised the issue of this whole group of buildings that are referred to in the petition as being in a conservation area, and presumably that should have some level of protection.

**Joyce Watson:** I would do all of that, but I would also ask, if the planning goes ahead—but that is out of our hands—that there is due consideration to incorporating an element within that planning application that does see some conservation in a conservation area. In that case you will have, at least, taken a sort of belt-and-braces approach, and you will recognise in that case that the decision ultimately is out of our hands and that it is time specific, but you will have tried to put in some element of control and protection for the buildings concerned. It can be done. I have done it with planning applications in the past, when that was all that could be done.

**William Powell:** That draws on your own experience of working at the front line in a planning authority on such matters. That will also be helpful. In summary, we will write to Cadw, and we will write in the spirit that you have suggested to the Brecon Beacons National Park Authority. I would also note that this is relevant to the issues that are coming to meet us with the petition on the North Wales Hospital, which will be subject to our forthcoming site visit in early July. There are some issues on which we need to do some further work. Are you happy with the proposals?

**Bethan Jenkins:** I know that we have had a response from the Minister but, with regard to temporary measures, many buildings from the industrial era, in particular, as the letter states, are not worthy of listing. There are definitions at present, but we would call for those to be expanded. That is where there is a catch-22 situation—where Cadw has its set criteria and does not believe that things should be listed. Obviously, the campaigners in the local area have a very different reason as to why something should be listed.

**William Powell:** Indeed, and SAVE, the nationally recognised group, appears to be taking an interest in this matter, presumably on a well-founded basis.

**Bethan Jenkins:** So, could we also do that?

**William Powell:** Excellent. We will do that. Thank you, colleagues.

We now move to P-04-369, Against the proposed Cardiff to Newport coastal path. This petition was submitted by Roger Price and it has collected 14 signatures. Again, you can see that the text is quite pithy and that the petitioners are seeking quite a clear objective. We have written to the Minister for Environment and Sustainable Development, and you will have had

the opportunity to read his response in today's public papers. I have also written, on behalf of the committee, to the RSPB, but I have not yet heard back from the society, which is regrettable. I hope to hear from it soon. Again, perhaps it would be appropriate to send a chaser in the context of the consultation that is now passed, given that work was expected to begin on 23 March. At the time of putting the papers together we had not been able to establish whether or not those works had begun. That is still the case.

**Joyce Watson:** I wish to note that I am a member of the RSPB.

**William Powell:** Thank you for re-registering that fact. I hope that you would support us in writing to the RSPB to seek its feedback on this case.

**Joyce Watson:** Absolutely.

**William Powell:** What are your views, colleagues, on how we should go forward here?

**Bethan Jenkins:** We should chase up the RSPB before making—

**William Powell:** That is the only suggestion I could make. Perhaps we could then come back to this as a matter of some urgency, particularly in the light of works that now appear to be overdue in beginning. Excellent. Thank you very much.

9.24 a.m.

**P-03-238 Llygredd ym Mornant Porth Tywyn—Sesiwn Dystiolaeth Lafar**  
**P-03-238 Pollution of the Burry Inlet—Oral Evidence Session**

**William Powell:** As you will recall, the committee attended a site visit at the end of February to look into these matters. Mr Brown, will you introduce your colleagues?

**Mr Brown:** I can certainly introduce my colleague to my right. First, I am Steve Brown, area manager for the Environment Agency in south-west Wales. Kathryn Monk leads on science for us in Wales through our strategy team in Cardiff

**Mr Harrington:** Good morning. My name is Tony Harrington, and I am the director of environment for Dŵr Cymru/Welsh Water, and my colleague, Fergus, will join us in a minute—he has been delayed because of the weather.

**William Powell:** I think that we can all empathise with that. Unfortunately, because we have a fairly tight timetable this morning, we have to proceed and we will welcome Mr O'Brien as soon as he is able to join us. Mr Brown, do you want to make a few opening remarks, or do you want to move straight to questions?

**Mr Brown:** I would be happy to make a few opening remarks. It is very useful timing for us to share some information with you following the concerns expressed to you at the meeting at Burry Port. We would have liked to have the opportunity to respond at the time, but that was clearly not practicable given your timetable that day.

**William Powell:** We apologise for that as it was not possible, but you were aware of the role that time played on that occasion, and we now have a dedicated session to hear from you as the specialists in this particular field.

**Mr Brown:** Thank you for the opportunity to come back. We have been involved in investigations within the Burry inlet for a number of years since around the time that cockle mortalities first started happening in 2002. Over that period, an awful lot has been done in

terms of investigations to try to understand the problem. Indeed, the Environment Agency led investigations on behalf of the Welsh Government to try to understand the process leading to cockle deaths. Clearly, there was a local belief that sewage played a part in the mortalities of the cockles. Work commissioned by the Welsh Government through the Environment Agency was undertaken to understand the science, what the possible causes were and how those could be investigated.

The work was co-ordinated by the University of Hull and it involved Welsh universities and the national experts in the field. The report published earlier this year finally gave us some more clarity, although not all of the answers—there are still some unknowns. It enabled us to have some confidence that water quality is not the influence on cockle mortalities; a combination of biological factors is believed to have the main impact on the cockles.

Having said that, there are issues in relation to sewage treatment that need to be addressed around the Burry inlet. We accept that. There have been major improvements over the period since the mid 1990s. Those improvements continue. I am sure that Welsh Water can give you more specific information on that. There are further proposals that would ensure that we meet the requirements of a variety of European directives, and we have set those out in the briefing paper that we have provided to you.

Over the coming years, there is a big opportunity to deal with the problem at source. The improvements undertaken to date have been about providing end-of-pipe treatment for sewage flows that arrive at the sewerage works. However, to really resolve the issues that Llanelli faces—and, to an extent, west Swansea, which drains to the Gowerton works that discharges to the Burry inlet—and to deal with this problem, with all the roof water and surface water going into the same pipes as the dirty water, the ultimate solution is to remove the clean water from the foul water system and discharge that separately into the local water courses. On a day like today, the system just cannot cope with the combined flows.

We undertook a piece of work primarily to establish the flooding risk to the community. Alongside that, Welsh Water has looked at the sewerage systems, and the two pieces of work have come together nicely to identify some big improvements that could be undertaken within the drainage systems that would take the pressure off the sewage treatment facilities, and enable many of the overflows that people are concerned about to be dealt with. That plan is now being formulated; the detail is now in place, and I am sure that Welsh Water can talk further about the planned sewerage improvements. Alongside that, there are some provisions to ensure that any developments that take place do not make the situation any worse but can contribute to some of the solutions as well. There is a memorandum of understanding between us that requires developers to provide betterment to the situation, and not to provide additional impact, so that we can have a balanced approach to regeneration within the area. That is a very complex problem in a nutshell; it is incredibly complex, with a lot of interacting factors. In summary, that is our current position.

9.30 a.m.

**William Powell:** Thank you for that, Mr Brown. Do any of the other witnesses wish to make brief opening remarks? We have a series of questions to ask, but you might like to set your story in context.

**Mr Harrington:** Building on the agency's point, and notwithstanding the findings of the report, which talks about the complexity of the issues within the estuary and the fact that the water quality is not driving the cockle mortality, we have an agreed plan with the Environment Agency for quite considerable further investment, particularly on the sewerage side, to take surface water out of the system so that our storm discharges go off a lot less often than they currently do. That will reduce the loadings to the estuary and it will improve the



water quality of the estuary, both from the shellfish point of view and from every other point of view in terms of the wellbeing and the ecology of the estuary.

