

Nantygwyddon: National Assembly for Wales Investigation

Introduction

1. This note sets out a model for a National Assembly for Wales Investigation (an Assembly investigation) into issues relating to the Nantygwyddon Landfill Site.
2. The model assumes that an Assembly Investigation would take place using the powers available under Section 40 of the Government of Wales Act, and that this would not be a public inquiry under Section 35 of the Act.

Background

3. For several years residents living around Nantygwyddon have complained of noxious smells and expressed concerns that fumes emanating from the site have an adverse effect on health including congenital abnormalities. A variety of allegations have been made about inadequacies in the planning, design, management, and regulation of the site.

Purpose

4. The primary purposes of the Assembly Investigation would be to examine the establishment, management and regulation of the Nantygwyddon Landfill Site. The Investigation would seek to establish the facts, reach conclusions, and make recommendations relevant to the exercise of the Assembly's functions. The Investigation would consider the issues of concern to local residents, assess action taken to address those concerns (environmental and health) and consider any further action that might be appropriate.

Brief

5. The Investigation will consider issues relevant to the:
 - Selection of the site
 - Grant of planning consent and enforcement of conditions
 - Design of the landfill
 - Implementation of design
 - Nature of the site liner
 - Management of the site to the present time by all responsible parties.
 - Site regulation under waste management legislation
 - Public health conditions in the locality
 - Handling of complaints, and exercise of functions by:
 - Bro Taf Health Authority

- Environment Agency
- Rhondda Borough Council/Rhondda Cynon Taff County Borough Council
- Mid Glamorgan County Council
- Welsh Office/National Assembly for Wales, including the European Union dimension (administration of grant)

6. The Assembly Investigation will be expected to assess the information and identify where a different approach would lead to better decisions in future. It should:

- identify any outstanding issues at Nantygwyddon which require consideration or action by the Assembly;
- contribute to the Assembly's development of an integrated strategy for waste management, taking proper account of risks to health including psychological health.

7. The analysis of the history of the site should be conducted so as to identify lessons for the future, both local and national.

8. In making recommendations, site specific or more general, the Assembly Investigation will be expected to consider the likely costs and benefits (social, environmental and economic) of any recommendations. The outcome of the Investigation may also assist the local authority in taking decisions about the future of the site, assist other statutory bodies in the exercise of their functions and provide confidence to the local community that all appropriate action has been or will be taken.

Mechanism

9. The proposed mechanism will involve a mixture of consideration in public by the Environment Planning and Transport (EPT) Committee and subsequent investigation which would be conducted in private. The main stages could comprise:

- a. appointment of an independent investigator
- b. consideration by the EPT Committee (with the Investigator present) of the concerns of local residents and the scope of the proposed investigation in one meeting. Bro Taff Health Authority, the Environment Agency, and Rhondda Cynon Taf Borough Council would explain their role. Written evidence could also be invited from other interested parties, for consideration by the appointed investigator.
- c. the main activity would follow the EPT meeting and involve an independent investigation. The investigation would consider the records of the relevant

organisations (discussed further below) and any new relevant information produced by them. It would also discuss issues with the main organisations who have had a statutory role in the development, management and regulation of the site. The appointed investigator may need technical support on waste management and health issues, and may well require significant administrative support to investigate the records of the relevant organisations. It may be appropriate to appoint supporting consultants to undertake much of the desk analysis of evidence.

d. the investigator would produce a report, with recommendations, which would be considered by the EPT Committee, with the Assembly Secretary having the lead responsibility for considering what action might be appropriate in the light of the findings and recommendations. The EPT Committee would consider whether the Report raised issues of sufficient significance to warrant separate consideration in Plenary.

Records

10. An important part of the investigation would be a review of documents relating to the establishment and management of the Nantygwyddon Landfill Site.

- Subject to any necessary restrictions under its "Code of Practice on Public Access to Information", or the "Code of Practice on Access to Government Information" the National Assembly would make its own files available, and seek the agreement of the Office of the Secretary of State for Wales, to making available the records of the former Welsh Office.
- Bro Taf Health Authority would not be able to release personal health information or patient records to a third party unless it has the full consent of that person or patient to do so. The Health Authority has indicated that it would willingly make any other information available to the investigation.
- Subject to any issues of confidentiality, the Environment Agency has indicated that it would grant access to its files.
- It would seem essential for Rhondda Cynon Taff County Borough Council to agree to open its files to the Investigation. [It is not known what records they hold; advice is awaited.]
- RANT is known to have gathered a substantial amount of material about the site and may be expected to make their evidence available.

- Other parties, including operating companies, consultants, and contractors would be invited - but could not be obliged - to provide relevant evidence. The forward-looking focus of the proposed investigation would help to encourage co-operation.

11. Preliminary enquiries suggest that the following records are likely to be available:

- Correspondence relating to complaints about the site
- Papers relating to the selection of the site [?RCT]
- Papers relating to the grant of planning consent [?RCT]
- Rhondda Borough Council's resolution to establish the site [?RCT]
- Papers relating to the establishment of, and awarding of a contract to, Rhondda Waste Disposal Company Ltd [?RCT]
- Rhondda Borough Council papers relating to the grant of a waste management licence to Rhondda Waste Disposal Ltd (now deposited with Environment Agency)
- Site design documents and working plans[?RCT]
- Rhondda Borough Council's Public Register files from 1993-1996 (now deposited with Environment Agency)
- Environment Agency Public Register files from 1996
- Environment Agency files relating to enforcement, court actions, and other miscellaneous information.
- Bro Taf Health Authority data derived from National Small Area Health Statistics.
- Internal/External Bro Taf Health Authority reports not containing personal/patient information.
- Report of the Sarcoidosis Study

[?RCT] – subject to availability of information from Rhondda Cynon Taff

12. To this would be added any material volunteered by RANT, by other parties to the design and management of the site, by members of the public or by other organisations. In addition, a search of the World Wide Web could be undertaken for literature relating to Nantygwyddon.

Costs

13. Costings are inevitably somewhat speculative but a forward estimate of £150-200,000, which may extend into two financial years, seems a reasonable planning estimate. The main

areas of cost (with indicative figures) are likely to include:

Investigator's Fee (120 days x £300) £ 36,000

Technical Assessors (2 @ 40 days x £250) £ 20,000

Administrative Support (inc secretarial) £ 50,000

Consultancy and Technical Support £ 50,000

Accommodation, T&S £ 25,000

Printing (inc translation) £ 10,000

£191,000