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# THE NATIONAL ASSEMBLY FOR WALES

## AUDIT COMMITTEE

**Report (2) 01-05 presented to the National Assembly for Wales on Wednesday 23 February 2005  
in accordance with section 102(1) of the Government of Wales Act 1998**

### **Environment Agency Wales: Regulation of waste management**

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Annex E – Letter dated 10 December 2004 from Sir Jon Shortridge, Permanent Secretary, National Assembly for Wales

Annex F – Letter dated 13 December 2004 from Dr June Milligan, Head of Environment Division, Welsh Assembly Government

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## Introduction

1. This report examines the regulation of waste management by the Environment Agency Wales, within the context of the Welsh Assembly Government's waste strategy *Wise about Waste*, which identified waste as Wales' biggest environmental problem. On 4 November, on the basis of the report by the Auditor General for Wales<sup>1</sup>, we took evidence from Dr Helen Phillips, Director of Environment Agency Wales; Mr Nigel Reader, Director of Finance, Environment Agency; Ms Liz Parkes, Head of Waste Regulation, Environment Agency; Dr June Milligan, Head of Environment Division, Welsh Assembly Government; and Mr Robert Williams, Head of Waste Policy Branch, Welsh Assembly Government.
2. In making its report and recommendations, the Committee recognises the complexities of waste management legislation and regulation, and that not all relevant powers have been devolved to the National Assembly for Wales (the Assembly). Nevertheless, there is much that Environment Agency Wales and the Assembly Government has done and can do in partnership with other stakeholders to protect the public and the environment in Wales from the effects of unsustainable waste management. This report begins by setting the administrative context within which waste in Wales is managed, before turning to examine those aspects of waste management that are in need of particular attention: strategic planning for the disposal of waste, hazardous waste, and illegal waste management.

## Waste management in Wales

3. Responsibility for policy development and implementation in relation to waste management involves the European Union, the Department for Environment, Food and Rural Affairs (Defra), the Assembly, local authorities and the Environment Agency (the Agency).<sup>2</sup> Waste management is a devolved function. However, since the environment tends not to respect borders, the Agency remains an England and Wales body, accountable to both Westminster and the Assembly.<sup>3</sup> The witnesses reassured us that this arrangement did not cause significant practical problems.<sup>4</sup>

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<sup>1</sup> Auditor General of Wales (AGW) report, *Environment Agency Wales: regulation of waste management*, presented to the National Assembly for Wales on 28 October 2004

<sup>2</sup> AGW report, page 10

<sup>3</sup> AGW report, paragraph 2.5

<sup>4</sup> Qs 28 - 29

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4. Nonetheless, Dr Milligan told us that the split in responsibilities between different agencies, in terms of regulation and a complex and confusing legislative framework, does not lend itself to a strategic approach to changing the way in which we deal with our waste and is one of the reasons for Wales having a history of unsustainable waste management.<sup>5</sup> This complication is illustrated by the loss of Assembly powers in relation to the Pollution Prevention and Control regulatory regime for high risk sites.<sup>6</sup> The witnesses told us that this had been due to a technicality and was in no way a deliberate attempt to keep the powers from the Assembly. They were also optimistic that the statute needed to bring the powers back to Wales would soon be in place. However, the effect of this technicality has been that the Assembly has not had control over the most polluting industries in Wales.<sup>7</sup> Another example of an unhelpful split of powers between the Assembly and Westminster is that of radioactive substances regulation.<sup>8</sup> We are pleased that the Assembly Government is seeking to regain powers under the Pollution Prevention and Control regulatory regime. We note that the success of the Landfill Allowance Scheme – where Wales has taken the initiative to be ahead of England in diverting waste away from landfill<sup>9</sup> – shows what can be achieved with devolved powers. However, **we recommend that, in future, when there is new legislation or when legislation is updated, the Assembly Government seeks to ensure that all relevant powers are devolved to the Assembly.**
5. In June 2002, the Assembly Government published the Wales Waste Strategy, *Wise about Waste*, which establishes the policy framework for sustainable waste management in Wales. The majority of the 26 million tonnes of waste produced each year is from the agricultural, mines and quarries, construction and demolition and industrial sectors. However, the Strategy prioritises the management of the two million tonnes of municipal waste produced in Wales, 87 per cent of which is disposed of in landfill sites. The strategy's prime aim is to reduce the amounts of such waste sent to landfill through reducing the amount of waste generated and setting targets to increase recycling.<sup>10</sup>
6. Dr Milligan told us that the Assembly Government has concentrated its efforts on municipal waste for two main reasons. First, the European Union's Landfill Directive relates to biodegradable waste sent to landfill, half of which is municipal waste. Secondly, such waste