I will just reinforce the point regarding the money that we have already invested. We have invested something like £69 million of our customers' money so far in improving our assets on that estuary alone. It has brought significant improvement in water quality to the estuary, which is part of an overall plan that we have that will go forward for at least another two asset-management periods. Therefore, that is another 10 years, which we are agreeing with the agency this year.

Finally, the surface water work that we are doing in the estuary is pretty state of the art. As far as the UK is concerned, in terms of the sustainable urban drainage work that we are doing in the estuary, there are no other sites that are as extensive or as ambitious as what we are doing in Llanelli. Therefore, Wales will lead the way in terms of what we are doing. That will deal with a couple of issues: first, the water quality issues in the estuary and, secondly, the need to allow development, which is part of the solution. We take rainwater out—on a day like today we want to take large volumes of rainwater out of the system—and that gives some headroom to put additional flows into the system. That is all that I wanted to say.

**William Powell:** We are grateful for that contribution. Are there any other brief initial remarks? If there are not, we will move straight to questions. I believe that Bethan has a couple of initial questions to fire off with.

**Bethan Jenkins:** Mae'r adroddiad ar farwolaethau cocos yn argymhell y dylid gwneud rhagor o waith. A yw'r gwaith hwn yn cael ei wneud ac, os felly, pryd y caiff ei gwblhau? Rwy'n deall, o'r hyn y mae Asiantaeth yr Amgylchedd wedi'i roi inni, y bydd cynllun rheoli yn cael ei orffen y mis hwn, yng nghyd-destun yr adroddiad hwn, os wyf yn gywir. A wnewch ymhelaethu ar hynny?

**Bethan Jenkins:** The report on cockle mortality recommends that further work should be undertaken. Is this work being undertaken and, if so, when will it be completed? I understand, from what the Environment Agency has given us, that a management plan will be completed this month, in the context of this report, if I am correct. Could you expand on that?

**Mr Brown:** Sorry, I missed the first part of your question, but I think that I got the drift of it, that it was concerning the management plan for the cockle fishery. The plan is in draft form. The original intention was to complete the plan by this month. Some aspects of the plan, I suspect, are quite controversial for the shellfishermen, and we need a further period of discussion with the fishery to ensure that, ideally, we come up with a plan that everyone is comfortable to agree to. There are various options about zoning the estuary for different levels of exploitation and so on, which have not been well received by the industry so far. We need to sit down and work through how to demonstrate the benefits of different management approaches in the longer term. Any management plan that we come up with must also be signed off by Welsh Government officials. There has been some delay, but we think that it is better to get the industry agreeable to the approach that we are taking for that to be a realistic longer term solution for the management of the fishery.

**Bethan Jenkins:** Dyna oedd fy ail gwestiwn, mewn gwirionedd, sef sut y byddwch yn monitro a chyfathrebu â'r sawl sydd o fewn y diwydiant neu sydd â diddordeb yn y maes. A yw'n wir, felly, nad ydych am adrodd yn ôl gyda'r cynllun rheoli hyd nes eu bod nhw'n hapus? A ydw i'n gywir?

**Bethan Jenkins:** That was to be my second question, to be honest, about how you will monitor and communicate with those within the industry or who have an interest in the field. Is it true, therefore, that you do not want to report back with the management plan until they are satisfied? Am I right?

**Mr Brown:** Would you like to pick that one up, Kathryn? There are some arrangements in place already to communicate with interested parties.

**Dr Monk:** I just missed the beginning of it, but—

**Bethan Jenkins:** If you keep your headphones on, it might help.

**Dr Monk:** That is true; my apologies. We have tried, since we started the integrated research programme, to bring the cocklers and the processors into that process. On the management, we have a joint management group that meets with us and discusses the types of approaches. One of the points is that there are only a limited number of options of how to manage shellfish. You can take shellfish from different places, at different times and you can take different sizes, but apart from that, there is little else you can do in terms of management. Those decisions are highly influenced by the understanding of what you have. Therefore, one of the things that we are doing now is working with the communities to understand the issues of sampling. There have been annual and biannual samples to determine how many cockles are there and, therefore, how much you should take. We have already started working with the community so that they understand the value of more intensive and accurate sampling. The issue when you start to get more accurate sampling is that you start to shift the perception of the level of the biomass and what the populations are. So, there is a great willingness for the community to work with us on the management.

We only have certain choices and no shellfishery has that detailed modelling yet. Consider the vertebrate fish industries and how much they have battled with accurate modelling. Shellfisheries are way behind that. However, we are doing more intensive and more accurate sampling. We are changing some of the size limits and that has enabled the fishermen to take more stock, while hopefully not causing any more damage to the population. We are also discussing the new modelling approaches that are coming forward. Those should help us to experiment theoretically because we have already tried to do some field experiments, but that is extremely difficult because the community is reluctant to go along with experimental closures. However, we have done a little bit.

The final side of management is biosecurity and that is an important area throughout the food industry. There are a lot of issues elsewhere and, in the shellfishery, there is a lot of movement. We have no concrete evidence of any issues, but we have a lot of circumstantial evidence that contamination with diseases and parasites may have happened. It would seem to be a very sensible approach to try to avoid any future contamination, regardless of whether we have 100% accurate confirmation of what has happened in the past.

**Joyce Watson:** Good morning, all. In 2009, the UK and the Welsh Government were notified by the European Commission of a possible breach of the urban waste water treatment directive due to deficiencies in the sewerage networks of Llanelli and Gowerton, which you have talked about. When did you become aware of that issue?

**Mr Harrington:** Do you want to answer that, Fergus? Sorry; do you want Welsh Water's answer?

**Joyce Watson:** I want an answer.

**Mr O'Brien:** I first became aware of the issue in 2009, but I came to the issue after it had been running for some time. I believe that we were first aware of it at the beginning of 2009, but that would need to be confirmed.

**Joyce Watson:** The next question follows on from that: why was action not taken sooner to address that particular issue?

**Mr O'Brien:** Are you referring to the issue as to why we did not take steps to try to deal with the spills to deal with the infraction case?

**Joyce Watson:** Yes.

**Mr O'Brien:** That is a good point. Our initial problem was that our understanding of how our networks in the area worked was flawed. Once we went back in—and it started in 2010—we spent £1 million remodelling and re-examining how the network operates, and doing an awful lot more monitoring of how the network operates. That work highlighted the scale of the rainwater that enters our networks in those two catchments on days like today. Once we started to put that information into our models we realised that our combined sewer overflows were spilling more frequently. At the same time, unfortunately, like all the water industry, we did not routinely monitor CSOs for spills, but that is something that we are doing now. The most important CSOs in the area are now monitored and we have a programme in place for putting in spill monitoring for all CSOs in areas close to bathing waters and shellfish waters.

**Joyce Watson:** My next question is particularly for the Environment Agency. What assessment has been made of the impact of this problem on water quality in the estuary? You have mentioned some of them. Why was this issue not picked up by Environment Agency Wales and addressed sooner?

**Mr Brown:** The water quality in the estuary is good, judging by the various parameters that we use to measure and to demonstrate compliance with directives. Further improvements are required to remove phosphates from sewage effluence into the estuary to meet the requirements of the habitats directive in particular. However, generally, water quality is good, and it is much improved on the past, when there were much bigger loads of sewage and industrial discharges into the estuary. That said, we want to see an improvement in the frequency of overflows: there are too many overflows during wet weather. Further work was undertaken in 2010, when some additional storage of flows was provided at Llanelli. Also, the storm discharges that take place from the main Northumberland Avenue pumping station and from Llanelli sewage works are disinfected, when they take place, to enable the shellfish's bacteriological quality to be improved. So, there have been sequential improvements over the years; it was not as if nothing was being done.

However, now we have a much more fundamental understanding of what would be the best solutions, after the modelling work that has been done on the surface and the sewage drainage systems so that we can come up with a proper integrated drainage solution for the whole town. There would be all sorts of additional gains from that, because it would involve sustainable drainage techniques, which would involve more green space, for example, and soak-away areas within the community. So, there is an opportunity for some enhancement of the urban environment alongside the drainage improvements.

**Joyce Watson:** I will ask a supplementary question. You said that your works are state of the art and that Wales will be leading the way, and I am delighted to hear all of that, but I am of the opinion that prevention is far better than cure. You have touched on methods of preventing surface water from entering the system in the first place. If it is not possible to discuss that further today because we are limited by time, it would be helpful if you could send us some further details about that because it is a particular area of interest of mine. It would help us and it would inform people of your intentions.

**Mr Brown:** We can certainly do that.

**William Powell:** The Environment Agency Wales, in its evidence on this topic, has made it clear that the Welsh Government has tasked it with addressing the issues around compliance

with European Union expectations. Mr Brown, has there been feedback to date on the level of satisfaction that the Commission now has with the measures that have been put into place?

**Mr Brown:** The communication with the Commission is through the Welsh Government—through the water division, specifically. So, we do not have direct contact with it. However, we provide advice and information to the Welsh Government to enable that dialogue to take place. I understand that information has been provided to the Commission, although we are unclear as to the next steps that may or may not be taken. There are similar investigations under way in other parts of the country. It may be that those will need to be resolved before a position is taken on the Burry inlet. However, our focus in the meantime is on ensuring that we do everything possible to enable compliance to be achieved. That is our role on behalf of the Welsh Government: to minimise the risk of further action by the Commission.

9.45 a.m.

**William Powell:** Thanks for clarifying the method of communication. How will improvement plans be monitored as this goes forward—crucially, in the context of the level of public interest here, how is that then communicated to local stakeholders and others who take an interest in these matters?

**Mr Brown:** We will continue to undertake our monitoring and reporting on the quality of the local environment in relation to any improvements that take place and we will continue to report back to the Welsh Government. We are happy to make arrangements with the local community to provide regular updates, either providing access to our information or providing information face to face. Indeed, we get a number of requests from the community that we are happy to respond to. We also do that through groups such as the cockle working group and we attend the flood forum in Llanelli, which is chaired by Nia Griffith, the local Member of Parliament. We are happy to use existing fora to feed back information on improvements as they take place, as, I am sure, would Welsh Water, because it participates in those groups.

**Mr O'Brien:** To build on that point, we are taking part in real-time spill warning pilot schemes near bathing waters. We did three beaches last summer, and the plan is to extend that to all designated bathing waters around Wales. That information will be made available to anyone who would like to sign up to a text service. That is currently provided by Surfers Against Sewage, but we are planning to develop our own service.

Once we have put our monitoring in place, we will be providing the Environment Agency with routine reports on spill events and their duration. We will be providing it with that information automatically, either yearly or seasonally, or according to its request. We will do the same for any members of the public who ask for that information as well. Unfortunately, there is a very large volume of data and, at the moment, we have no method of making those data available directly to customers. That is something that we are thinking about.

**William Powell:** Thank you for clarifying that. The sheer turnout and the level of interest that was evident to us as a committee during our site visit shows that this communication is essential. Joyce, you have a follow-up question.

**Joyce Watson:** To carry on with the matter of spills, how many overspills are currently occurring in the Burry inlet? Why was action not taken before now to ensure that the number of spills in the estuary complied with the UK requirement for discharges into shellfish waters?

**Mr O'Brien:** We have 90 CSOs in the Llanelli and Gowerton areas. At the moment, according to our modelling, 48 spill fewer than 10 times a year, four of them spill between 10 and 20 times a year, and 20 spill more than 20 times a year. That will all be improved as a

result of our investment programme. However, for many years, we have had monitoring in place to ensure that we do not spill as a result of a blockage or a pump failure—something that tells us that levels are high in our wet wells and sewers when the weather is dry. We respond to those. However, turning that into something that tells you exactly whether something is just above or just below a spill level is more complicated. It is a very aggressive and difficult environment to work in. So that is the history of that. It has moved on with new technology and improvements.

In terms of protecting the environment, work was done in previous years to look at the impact of our discharges on the shellfish water, and we took the modelling of the networks, which tells us how often things spill, and we put that into a further model of the estuary and looked at the impact on the biological, or bacteriological, quality of the water. We have a water quality target that we are trying to achieve. We ran various ‘what if’ scenarios on how much we had to do to achieve that target. When we ran that work back in the early 2000s, it showed us that, if we did disinfection at the works at Llanelli and Gowerton, and at Llanant works, and also some storage at some of the CSOs to reduce the spills on some of those sites, that should achieve the standard that we wanted to achieve for shellfish. At that point, we decided that that is what we would do and we jointly signed off the plan. It was only latterly that we realised that the inaccuracy in our network models led to the CSOs spilling far more frequently than we had originally anticipated.

So, we have since rerun all of that modelling and we are now aiming for a target to achieve that shellfish standard. However, that will take us some time given the sheer amount of water arriving in the network. If we were to try to do it by conventional storage and return of storm water to the network, that would be unsustainable and unaffordable for our customers. It would also be inoperable; I cannot operate tanks that are 216,000 cu m—which is the volume of Parc y Scarlets stadium—in size. That is unsustainable. Therefore, while the approach that we are taking takes longer to get there, it is a much more sustainable approach, and it will also give us some resilience in relation to climate change and carbon problems.

**Mr Harrington:** I just want to build on my colleague’s point and to explain how we are funded as an industry, which answers the latter part of your question. We are funded on the basis of a five-year cycle, and this year we are sitting down with the Environment Agency and colleagues in Welsh Government and deciding what our priorities should be for the next five years. I will also be presenting our thoughts for the next 15 years, going forward. So, we will be setting the next five years of investment within a 15-year context with the Environment Agency. The Welsh Government and the Environment Agency have essentially, for the past 25 years, always set the priorities for Dŵr Cymru in terms of where we should focus our investment. It is true in the past that we have focused our investment on different places, but if there is a matter of importance to the Welsh Government, such as this issue and similar issues relating to the coast—whether it is the new bathing water directive or whatever water quality drive it happens to be—then that gets fed through the Environment Agency and effectively helps us in the business reprioritise where we place our customers’ money.

We are a not-for-profit company—we do not pay shareholders and so forth—so all of our customers’ money goes towards improving either public health, if it is a drinking water issue, or the environment, if it is in relation to waste water services and so forth. So, we recycle all of that funding. There is always a difficult balance to be drawn between the pace of environmental improvements, which we know that we need to do, and the impact on customer bills, particularly at this particular time, given the way that the economy is. That is why we must always sit down with colleagues in the Welsh Government and the Environment Agency to draw those difficult balances around the pace of change. That is a difficult and challenging conversation that we will have to have with colleagues in the Welsh Government and in the agency, because we would all like to do things much faster. However, in relation to affordability, and particularly in relation to our least well-off customers, the impact of this

type of investment can be quite considerable. It might drive bills up quite considerably. So, there will always be a balance between where we focus our money and then the pace of change in terms of upgrading our sewerage systems.

**William Powell:** Thank you for your detailed answers. Given that time is against us, there are still a couple of questions that we may need to write to you with for answer. However, we certainly now have a fuller picture and a better understanding as a result of today's session. I am grateful to you, as are my colleagues, for your coming in today. Thank you very much. Diolch yn fawr.

9.55 a.m.