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<sup>5</sup> Qs 8, 24 and 27

<sup>6</sup> AGW report, Case Study A, page 12

<sup>7</sup> Qs 24 – 25 and 30

<sup>8</sup> Q26

<sup>9</sup> AGW report, Case Study B, page 12; Q26

<sup>10</sup> AGW report, paragraphs 1.1-1.2 and 1.6 - 1.7

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has historically been managed in one of the least sustainable ways - by disposal in landfill sites.<sup>11</sup> The Assembly Government has invested over £60 million in funding local authorities to carry out recycling and recovery of waste regimes with the ambitious target of recycling/composting 40 per cent of municipal waste by 2010. In 2002, when the Strategy was launched, Wales was recycling only eight per cent of such waste. However, Mr Williams reported that considerable progress had been made and the amount recycled is expected to have increased across Wales to 15 per cent in 2003-04.<sup>12</sup> This increase is welcome, although there is clearly a long way still to go. However, we agree with Dr Phillips' observation that, although it has been important to concentrate efforts on municipal waste, attention must be turned to the 90 per cent of waste generated from other sources.<sup>13</sup> This includes agricultural waste from 29,000 holdings in Wales which will come under regulatory control from mid 2005.<sup>14</sup> **We recommend that the Assembly Government continues to encourage recycling and diversion of municipal waste away from landfill, but also focuses its efforts on reducing the 24 million tonnes of waste generated by other waste streams, particularly agricultural waste.**

## Waste planning

7. Planning is an essential part of ensuring that waste is managed sustainably, from a national level through to a local level, and the Assembly Government has a particular duty under the Waste Framework Directive to ensure that there is an adequate network of facilities.<sup>15</sup> The Assembly Government has developed a planning framework, with the Wales Spatial Plan providing strategic context within which the Assembly Government advises local authorities on taking waste issues into consideration in planning (through Technical Advice Note 21). Three Regional Waste Plans, prepared by a range of bodies involved in waste management, should provide the best environmental options for waste management at a regional level, and Unitary Development Plans, prepared by each unitary authority, should translate this at a local level. We note that it would have been more logical and sensible for the context-setting Spatial Plan to have been prepared before the regional and local plans, rather than afterwards, as was the case.<sup>16</sup> Supplementary evidence provided by the Assembly Government states that a new development plan system will commence in Autumn 2005

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<sup>11</sup> Q6

<sup>12</sup> AGW report, paragraphs 1.7 - 1.8; Qs 16 - 17

<sup>13</sup> Q5

<sup>14</sup> AGW report, paragraph 1.12.

<sup>15</sup> AGW report, paragraphs 2.8 and 2.10

<sup>16</sup> AGW report, paragraphs 2.8 - 2.10; Qs 31 and 36; Annex E

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with the advent of Local Development Plans which will statutorily be required to have regard to the Wales Spatial Plan. The Assembly Government expects that Local Development Plans will be adopted by the end of 2009 and will supersede all previous adopted development plans.<sup>17</sup>

8. Waste management sites are not popular with local communities. That local authorities have come together, in preparing the Regional Waste Plans, to discuss how they might address the issue has been described as “miraculous”. However, those Plans do not actually identify potential sites. Under this system, ultimate responsibility for grasping the nettle and putting forward potential sites for waste facilities lies with local authorities, through their Unitary Development Plans. The scale of the problem is illustrated by the fact that only one authority’s Plan has been adopted – Denbighshire in 2002.<sup>18</sup> Supplementary information provided by the Assembly Government stated that there were a number of reasons for the slow progress being made in finalising Unitary Development Plans, including increases in planning applications, under-resourced planning departments, the lengthy process of preparing Plans, the engagement of the private sector and local communities at the end of the process and the resource implications of the Inquiry process.<sup>19</sup>
9. We are pleased to see the progress that has been made in bringing local authorities together to produce Regional Waste Plans and we do not underestimate the difficulties involved. However, we also recognise that a great deal more work is necessary to ensure that the Assembly Government has fulfilled its requirement to provide an adequate network of waste management facilities. Despite Dr Milligan’s assurances us that they were not being complacent, under the new arrangements it will be four more years - 2009 - until the Assembly Government expects most Local Development Plans to have been adopted.<sup>20</sup> **We therefore recommend that regional waste plans are revised in order to indicate the types of locations where regional facilities could be situated. We further recommend that the Assembly Government issues direction to local authorities to ensure that Unitary/Local Development Plans identify potential sites for waste management activities.**
10. The scale of the challenge is illustrated by the fact that, according to an estimation of required capacity undertaken as part of preparing the Regional Waste Plans, a total of 629

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<sup>17</sup> Annex E

<sup>18</sup> Qs 31, 37 and 41

<sup>19</sup> Annex E

<sup>20</sup> Q41; Annex E

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waste managed facilities, of all types, will be needed by 2013. The requirement includes 14 landfill sites, 140 composting facilities and four “energy from waste” facilities (such as incinerators).<sup>21</sup> Wales currently has around 300, but subsequent correspondence from Dr Milligan informed the Committee that the estimation of capacity requirement was not based on what was already in existence; local authorities had started with a clean sheet to assess the requirement for 2013. Neither is it possible directly to compare the figure of 300 existing sites with the forecast number of sites required because of a lack of comprehensive capacity data on existing sites. However, the Assembly Government and its partner organisations are attempting to match what is known of existing capacity with requirements.<sup>22</sup>

11. The Auditor General reported that existing landfill capacity could be exhausted before 2010.<sup>23</sup> The witnesses told us that, in trying to change the way we manage waste in Wales, the Assembly Government is seeking to move away from disposal via landfill and is not looking to create more sites as it seeks to achieve the target of recycling 40 per cent of municipal waste by 2010. However, in the period of transition until then, there will clearly continue to be a need for landfill capacity. Dr Milligan told us that the Assembly Government is trying to ensure that there is sufficient capacity to move through the transition and this includes applications from operators to extend existing facilities. Mr Williams informed us that, given demand, it is expected that more proposals for landfill will come forward in the interim period, along with proposals for other waste treatment facilities.<sup>24</sup> Since the Committee met, there have been media reports on the extent of the problem in Swansea where capacity is diminishing at the Tir John site. This is in addition to the problems at the Pwllfawatkin site where the Auditor General reported that capacity is expected to be filled by August 2005.<sup>25</sup>
12. The Assembly Government and others are not helped in their efforts to plan the effective management of waste in the future by weaknesses in the data available, cited by Dr Milligan as one of the biggest challenges faced. A data strategy recently published by the UK Government found weaknesses in data flows at both the local authority and Environment Agency levels. It is good to hear that progress is now being made on that front, but Dr

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<sup>21</sup> Q31; Annex C

<sup>22</sup> Q31; Annex D

<sup>23</sup> AGW report, paragraph 1.4

<sup>24</sup> AGW report, paragraph 1.7; Qs 13 and 48

<sup>25</sup> AGW report, paragraph 1.4

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Milligan acknowledged that this will take time.<sup>26</sup> However, a more significant constraint is the fact that private sector operators are not required in statute to provide data relating to capacity; any information given is voluntary.<sup>27</sup> We asked the witnesses whether this was something which needed to be addressed. Dr Phillips stated categorically that the Agency would welcome further statutory leverage to serve the Assembly Government better. Dr Milligan from the Assembly Government accepted that statutory leverage may be helpful but noted that no policy position had yet been taken as to whether this is the right way forward. Nonetheless, we note that discussions have taken place between the Assembly Government and local authorities on the possibility of implementing a requirement for new facilities to identify capacity, as part of the planning application process.<sup>28</sup> The matter seems to us straightforward. The availability of accurate, up to date data is a key tool in the waste planning process and **we therefore recommend that the Assembly Government and the Agency give consideration to identifying how the obstacle of inadequate data on site capacity might be overcome.**

13. Another major obstacle in the waste planning process is the perception by the general public that waste management activities - particularly landfill and incineration – pose a risk to human health. This is well illustrated by two high profile case studies in the Auditor General’s report, at Crymlyn Burrows and Nantygwyddon. However, as Dr Milligan pointed out, waste in Wales is currently growing at a rate of two per cent a year and it must be disposed of somehow: both landfill and incineration will remain part of the solution.<sup>29</sup>
14. The main concern felt by the public relates to health, where there is uncertainty about the effects of waste treatment and disposal facilities. As discussed above, the Assembly Government intends to move away from its current reliance on landfill sites. With regard to incineration, the witnesses told us that in Europe it is a widely used option, and referred to a report by the Department which stated that there are no conclusive links between incineration and health impacts.<sup>30</sup> The Agency is also trying to improve its communication of health and the environment information to the public, including using other organisations such as the Environment Council to act as a neutral broker and the publication of a position statement on health issues.<sup>31</sup>