**P-04-341 Llosgi Gwastraff—Sesiwn Dystiolaeth Lafar**  
**P-04-341 Waste and Incineration—Oral Evidence Session**

**William Powell:** Bore da a chroeso.

**William Powell:** Good morning and welcome.

Welcome this morning to Haf Elgar and Julian Kirby from Friends of the Earth Cymru. Thanks for braving the elements to join us to discuss this important topic today. Given time constraints, we would like to move straight to questions so as to get the most out of the session, if that is all right. I would like to kick off.

What are your main concerns about the Welsh Government's current approach to waste treatment?

**Mr Kirby:** Friends of the Earth regards the Welsh Government's sustainability strategy as a beacon in the UK and even beyond. However, if a strategy can shoot itself in the foot, then it is with regard to the treatment of waste by incineration. We have a great many concerns about that. You will hear from others about health concerns, and I just want to be clear that we do not major on the health concerns and issues, not because we do not see them as an issue, but because we think that incineration falls absolutely, regardless of whether incineration could be deemed as being as healthy and clean as the morning dew or not. We regard waste incineration—energy from waste—a terrible waste policy for climate reasons, as it is very high in carbon, and also because it ties councils into long contracts of up to 25 or 30 years and more, which have clear implications for the flexibility with regard to technology and increases in recycling and waste prevention. There is a host of other reasons, not least the issues of jobs, capacity, resource efficiency and that sort of thing, but perhaps we can get on to them during questioning.

**William Powell:** Why do you consider mechanical biological treatment to be the best currently available technology for dealing with residual domestic waste in Wales?

**Mr Kirby:** A principal reason would be the flexibility that I just mentioned. You can have shorter contracts—if you look at what is happening in Bristol and Avonmouth, they have a seven-year contract with an option to add another seven years. Incinerators are huge and generally very expensive, so they tie councils in for 25 to 30 years or more. Also, because they operate on a fixed, cash-cow basis with a local authority contract, they will undercut commercial waste operations, which, clearly, fall outside of a local authority's remit, for that period.

MBT is flexible and modular, so it can respond to variations in waste arisings and in waste types. Also, you can improve the technology as time goes on.

**William Powell:** I have a final question on that. How do you respond to the view given in evidence from the Welsh Environmental Services Association that MBT is ‘not a full solution’? The association particularly flagged up associated challenges around the need for residues to be burned or landfilled.

**Mr Kirby:** It is important to remember that there is a reason for the association advocating incineration. As I have said, it is a massive cash cow for its members—incinerators are of great financial benefit to them. With incinerators, on average, about a quarter of the waste, perhaps more at times, ends up needing to be landfilled. Some of it may go into construction aggregate, but the market for that is diminishing. The Highways Agency suspended the taking of aggregate—the ash—from incinerators, and I am not sure that it has since reversed that suspension. That was done because of accidents—they were quite unfortunate, actually—where explosions were caused by the hydrogen that was released as the ash decomposed.

We need a like-for-like comparison, in which case you have a high amount of residual waste from incinerators still needing to be landfilled or whatever. You increase the amount that you can recycle through MBT, in contrast to incinerators, which depend on recyclable waste to burn—it will become illegal to burn such waste; theoretically, it already is. So, they do not compare well in that respect. Also, MBT plants are cheaper and, as I have said, they are flexible and modular. I therefore do not think that WESA’s suggestions stand up, but I can understand why it would make them, given its business position.

**William Powell:** Thank you. Bethan, I think you wanted to come in.

10.00 a.m.

**Bethan Jenkins:** A yw’r cymariaethau wedi’u gwneud? Rwyf am fod yn glir. Yn y sesiwn dystiolaeth ddiwethaf, roedd yn glir eu bod o blaid *incineration* oherwydd eu bod yn dweud bod angen i bethau fynd i safleoedd tirlenwi beth bynnag gyda’r system MBT. A ydych wedi gwneud astudiaeth i weld beth sydd fwyaf effeithiol neu beth sydd orau i’r amgylchedd ac i iechyd pobl?

**Bethan Jenkins:** Have the comparisons been made? I just want to be clear. In the previous evidence session, it was clear that they were in favour of incineration because things would have to go to landfill anyway with the MBT system. Have you undertaken a study in order to establish what is most effective or what is best for the environment and for people’s health?

**Mr Kirby:** As I said, we have not put a great deal of effort into researching the health aspects of incineration, because we know that others are leading on that area. Our focus has been on the health of the environment, I suppose—the climate change impact, resource efficiency impact and so on.

**Bethan Jenkins:** On the waste having to go to landfill anyway, I was wondering whether you had compared the two systems in order that you could rebut what was said in the previous evidence session and demonstrate that this is not the way forward.

**Mr Kirby:** I point you to a paper that we commissioned from Eunomia, which is a well-respected research and consultancy company that has done a lot of work for the Welsh Government. The paper was called ‘A Changing Climate for Energy from Waste?’ and it compared different waste options. The most efficient MBT, whereby we extract energy by anaerobically digesting some of the residual black bag waste as well as maximising the recycle, comes out as much more climate-efficient than incineration as well as being a cheaper model and more flexible.

Another point to make related to all of this is what is happening with regard to waste arisings. Waste arisings are going down. That sounds as though I am contradicting myself. The waste

that we are generating is reducing. There are obvious reasons for that. We are moving towards a more digital culture that means that we buy things such as music online instead of buying CDs. Packaging is being reduced and much more effort is being put into design. There are also legal drivers for this now. By the end of next year, under European law, we must have come up with a waste-prevention plan. On top of that, many companies just see it as being in their interest. I have toured two major retailers' facilities recently and had conversations with them both, and both expounded their plans to bring in a hire society—loaning drills rather than selling them, for example. We are moving towards different business models that generate less and less stuff, so less and less stuff will be wasted.

To come back to the point about long contracts of 25 to 30 years, we are going to end up with facilities that create a demand for waste that just is not there. Recently, we had an example in Stoke of the incinerator company levying a £650,000 fine against the council because it is not supplying enough waste. There are other examples of this sort of competition going on, where there is direct competition between recycling and even waste prevention efforts and the demands of an incinerator. With MBT, the flexibility precludes that sort of problem.

**William Powell:** Joyce, do you want to ask the follow-up question?

**Joyce Watson:** It has been answered really.

**William Powell:** Yes, I suppose that it was wrapped up in the previous answer. Bethan, you wanted to raise some other issues.

**Bethan Jenkins:** Cyffyrddais yn gynharach ag effeithiau iechyd. Mae Asiantaeth yr Amgylchedd wedi dweud nad oes cysylltiad digon clir rhwng allyriadau o'r broses hon ac effeithiau iechyd. Rydym eisoes wedi clywed tystiolaeth gan bobl eraill mewn sesiynau blaenorol yn dweud bod effeithiau iechyd. Beth yw barn Cyfeillion y Ddaear?

**Bethan Jenkins:** I touched on the issue of health effects earlier. The Environment Agency has said that there is no conclusive link between emissions from this process and health impacts. We have already heard evidence from people in previous sessions that there are health impacts. What is the view of Friends of the Earth?

**Mr Kirby:** I believe that you are going to interview an expert from Belfast who was unfortunately unable to make it today. I would defer to his views. At a level of principle, what is happening with incineration is that you are taking non-toxic materials and turning them into toxic ash—highly toxic fly ash, which is what is caught in the chimney to prevent it going into the air, and arguably toxic bottom ash, which is what falls out the bottom. You are not doing that with MBT. There is your difference.

The science tries to look for a definite link. Without making any comment on whether there is a link or not, we have concerns about the quality of measurement and how often measurements are taken of incinerators—they are very infrequent. As I am sure that you will appreciate, the waste going into them will vary from day to day. On some days there will be lots of batteries going in, and on others there will be none; if you put batteries, with all their nasty chemicals, through an incinerator you will have unpleasant emissions.

Taking that aside, the science tries to look for a definite link. When science cannot find a definite link, it is not the same as saying that there is no link between morbidity and emissions. I do not think that we should dwell entirely on the health aspect of this debate, but, unfortunately, that is what happens. I think that that is a deliberate strategy of the waste industry, in particular: it wants to keep the debate on health, because it can then point to various bits of research that have not conclusively managed to find a link and say, 'There you go, the concern is all about health, but these guys have not found a problem, so let us progress with incinerators'. We are saying that there are all of these other very important reasons as to



why incinerators should not progress, not least climate change and the vast cost to the public purse, which ties in taxpayers' money for a long time, and because they destroy resources—secondary raw materials that we should be getting back into the economy, creating more jobs and helping us to build up and sustain our own manufacturing. On the jobs point, incinerators mean that 10 times fewer jobs are created than if the same waste was recycled.

**Ms Elgar:** In respect of environmental and human health, we would advocate the precautionary principle. If there is any risk to environmental and human health, the precautionary principle should be taken into account and fully investigated. We should not accept that an absence of proof is good enough.

**Mr Kirby:** On that point, they tend to be sited in areas of the greatest deprivation in any case, where you already have the highest toxicity. So, if there is a cumulative effect, you might not be able to say that incineration is causing it. However, it would have contributed towards an overall morbidity in confluence with all of the other effects there. Let us also think of the cumulative effect of these things.

**Russell George:** You have already answered some of my questions. How would you respond to the view from local authorities that they already have a major incentive to maximise the amount of recycling that they undertake, in Welsh Government strategy targets, with all of the associated financial penalties?

**Ms Elgar:** We are fully supportive of the statutory recycling target in Wales. The 70% level is a big step forward, and ensures that local authorities will have to meet that target. However, it is recognised to be a political target. It is a good level, but further recycling is possible, and we believe that the recycling target should be increased. Our concern is that, if large-scale incinerators are established in Welsh regions, they will act as a disincentive to further recycling and will have a negative knock-on effect on higher recycling targets and on the policy of waste reduction.

**Mr Kirby:** That is an important point. The 70% target is a minimum recycling target, so we can and should go further. The argument is played out in such a way that states that we therefore have 30% residual waste for which we need to build incinerators. However, we should be planning for as little residual waste at the end of the day as possible. The 70% recycling target is welcome—it is higher than in many other places—but it also reflects the focus on recycling, to the detriment of the upper levels of the waste hierarchy, which is prevention and reuse. So, we should also be piling our efforts into preventing waste, designing out waste in the first place and so on. We can and we should do that, and we will also make much more progress with that. Once you achieve some of that, the 70% recycling target will become less and less important, because we are removing a lot of the waste, and then will you have enough waste to justify having an incinerator? You will not.

However, what is happening is that local authorities are having the fear of God put into them by the waste companies, which are saying, 'If you don't build an incinerator, you are going to be faced with a colossal landfill tax bill'. However, the high rate of landfill tax actually applies to biodegradable waste, so if you are maximising recycling, food-waste collections and so on, what is left is the inert waste that does not attract the higher landfill tax anyway. Besides, waste companies are busy telling local authorities and others that waste arisings will continue to rise so they need to plan for a plant to suck out all that they cannot recycle, but, as I have said earlier, waste arisings are going down and they will accelerate in their fall, particularly as we bring in legislative tools such as those required under the waste prevention plan next year.

**Joyce Watson:** To explore further the reduction in the waste that is being produced, have you been able to do any projections in terms of the recession reducing that figure? It is the case

that we have been negligent as a society, thinking ‘Here today and gone tomorrow, just buy the next thing’. I would have thought that the recession has now focused people’s minds on changing that attitude and on how they cannot just buy and throw things away. Have you done any work on that? Are you going to do any work on that?

**Mr Kirby:** We do not have a plan in the short term for doing work on that, but there is analysis out there. We need to look at the figures that come out of the Department for Environment, Food and Rural Affairs, WasteDataFlow and various other bodies or look at the Welsh Government’s waste data. It is interesting that your take on the question is the opposite of how it is usually presented, which is that the recession will have led to a drop-off, perhaps, but that it is just a blip, and the amount of waste will continue to rise. You are saying that people will learn good habits through the recession, effectively, which is spot on. Aside from the recession, we are increasingly resource conscious, particularly as the price of commodities goes through the roof and we have the other efforts of design around it. Before the recession kicked in, and back in the early 2000s, you could see that waste arisings had plateaued and were starting to drop off, and then the recession accelerated the drop in total waste arisings. So, we have seen massive increases in recycling, and the amount of overall waste generated has been dropping off. For some of the reasons that you gave, we will see that accelerate and even less waste will be generated in the future.

**Joyce Watson:** If you know of reports, is there anything that you can send us that we could incorporate in our thinking?

**Mr Kirby:** Yes.

**William Powell:** A moment ago, you referred to residual food waste and the important role that its management plays. Do you feel that there is scope for the further development of anaerobic digestion plants of an appropriate scale to address these issues and maybe to lessen any drive towards these more difficult forms of waste management?

**Mr Kirby:** Yes, absolutely, and they can be smaller or modular flexible anaerobic digestion plants. There are various ways of dealing with food waste, as well. A caveat with that is that they should not be so big as to create a demand for food waste, because with food waste, as with any other waste, the ideal is to prevent it in the first place. However, it is no coincidence that the incineration lobby argues very strongly against anaerobic digestion. I have heard it talking about us all being up to our knees in digestate—the fluid that comes out at the end, which is a good soil conditioner and fertiliser—and putting about stories that we will all be swamped in the stuff, because it competes with incineration energy from waste. That food waste has a calorific value, it gets dried out in the furnace and then, although it lowers efficiency, it contributes fuel. So, if you take that food waste out, you are reducing not just the energy value in the waste that would be going into the incinerators, but also the ability of the incinerator to claim that it is renewable energy, because it is what is called biogenic recent plant waste instead of fossil-based waste. If you take that out, incinerators have proportionately more plastics, fossil-based waste, left in them and they look less and less like the renewable energy technologies that they claim to be, which weakens their argument.

10.15 a.m.

**Bethan Jenkins:** On a strategic level, I am a bit concerned, because the Welsh Government has said that it would be in favour of incineration and that it is a local council decision as to how it then, through Prosiect Gwyrdd, plays that out or how it enters contracts. What would you advise, given the political nature of this discussion? We can come up with any type of report, but if the Welsh Government is still intent on developing this line of thinking, as opposed to the alternative, which you have presented here today, we are in a catch-22 situation. What would your message be, given that, from evidence we have received from the

Government and from others in previous sessions, it is leaning towards favouring the incineration option, which you, as petitioners, do not want at all? So, we have the extreme on both sides. What are your thoughts on that—for my ease of mind, more than anything?

**Ms Elgar:** Absolutely. It is of grave concern to us that the Welsh Government is favouring mass-burn incineration, both in respect of its blueprint for council collaboration and in its financial help and support mechanism for councils. Project Gwyrdd is one of a number of regional waste consortia around Wales. It is the most advanced one, which is why we are discussing that one specifically here today. The north Wales residual waste treatment project is quite advanced as well. The Welsh Government is answerable to this committee and to the Assembly, and must be questioned on the long-term sustainability of its current policies, the effect that they will have on Wales and the environment for the next 25 years, and the knock-on effect on broader waste policies, as well as the health of humans and the environment.