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<sup>26</sup> Q44

<sup>27</sup> Q43

<sup>28</sup> Qs 43 - 47

<sup>29</sup> AGW report, Case Studies D and E, pages 25 and 26; Q105

<sup>30</sup> Qs 4, 48 and 105; AGW report, Figure 2, page 7

<sup>31</sup> Q60

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15. As representatives of our constituents we recognise that this is a sensitive issue. However, it is clear that there is scope to improve the public's awareness of the issues concerning waste management; this might reduce the need for the Assembly Government to call-in planning applications due to public opposition which greatly prolongs the planning process.<sup>32</sup> Certainly, it should make use of reliable evidence which may help to allay concerns over the health impacts of incineration. **We recommend that, as part of the Assembly Government's waste awareness campaign, it considers how it might better educate and engage the public on waste disposal options.**
16. The Assembly Government is also considering the scope for including the impact on health as a necessary consideration in the planning process. Dr Milligan told us that at present, under existing planning policy, health can already be considered but the Assembly Government is contemplating taking this further through the use of a research project. Dr Phillips explained that there have been discussions concerning the development of a technical advice note on taking account of health matters in the planning process or using a cross-cutting approach and including health in all technical advice notes.<sup>33</sup> In view of the antipathy of the public towards waste sites on health grounds, it can only help to bring health considerations formally into the planning process. **We recommend that the Assembly Government, with the assistance of the Agency, give due consideration to the findings of the research project and ensure that health is made an essential consideration of the planning process in relation to waste facilities and other developments which could have a potential effect on the environment and human health.**

## Hazardous waste

17. The management of hazardous waste is an important issue in Wales due to changes in the way that it is regulated and the lack of facilities for its disposal. Co-disposal of hazardous and non-hazardous waste in the same landfill was banned from July 2004, and from 2005 waste acceptance criteria will be implemented to set the standards to which hazardous waste will need to be treated before disposal. There will also be changes in the categorisation of waste, meaning that that more will be classified as hazardous.<sup>34</sup> The Assembly Government, with help from the Agency, has informed businesses of the changes

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<sup>32</sup> Q48

<sup>33</sup> Qs 66-67

<sup>34</sup> AGW report, paragraphs 3.12 – 3.13



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and, through workshops, has provided information on the options for hazardous waste disposal.<sup>35</sup>

18. However, of most concern to the Committee is the lack of facilities for hazardous waste disposal in Wales. Following the ban on co-disposal, there are now no commercially operating landfill sites in Wales accepting hazardous waste.<sup>36</sup> We are pleased that the Assembly Government's and Agency's focus of attention is consistent with the main aim of the relevant Directives, that is, to move away from landfill being the preferred option for hazardous waste disposal. Ms Parkes also told us that, in response to the new legislation, companies producing hazardous waste are seeking to implement waste minimisation measures.<sup>37</sup> And the witnesses reassured us that even though there are no hazardous waste disposal facilities in Wales, there has not, so far, been an increase in the illegal management of hazardous waste since the July 2004 ban on co-disposal. However, we endorse Ms Parkes' warning that complacency should be guarded against, especially over the next few years as the situation continues to evolve.<sup>38</sup>
19. Nonetheless, we are still producing hazardous waste with nowhere to dispose of it in Wales, even though the Welsh Office/Assembly Government has known about the possibility of there being changes to the way in which hazardous waste is managed since 1990, and the actual date of the 2004 ban has been known since 1999.<sup>39</sup> Dr Milligan told us that the Assembly Government has planned for the changes through Annex Nine of the Technical Annexes of the Wales Waste Strategy, which acts as a Welsh hazardous waste plan. However, dealing with this important issue through a technical annex supplementary to the main strategy suggests to us that the issue has not been given sufficient prominence. Indeed, Dr Milligan's statement was in support of this view, in that the Assembly Government recognised in 1999 that there was to be a situation where there would be few or no hazardous waste facilities.<sup>40</sup> Although this was the case, the Regional Waste Plans were agreed without due consideration of the provision of hazardous waste facilities and, as a result, are in need of revision.<sup>41</sup> Furthermore, concerns over the management of hazardous waste have also been expressed a number of times in Assembly plenary sessions over the last four years, and on one recent occasion members were told that the issue was not a