It is a difficult situation with Project Gwyrdd because of the legal contracts that councils are tied into, and we are not subject to the details of those contracts because of commercial confidentiality. That has been a big problem over the last few years of the project, namely that a group such as ours, or individual residents, cannot see the full details of the project. There has been a definite lack of transparency. However, our understanding is that councils may face large fines, even if they want to pull out at this stage, so it is, as you say, a catch-22. However, that could be balanced with a situation 10 years down the line—not even 20 or 25 years—of finding that they have to feed these large machines. They will be producing waste just to feed the incinerators, and they will be locked into long-term contracts, which might also have financial repercussions, going down to the taxpayer in the end. Councils need to look at the long-term financial situation as well as possible future carbon taxes or other financial measurements on waste, which could have a negative effect on the decisions that they are making now.

**Mr Kirby:** I will make a quick final point, if I may. On the carbon point, the UK has long-term climate ambitions, and Wales has its ‘One Wales: One Planet’ ambition, which is laudable and much admired. The Minister of State at the Department for Energy and Climate Change, Greg Barker, has his own figure for incineration emissions, which is 540 grams of carbon dioxide per kilowatt hour. The current grid emissions in the UK on average are 500 grams, so even on today’s basis, they are above average. However, the UK Committee on Climate Change has said that we need to get down to 50 grams of carbon dioxide per kilowatt hour by 2030. Building these plants now means that they will still be around in 2030 and emitting 10 times the amount of carbon that the Committee on Climate Change, which is the official climate adviser, has said we should allow. That target of 50 grams is only to allow some flexibility for a quick injection of energy from quick flick-switching gas turbines and so on. I just wanted to make that point because the advocates of incineration make out that it is low carbon, and it is not. Even by the Government’s own figures, these plants are high carbon, and that is an important thing to bear in mind when we are thinking for the long term and in the context of the sustainable development strategy that we have here, as well.

**William Powell:** On behalf of the committee, I thank you both for your informative and comprehensive answers. At the outset, I should also have noted that we were to be joined by Professor Vyvyan Howard, who works in the field of toxico-pathology at the University of Ulster, but owing to a technical failure at this end, that was not possible today. However, we shall make sure that we reinstate that for a future occasion so that we can benefit from his views and input, which would be helpful for our consideration. So, thank you for your time this morning.

*Gohiriwyd y cyfarfod rhwng 10.20 a.m. a 10.23 a.m.  
The meeting adjourned between 10.20 a.m. and 10.23 a.m.*

**P-03-295 Kyle Beere Gwasanaethau Niwroadsefydlu Paediatrig: Trafodaeth  
P-03-295 Kyle Beere Paediatric Neuro Rehabilitation: Round Table Discussion**

**William Powell:** Welcome, everyone, and thank you for braving the elements to join us this morning for this important session considering the petition on paediatric neuro-rehabilitation services. Rather than asking for some opening remarks, we will go straight to questions, I think, to make the best use of the time available. I ask Russell George to open things up. Over to you, Russell.

**Russell George:** Good morning to you all. What are the main features that you would like to see in a rehabilitation service based at the children's hospital in Cardiff?

**Ms Wools:** It might be handy to talk through the business case that has already been presented to the Cardiff and Vale University Local Health Board, first about its components and then about the broader functions and services that we would like to see added to that, to put it into context. Would that be useful?

**Russell George:** I asked the question. You go ahead and answer that as you would like.

**Ms Wools:** Okay. From our perspective, ideally, we would like a service that looks at children and young people from birth to 18 years who have an acquired brain injury, but who also have other conditions that could benefit from therapy interventions or a programme within that service. We would like the service to be available to all children and young people in Wales, but also, potentially, to be accessed by children from the south-west of England, given that there is clearly a lack of services.

On the service design, ideally, it would include a rehabilitation facility or centre staffed by a multidisciplinary team, and a person-centred approach would be adopted with an individualised package of care. Our experience has shown that the services that are currently available seem to be more resource-led than needs-led, and that we need a service that is bespoke and flexible to the whole spectrum of conditions, ranging from mild brain injury to the severe, as Kyle has presented with.

As I said, we would like to see the service cater for a spectrum of needs, and so we would like it to look at initial intensive in-patient intervention, so providing a residential service as well as ongoing out-patient services.

The most important aspect to highlight is the delivery of core therapy provision, such as neuropsychology, so that we can get assessment right at the start, to identify the presentation of conditions and residual issues resulting from any condition or traumatic brain injury. Other therapy provision would include neurophysiotherapy, speech and language therapy, occupational therapy, education input, and then other proven therapy interventions that are known to work and help to develop a child's engagement with the core therapy interventions.

We would like the centre to be a central point of contact and co-ordination for services from hospital to home and ongoing, and also for there to be some type of outreach service provision, as we have seen delivered in the Children's Trust in Tadworth, Surrey. That would help to provide consultancy or advisory services to mainstream service provision such as education, social services and care support, namely other service areas that children and families would need to access over a lifetime or during a short period of intervention.

Talking of family services, there definitely needs to be more holistic provision, including respite services, counselling and education. Speaking from my personal experience and my sister's, Kyle's injury came as a shock for which there was no preparation, and it was life-

changing overnight. We found that the services available to us lacked expertise of what Kyle had suffered, and were therefore not able to guide or educate us on how to manage him to reintegrate. That was aside from dealing with the grief that comes with the sense of loss that you have, even though the child is still alive, fortunately. My sister would advocate more of a network of family support, but one that is very much led by specialist guidance, because, at times, we felt very much alone in our situation and as though we were floundering.

We would also like the service to look at transition management. That is paramount. Kyle is now 15 years of age and will soon be reaching the stage of accessing adult services. Coming from a public sector background, I know that the transition from youth to adult services is not always managed right. If we are to set up such a service, the transition aspect needs to be included at the design and planning stage, so that it is integrated with existing adult service provision and organisations such as Headway, to guide how that looks.

I am sorry, but I am rambling on now. Please feel free to ask questions and interject.

10.30 a.m.

Funding is a key issue. Whatever service is looked at needs to be based on tripartite funding from the key service areas that are generally involved in this, namely social services, education and health. We have experienced a huge number of obstacles and challenges because of siloed budgets and because people or departments do not necessarily understand where their commitments, requirements or responsibilities start and end. This has led to delay or sometimes to the absence of services in their entirety. They are the main components of a service to which we would like commissioners to give consideration. Obviously, this needs to be based more on increased comprehensive evidence. We are here today, really, to ask the committee and others to consider commissioning a comprehensive research study about the actual picture and the population who could benefit from such a service.

**William Powell:** Thank you, Emma, for setting that out in such a full context and so comprehensively for us. Russell, are there questions that have not been answered in the area that you wanted to pursue?

**Russell George:** I have just one further question. Emma, you are not rambling at all. Thank you for your full answer: answer as you want; we are here to listen to your views. The questions are there to facilitate the discussion, so thank you for your contribution. I wanted to ask what rehabilitation services and support are currently offered at the hospital to children with acquired brain injury.

**Dr Rogers:** I will hand over to Dan.

**Russell George:** I was not quite sure who to look to for an answer.

**Mr Phillips:** The Welsh Health Specialised Services Committee is accountable to the seven health boards. We are responsible for planning and funding specialised paediatric neurology services. The health boards are directly responsible for the local multidisciplinary teams, community services and the continuing healthcare packages, and together they have delegated responsibility to WHSSC for the specialist paediatric neurologists, the multidisciplinary team that surrounds them at the Children's Hospital for Wales, Alder Hey and Bristol, and for the very small number of children who are also referred to Tadworth. On the services that are provided locally, there are paediatric neurologists who specialise in paediatric neurology in Cardiff, but there is not anybody who has a full-time interest in paediatric neuro-rehabilitation, as there is in Tadworth. There is a multidisciplinary team containing many of the therapists to whom Emma referred, but they are spread over many services, and we recognise that the services in Cardiff need to be strengthened. We are in dialogue with the

Cardiff and Vale local health board about the best way to do that. The plans for phase 2 of the children's hospital include a hydrotherapy pool and increased multidisciplinary therapy rooms—so, by 2015, those will be in place. We recognise that, as it stands now, those facilities are not available. That is a known fact and that is why we need phase 2 of the children's hospital. Is that sufficient or do you want me to paint a broader picture?

**Russell George:** No, that is fine, although some of my colleagues may pick up on what you said.

**Dr Rogers:** We recognise all the elements that Emma has just described as being appropriate for a paediatric neuro-rehabilitation service. We would also agree that it ought to be needs led, in terms of what individuals receive. In that sense, there is not a discrepancy between us in terms of where we would like to be going and what we think should be available. We have the same sort of approach, and the holistic element that you mentioned is important. As you said, it is a spectrum of needs and, although the whole health budget is the responsibility of the LHBs, WHSSC plans and secures the most specialist end of it. We need to work across the whole spectrum and put that together, to ensure that people have that needs-led service. It would be very difficult if there were a boundary. I do not think that there is a boundary in terms of the funding; we have the mechanisms to address it across the spectrum.

**William Powell:** Dr Payne and Dr Jones, do you have any comments on further plans for the enhancement of the service? We have already heard some information from Mr Phillips and Dr Rogers. Are there any additional items that you would like to bring to the table at this point?

**Dr Jones:** We wish to add a word of strong support for the petition. We are keen to see the issue being resolved, and we accept the position that things could be better. We will continue to use the Tadworth centre for the very small number of children who have very specialised needs. I think that we have sent only eight children there over the last 10 years, and I believe that that number is similar to the number of children sent from similar populations in England. It is a national English centre and we would not be able to replicate it in Wales. However, we recognise that we need to improve specialist neuro-rehabilitation for a number of other children who do not need to go to Tadworth, and for children when they come out of Tadworth.

**Dr Payne:** A report on the national service framework for children shows that we have identified that transitional planning is an area in which improvement is needed, and it is incorporated in the new guidance that we are about to issue on the planning and delivery of continuing care. We deal specifically with the fact that care packages for children and young people should not be delayed by any arguments about funding. We have put in lines that address those specific issues that cause a lot of difficulty for people.

**William Powell:** I am eager to broaden things out to look at the arguments for and against the continued use of Tadworth in those particular cases. Frances, do you want to make a contribution or challenge something that has been said?

**Dr Gibbon:** We have not sent a lot of children to Tadworth, because it is a long way to travel for a lot of Welsh people and the children do not like being away from home. There is a huge financial commitment as well as a social commitment to having a child as an in-patient at Tadworth, which Kyle's family certainly found hard to deal with. There is an unmet need as well for the children who cannot go to Tadworth—I want to make that point.

On the other point that Heather raised about the NSF for children, you may be aware that Edwina Hart commissioned the children and young people's specialised services project a while ago. That project outlined a service for children requiring neuro-rehabilitation. On what

a service should look like and what shape it should take, information on that has already been published—in addition to the things that Emma has brought up—but it has not yet been implemented. So, that is already recognised and published. Personally, I have been trying to improve this service since 2004. I have been trying to get this project going for many years.

**William Powell:** It has been a long-term commitment.

**Dr Gibbon:** It is not a new thing, and I commend Katherine and Emma for being able to raise awareness of this issue at such a level, because these children are disadvantaged and do not have a voice.

**Joyce Watson:** On the theme of equality of access, which is what you are asking for, do you think that children in Wales with and acquired brain injury and their families receive the same standard of service wherever they live in Wales? If not, what are the issues that prevent that from happening?

**Ms Wools:** Correct me if I am wrong, but, anecdotally, it is our understanding from talking to parents and families who have gone through this that different local health boards, and perhaps professionals within those boards, would not necessarily be as aware of Tadworth as a facility as others. We are not sure about how much encouragement there is to make referrals. From a personal point of view, Kyle was in intensive care with two other children who were both at the severe end of the spectrum and would have benefitted from accessing Tadworth. Only two out of the three of those children were referred; one of them was not. Again, I could not comment on the reasons why that referral did not go ahead because I do not know what they might be, but it does seem that there is not any consistency. Whatever the referral criteria might be, it is certainly not the case that all children who present with conditions as a result of an acquired brain injury are referred to that service. Tadworth does not deal only with the severe end of the spectrum; it deals with the whole spectrum. So, there are many children with all sorts of conditions who would benefit from the service and I do not feel that those referrals are coming through.

That said, Tadworth is a limited facility with 49 bed spaces and a waiting list of up to six months. Therefore, with regard to the timeliness of provision, even when a child has the benefit of being referred there, there can be a long wait. In Kyle's case, he had to wait five months in hospital to be placed. There is a great deal of literature on the timeliness of intervention when recovering from a brain injury. Did we miss an optimum window within those five months? Could there have been more guidance? He remained locally and received interventions from a great many committed staff within the hospital and the trust, I have to say, but perhaps they did not have the expertise required to deal with his condition.

That has since been evident on Kyle's return to the community in respect of the staff and professionals who are now delivering community provision and support. Having asked staff in the special school he is now placed at how many of them have received training on children with acquired brain injuries, not one of them has said that they have. This is moving slightly away from your original question but, again, I feel that the lack of specialist provision in Wales means that the learning and education does not span out to other professionals in other quarters. It makes sense because we have to draft in that expertise from elsewhere, and when you are reliant on out-of-area services it means that you do not have that quality of experience and learning.

**Bethan Jenkins:** Thank you for coming to give evidence. My only declaration of interest is that I helped to set up Headway in Neath Port Talbot and that, having spoken to many of the adults there, it is clear that there are many unseen issues that do not present themselves directly to the health service, so I believe that it would be of superior benefit to involve patients when scoping services. These are not issues that people can see straight away.

My question relates to Headway's letter about the problems of children with ABI going undiagnosed or whose difficulties are not recognised. This is a question to any of you really: which agencies should take the lead on raising awareness of ABI and its effects so that children and families get the right support when they need it?

**Ms Smith:** I think it needs to start with statutory services and improvement in the rehabilitation services we have already outlined. I would like to support everything Emma has said about the priority being to support family and carers with information and education because it is very much a hidden disability at the moderate-to-mild end where children are presenting at hospital, at accident and emergency or to their GP. The long-term effects of these injuries are often unrecognised and the family only become aware of the difficulties as time progresses following an injury, when they try to return to normality. That is a huge area of concern for us. We talked about tri-partite working, but in fact I think it should be quad-partite working, including the voluntary sector. We are able to get very close to the people in need, but we need that support, in financial and resource terms, from the statutory bodies and the professional input.

10.45 a.m.

What happens as well is that, if people are misdiagnosed or unrecognised, they are categorised incorrectly as having learning disabilities, so when we are commissioning services we are basing that on figures that are inaccurate and, therefore, are underestimating the occurrence of brain injury. Those instances are probably on the mild to moderate end of the spectrum rather than severe, but there are long-term, lifelong effects for these people. After a brain injury, people have a normal life expectancy, so they are living with these difficulties for 70 or 80 years. There is unsubstantiated evidence and statistics to show that something like 50% of the prison population has a mild to moderate brain injury, and if you understand brain injury you can immediately see how that would happen.