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<sup>35</sup> Qs 20 and 89

<sup>36</sup> AGW report, paragraph 3.13

<sup>37</sup> Qs 90 and 93

<sup>38</sup> Q93

<sup>39</sup> AGW report, paragraph 3.15

<sup>40</sup> Q89

<sup>41</sup> Qs 94 - 95

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devolved matter, despite the fact that witnesses from both the Assembly Government and the Agency were keen to state what they had done in relation to hazardous waste management.<sup>42</sup>

20. We cannot avoid the conclusion that there has been a lack of urgency in addressing this issue. Even after knowing for five years of the date when the ban on co-disposal would come in to being, Wales is without a hazardous waste disposal facility. We do not see how this squares with the Assembly Government's over-arching responsibility to ensure that there is an adequate network of facilities, referred to earlier (paragraph 7). We were pleased, however, to learn that the Assembly Government has now taken some action to stimulate the market with the use of European funding, to create a hazardous waste facility.<sup>43</sup>
21. We also had evidence that this issue is also of concern to waste management operators – one major contractor told us that the current situation is resulting in an enormous amount of confusion throughout the waste management industry and for hazardous waste producers.<sup>44</sup> As Dr Phillips pointed out, the regulations and legislation concerning hazardous waste are complex, with some issues devolved and others not.<sup>45</sup> **We recommend that the Agency and the Assembly Government regularly update businesses involved in the production and management of hazardous waste on the current situation in regard to hazardous waste disposal in Wales.**

## Functions of Environment Agency Wales

### *Licensing and permitting*

22. The Environment Agency has a vital part to play in dealing with waste issues in Wales, both as a regulator and in its advisory role. The Agency seeks to carry out its licensing and permitting activities using an approach whereby the level of resources allocated to its operations is proportionate to the environmental and health risks posed by the activity.<sup>46</sup> This seems sensible, as is the holistic approach to regulation that we heard about, such as implementing other European Directives at the same time that landfill sites were being re-permitted under the Landfill Directive.<sup>47</sup> Dr Phillips told us that Defra's permitting

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<sup>42</sup> Qs 99 and 106 - 107

<sup>43</sup> Qs 90 and 93

<sup>44</sup> Q99

<sup>45</sup> Q106

<sup>46</sup> AGW report, paragraphs 2.15 to 2.16

<sup>47</sup> Q20

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review, even though it is currently on hold, should also contribute to establishing a modern regulatory tool.<sup>48</sup>

23. In carrying out its licensing and permitting work, the Agency charges operators – on the polluter pays principle - for licence applications and subsistence work and, in doing so, seeks to fully recover all of its costs. However, for waste management licence application fees in 2002-03, this objective was not met: the share of this overall subsidy attributable to the Agency in Wales was £230,000.<sup>49</sup>
24. Defra and the Agency have recently undertaken a strategic review of charging, one of the recommendations of which was that the full costs of licence applications should be recovered from charge-payers.<sup>50</sup> We were concerned that this might lead to a significant increase in costs to operators, and thence, as a consequence of operators seeking to avoid costs, an increase in illegal waste activities. Mr Reader from the Agency assured us that, at the level of costs involved, the increase in charges was unlikely to act as an economic disincentive to waste operators.<sup>51</sup>
25. One of the reasons that costs hitherto have been higher than applications fees has been the costs associated with public consultations. For example, the application costs incurred by the Agency for the Crymlyn Burrows application were £275,000; the applicant only had to pay £22,100 of these costs – the standard fee - with the remainder funded by the Agency through its grant in aid.<sup>52</sup> If full costs on this scale were passed on, as seems to have been implied by the witnesses<sup>53</sup>, then it is highly unlikely that an operator would take on such a burden. Whatever the outcome of the review, this is another reason for all concerned to invest time and effort in educating the public appropriately about the relevant issues, as we set out above.
26. We are pleased to see that the Agency is endeavouring to operate through the polluter pays principle and that the Department's charging review will enable the Agency to recover its full costs; otherwise the Agency is in the position of switching resources from other areas, reducing the levels of service it provides and potentially increasing environmental risk.<sup>54</sup>
- However, **we recommend that in carrying out its licensing and permitting functions the**

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<sup>48</sup> Q79

<sup>49</sup> AGW report, paragraphs 2.17 - 2.18, Q54

<sup>50</sup> AGW report, paragraph 2.20

<sup>51</sup> Q57

<sup>52</sup> AGW report, paragraph 2.19

<sup>53</sup> Qs 59 and 61

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**Agency keeps in view the risk of protracted public consultations leading to exorbitant costs being placed on the operator and thus increasing the risk of charges acting as a disincentive to opening much needed waste disposal and treatment facilities.**

### *Health assessments*

27. Concerns about health, of course, lie behind protracted public consultations - the potential impacts of waste treatment and disposal facilities on the health of the local population. Dr Phillips told us that the Agency cannot remove all the risk from the waste management industries it regulates, but that the Agency had learnt from its experiences of the Nantgwyddon investigation. The Agency has increased its working with health professionals and has broadened the skills and knowledge base of its staff on health issues to enable staff to act as “intelligent clients” when receiving health related-information.<sup>55</sup>
28. The Agency’s main use of health expertise is in the determination of an application for a Pollution Prevention and Control licence where the Agency has a requirement to undertake a health risk assessment and, if required, a health impact assessment. However, the requirement does not extend to the determination of waste management licences where the Agency has, with the help of health professionals, collated information on the generics of health impacts of licensed waste management activities. Ms Parkes stressed to us that all new landfill sites and incinerators - those activities perceived to present the greatest risk to health - are no longer licensed under the waste management licensing regime but will in future be permitted through the Pollution Prevention and Control regime and therefore subject to a health risk assessment.<sup>56</sup>

### *Regulating exempt activities*

29. Environment Agency Wales also undertakes a number of activities outside its permitting and licensing activities, funded by grant-in-aid from the Assembly. One of these is the regulation of exempt activities - specified activities, such as scrap metal yards and small scale composting, which do not require a full waste management licence. At present, there are a number of exempt activities where the regulatory effort applied to them is not proportionate to the risk they present to the environment - there are examples of where the

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<sup>54</sup> Q61; AGW report, paragraph 3.2

<sup>55</sup> Qs 4, 63 - 64 and 67

<sup>56</sup> Q65

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regulation is too great and where it is too little.<sup>57</sup> Dr Phillips told us that in order for the exemptions system to be effective and to limit the burden on the public purse and industry, there is a need for the Agency to be appropriately funded to regulate nearly 4,000 sites, and to have the flexibility in its regulatory regimes to exercise discretion in terms of where its effort is applied.<sup>58</sup>

30. Because of the limited resources that the Agency is able to apply to the exemptions system, it is open to abuse by operators who take advantage of the situation and carry out illegal activities.<sup>59</sup> The Auditor General reported that the Department has been reviewing the exemptions system since 1998 and was intending to put the new regulations in place in April 2005: both the Comptroller and Auditor General and the Committee of Public Accounts had recommended that this review be completed.<sup>60</sup> The responses we subsequently received when we inquired why the review had taken so long to complete were not particularly satisfactory, although we recognise that this is a matter outside the gift of either the Agency or the Assembly Government.<sup>61</sup> Whilst the exemptions review should enable the Agency to carry out more work in regulating exemptions and identifying criminal activity, Dr Phillips was of the view that it would provide only a medium term solution to the problem and that there was more that could be done in the short term, including reviewing the register of exemptions to ensure that it was up-to-date.<sup>62</sup> **We therefore recommend that Environment Agency Wales carries out a detailed review of its exemptions register and earmarks those activities which are of greatest risk to the environment and ensure that they are afforded proportionate regulatory control both before and after the new regulations take effect.**

### *Illegal waste activities*

31. The Agency also deals with a number of other illegal waste management activities. Of concern to the Committee is the 80 per cent increase over three years of illegal waste management incidents reported to the Agency; which includes a 40 per cent increase in incidents defined as being ‘big, bad and nasty’.<sup>63</sup> Dr Phillips told us that extrapolation of figures obtained to date suggests that there were 35,000 incidents of fly-tipping in Wales in

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<sup>57</sup> AGW report, paragraphs 3.19 - 3.20

<sup>58</sup> Qs 74 – 79 and 109

<sup>59</sup> Q110; AGW report, paragraph 3.20

<sup>60</sup> AGW report, paragraph 3.21

<sup>61</sup> Annexes C and F

<sup>62</sup> Qs 109 - 111

<sup>63</sup> Q80; AGW report, paragraphs 3.5 and 3.7

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2004 with clean-up costs of £2 million. In her view the escalation of reported incidents was for two reasons. First, tighter regulation and the increased costs of disposing waste legally have incentivised illegal waste management. Secondly, there is now greater awareness and intolerance of illegal dumping and fly-tipping which is reported to the Agency by people who do not wish to have it impacting on their quality of life.<sup>64</sup>