**Ms Wooll:** I would just add some figures to substantiate or put into context the degree of hidden harm caused by head injuries. The National Institute for Health and Clinical Excellence produced a report in 2007 that outlined that over 300,000 children under 16 presented with head injuries in accident and emergency departments in England, and, of those, up to 20,000 had mild, moderate, or severe traumatic brain injury, with additional children presenting with brain injury as a result of non-traumatic conditions, such as the experience we have had with Kyle. Again, there is no reason why Wales should not be comparable to that. Why would fewer children suffer head injuries here? These figures are not directly comparable, but they definitely present a case to look into this further, and perhaps not to focus on specialised and severe injuries, but to look along the spectrum of services, because the demand is clearly far higher.

**Bethan Jenkins:** Do those from the health service have anything to add?

**Dr Jones:** I would like to emphasise the central point that clinicians should lead these services with support from management colleagues within the health boards and the Welsh Health Specialised Services Committee. Clinicians will learn during their training, but also during their contact with families and other partner organisations. They will understand the evidence base from NICE and other bodies, and they generally have to advise us which services should realistically be in place. With all these funding decisions, it is a question of placing the money where there is best value and, generally speaking, if there is NICE guidance to recommend a certain type of treatment, we would want NHS Wales to provide it. There is likely to be other, low-value work out there that we could do less of, but that case has to be made by clinical colleagues generally, because they know most about these subjects, and they need to work alongside colleagues in management to support them.



**Bethan Jenkins:** Are they making the case now? You say that they need to.

**Dr Jones:** Absolutely, and I think that clinicians sometimes become frustrated because these things do take time and are not all that straightforward. When WHSSC allocates money, clearly it is redistributed money from elsewhere. This investment has to be high value, and the clinician is best placed to understand the value and work with colleagues in WHSSC. That process is ongoing and active; this is not an area that has been neglected entirely, but it is taking time to work through these processes. Of course, WHSSC cannot just receive a business case and then fund it; it has to understand where moneys that are currently invested in services are being spent, how they are being used on what is already there, and what the gap is realistically.

**Dr Rogers:** We are actively pursuing the business case at the moment, but what we have heard so far is that this is about the full spectrum. In particular, Julie was just saying that Headway wants to see that full spectrum addressed. We can look at the specialised end of it, and there is definitely a need to do that, but we also need to be looking at these other issues that you have raised. That is probably harder to achieve, because there are a lot more people involved and it is about being clear about what we are addressing at any one time. Certainly the message that I have taken away from this is that, whatever service is funded and developed, we need to be very clear about the needs that it can meet and will be attempting to meet, and what will not be met by it, so that people can at least see where potential gaps are.

It is quite easy to get confused in this bigger picture about where services are, and when you start to talk about the other services that need to come in other than health services, it gets even more complex. So, clarity and a common understanding of the whole pathway of the spectrum and the burden of the disease out there is really important. We have talked about acquired brain injury, but, obviously, there are many different forms of it, and some of these services would be helpful for people with other disorders who have similar needs. So, it is quite complex. It is being looked at, but we have quite a way to go, and we probably will have to continue developing this over some considerable period of time. I do not think that there are any quick fixes, but we can do better with regard to what we are looking at now.

**Bethan Jenkins:** I am a little confused. The first timeline is the second phase of the children's hospital. I know that a broader discussion is needed other than saying that this must be done by this point, but are there any goals currently in place that you can make us aware of—or send us a document afterwards, because we are pressed for time—so that we can understand where you are in the timeline of development?

**Dr Rogers:** Yes, we can do that with regard to the specialised services.

**Mr Phillips:** It is also important to say that we have had discussions with Alder Hey and Bristol hospitals about their services. There is a lot of work going on at a UK level, looking at paediatric neurosciences, paediatric neurosurgery and neuro-rehabilitation. So, we are not alone in looking at this. We are talking with Alder Hey and Bristol, which are both bigger children hospitals, and they also recognise that they need to strengthen their services. We are not alone in moving forward in this area.

Later this year, we are expecting some UK-level standards about some of these services, which will inform our thinking. In 2015, we will have better physical facilities. We are now working with Cardiff and Vale health board and are planning to take a paper to our June joint committee with proposals about what the next step should be. We have had a business case from Cardiff and Vale, which was referred to earlier, and we have responded to it. There is an active dialogue, as Chris said, about what will be the real benefits from this. It is a very difficult area, because it is not as simple as one turning a knob to get an outcome; these are

patients with very complex needs, and we recognise that. It is about what benefits will come from what staff, what is the most value we can get, and what the changes are. We invest about £1.6 million in specialised paediatric neurology services in Cardiff. It is about how much more we have to spend to get how much more. We will have a proposal to the joint committee.

**Bethan Jenkins:** Some £1.6 million does not seem to me to be much really. I am not here to judge, but it does not seem to be a lot of money.

**Mr Phillips:** That is just on the specialised element. There are local packages of care and individual patients' ongoing continuing healthcare.

**Bethan Jenkins:** Could Frances come in quickly as well, because I know that she wants to say something from the clinicians' point of view?

**Dr Gibbon:** It is very difficult to decide who you should have. There are no standards, as Dan said. There are no nationally accepted standards for what neuro-rehabilitation should contain. The next standards to come out are the paediatric neurosurgery standards in England, which are due to come out next year. They will contain a section on what neuro-rehabilitation should look like in a hospital. If you can provide a specialist service in a hospital that can then advise and do some outreach work in schools where children like Kyle are, we see that as being part of the service, not just for the children in hospital. Although the bricks and mortar will improve the new children's hospital for some of our in-patients, it does not include service. So, the service is not part of that process.

I also wanted to raise another service that we do not have enough of in Wales, which is neuropsychology or psychology, first, to support people who are grieving and who are in a difficult place and, secondly, to support people who have had a brain injury to see what their problems are and how we should address them. For example, if you come to Frenchay Hospital as a child with a brain injury, you will get seen by a neuropsychologist as soon as you can communicate. We do not have that service at all in Wales; we have to buy it in from Bristol. People who have a mild brain injury will end up not having anything at all, and many end up in the criminal justice system. So, as Dan was saying, there is not a quick fix; there is a lack of foundation for looking at this problem in the wider sense for adults as well. As has been said, if we have a business case to do something in hospitals, it does not fix everything for these people. However, it is a start.

**Ms Simmons:** To comment on that, I feel, as a parent, that there has been no emotional support from the services either for me or for Kyle, which has been a real struggle for us. From my point of view, it is only through the assistance of my family and friends that I have been able to get on with things and to support Kyle. I am well aware that there are other parents who do not have that. So, it is obviously a very emotional subject for me, but I believe that the psychology element is very important.

**William Powell:** I am sure that I am not alone in finding this one of the most useful and rewarding evidence sessions that the committee has had recently, because we have heard so many different views—from the petitioners, whose views were articulated so clearly and were formed by direct experience, and the specialists in the field, who are seeking to improve provision in Wales. The clock is against us now and I am conscious that colleagues need to be moving to group meetings very soon. Thank you very much indeed for what you have brought to the table this morning. It is something that we shall seek to take forward at our next meeting on 15 May, because we do not have the opportunity to consider the evidence immediately. However, we will have a full transcript of the evidence and we also have the opportunity to draw on anything else that you can submit in the light of one or two of the questions that we have had. So, thank you very much indeed. I also thank colleagues for their

full contribution. Diolch yn fawr iawn.

10.57 a.m.

**Papurau i'w Nodi**  
**Papers to Note**

**William Powell:** We have some papers to note. Our next meeting is on the fifteenth of this month, when the current turbulence will have passed and this week will be over. However, more immediately, at 1 p.m. today, we have a petition, 'Bring back our bus', to collect on the steps of the Senedd. I welcome anyone else's presence, particularly given the level of scrutiny that we are currently receiving from the national newspaper of Wales regarding our business. Thank you very much, and I will see you later.

*Daeth y cyfarfod i ben am 10.57 a.m.*  
*The meeting ended at 10.57 a.m.*