32. The Agency has a protocol in place with local authorities in order to manage responses to fly-tipping and illegal dumping more effectively. Dr Phillips told us that the protocol is more effective than the one in place between counterparts in England because the definitions of who tackles which incident are clearer. A further tool is the development of a system (*Flycapture*) - designed to obtain reliable information on fly-tipping and illegal dumping - which includes data from the Agency and local authorities. Dr Phillips was enthusiastic about the system and the scope it offered for working collaboratively with local authorities to target efforts, but was disappointed that only half of the local authorities were reporting figures.<sup>65</sup> We share this disappointment and note in addition that there are still four authorities who have not even registered with *Flycapture*, despite it having been in place since April 2004.<sup>66</sup> **We therefore recommend that the Assembly Government ensures that all local authorities register and use the *Flycapture* system without further delay.**
33. The Agency and local authorities also tackle illegal waste management through the duty of care system which, as the witnesses explained, is a self regulating system. The Auditor General reported the findings of an Environment Agency survey which showed that only 17 per cent of waste producing small and medium enterprises in Wales had heard of the duty of care system, 7 per cent fewer than the figure for the United Kingdom as a whole.<sup>67</sup> In response, Dr Milligan told us that the Assembly Government had distributed 4,000 leaflets through local authorities explaining the system and was in the process of producing a further 11,000. She added that the low level of awareness was perhaps due to very small businesses relying on waste-handling arrangements with companies who put the notes in place on their behalf.<sup>68</sup> Whatever the reason, the Committee is disappointed at what is a very low level of awareness. **We recommend that the Assembly Government and Environment Agency Wales consider whether distribution of the leaflets through local authorities is the most**

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<sup>64</sup> Qs 82 - 83

<sup>65</sup> Qs 80, 82 - 83 and 87

<sup>66</sup> Q87; AGW report, paragraph 3.11

<sup>67</sup> AGW report, paragraph 3.9

<sup>68</sup> Q84

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**effective method of educating businesses on the waste duty of care system and consider other methods of raising awareness.**

34. The witnesses told us of various new powers available to local authorities and the Agency through which the duty of care system should be made more effective. Local authorities have more powers through the Anti-social Behaviour Act 2003 to stop and search vehicles for evidence of proper waste handling authorisation. Through the Clean Neighbourhoods Bill, both the Agency and local authorities will have the power to give fixed-penalty notices to those who are not complying with the waste duty of care system.<sup>69</sup>
35. The Agency also takes enforcement action in other areas of waste management which it regulates, especially the illegal deposition of waste and breaches of waste management licences and permits. However, fines given to those perpetrating environmental crime average only £2,500 and appear not to act as a sufficient deterrent.<sup>70</sup> Dr Phillips told us that alternative sentencing would be a useful modern regulatory tool. This would include the use of civil penalties, so that criminal courts would be reserved for offenders who are deliberately, wilfully and recklessly failing to meet the requirements of legislation, and the involvement of offenders in community projects. Dr Phillips also highlighted the importance of the memorandum of understanding that the Agency has in place with the Asset Recovery Agency to recover the assets of individuals committing environmental crime.<sup>71</sup> The Agency also seeks to recover its costs of taking legal action from the courts. In 2002-03, only 73 per cent of the Agency's costs were recovered from successful prosecutions against waste offenders. The Agency are seeking to make the judiciary and magistrates more aware of environmental crime and have developed a toolkit, 'Costing the Earth', to facilitate this.<sup>72</sup>
36. In order to tackle environmental crime, the Committee believe it is vital to engage fully the criminal justice system to make certain that there are more effective deterrents against environmental crime. This includes ensuring fines are sufficient to act as a deterrent; the availability of alternative sentences; and the Agency's ability to recover the full costs of taking court action. While we recognise that the criminal justice system has not been devolved, **we recommend that the Agency and the Assembly Government undertake a review of environmental sentencing in Wales and seek to influence the appropriate**

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<sup>69</sup> Qs 84 - 85

<sup>70</sup> AGW report, paragraphs 3.23- 3.25; Q117

<sup>71</sup> Q116

<sup>72</sup> AGW report, paragraphs 3.24 and 3.26

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**bodies in Westminster. We also recommend that the Agency develops the ‘Costing the Earth’ toolkit in a Welsh context to raise awareness of environmental crime with Welsh magistrates and the judiciary.**

## Concluding comments

37. The Assembly Government has prioritised waste management as an environmental issue and has made good progress in increasing levels of municipal waste recycling and starting to divert waste away from landfill. However, one of the recurring issues we have encountered in examining waste management in Wales is the essential task of raising awareness of these issues with individuals, households, businesses, organisations and the criminal justice system. We all have a responsibility to understand the consequences of the action we take in managing the waste we produce. Local communities need to be engaged in the waste management process and statutory authorities need to ensure public buy-in with all decisions that are made, recognising that we must take responsibility for the waste we produce. The Assembly Government and the Agency have a key part to play in changing the patterns of our behaviour and encouraging everyone to think about how much waste we produce, and accept that if we generate it, we need the facilities to dispose of it. We welcome the efforts that the Assembly Government and the Agency are making to raise awareness, but recognise the need for further work in educating the public on the need for waste management facilities and the degree and nature of any residual risks to health.
38. The management of waste is a complex issue which affects us all and, although we have our individual responsibilities, the role of government and regulators is key in developing sustainable waste management. The Assembly Government has an important role in setting the framework within which the Agency, as the regulator, can operate, and in resourcing it appropriately to tackle Wales’ biggest environmental problem. Although progress has been made, there is still a great deal to be done in tackling the issues of hazardous waste, waste planning and illegal waste management. There is no room for complacency: landfill capacity is reducing; there is a need for hundreds of new sites (including some for managing hazardous waste); and illegal waste management is on the increase. The environment is one of Wales’ biggest assets and we look forward to the Agency and the Assembly Government continuing to protect it as they lead Wales towards sustainable waste management practices.



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## Recommendations

39. In light of these findings, we recommend that:
- i. **in future, when there is new legislation or when legislation is updated, the Assembly Government seeks to ensure that all relevant powers are devolved to the Assembly;**
  - ii. **the Assembly Government continues to encourage recycling and diversion of municipal waste away from landfill, but also focuses its efforts on reducing the 24 million tonnes of waste generated by other waste streams, particularly agricultural waste;**
  - iii. **regional waste plans are revised in order to indicate the types of locations where regional facilities could be situated. We further recommend that the Assembly Government issues direction to local authorities to ensure that Unitary/Local Development Plans identify potential sites for waste management activities;**
  - iv. **the Assembly Government and the Agency give consideration to identifying how the obstacle of inadequate data on site capacity might be overcome;**
  - v. **as part of the Assembly Government's waste awareness campaign, it considers how it might better educate and engage the public on waste disposal options;**
  - vi. **the Assembly Government, with the assistance of the Agency, give due consideration to the findings of the research project on health and ensure that health is made an essential consideration of the planning process in relation to waste facilities and other developments which could have a potential effect on the environment and human health;**
  - vii. **the Agency and the Assembly Government regularly update businesses involved in the production and management of hazardous waste on the current situation in regard to hazardous waste disposal in Wales;**

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- viii. **in carrying out its licensing and permitting functions the Agency keeps in view the risk of protracted public consultations leading to exorbitant costs being placed on the operator and thus increasing the risk of charges acting as a disincentive to opening much needed waste disposal and treatment facilities;**
  - ix. **Environment Agency Wales carries out a detailed review of its exemptions register and earmarks those activities which are of greatest risk to the environment and ensure that they are afforded proportionate regulatory control both before and after the new regulations take effect;**
  - x. **the Assembly Government ensures that all local authorities register and use the *Flycapture* system without further delay;**
  - xi. **the Assembly Government and Environment Agency Wales consider whether distribution of the leaflets through local authorities is the most effective method of educating businesses on the waste duty of care system and consider other methods of raising awareness; and**
  - xii. **the Agency and the Assembly Government undertake a review of environmental sentencing in Wales and seek to influence the appropriate bodies in Westminster. We also recommend that the Agency develops the ‘Costing the Earth’ toolkit in a Welsh context to raise awareness of environmental crime with Welsh magistrates and the judiciary.**



**Cynulliad Cenedlaethol Cymru  
Pwyllgor Archwilio**

**The National Assembly for Wales  
Audit Committee**

**Environment Agency Wales: Regulation of Waste Management  
Asiantaeth Amgylchedd Cymru: Rheoleiddio Rheoli Gwastraff**

**Cwestiynau 1-118  
Questions 1-118**

**Dydd Iau, 4 Tachwedd 2004  
Thursday 4 November 2004**

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*Aelodau o'r Cynulliad yn bresennol: Janet Davies (Cadeirydd), Leighton Andrews, Mick Bates, Alun Cairns, Jeff Cuthbert, Jocelyn Davies, Christine Gwyther, Denise Idris Jones, Val Lloyd, Mark Isherwood..*

*Swyddogion yn bresennol: Syr John Bourn, Archwilydd Cyffredinol Cymru, Gillian Body, Swyddfa Archwilio Genedlaethol Cymru, David Powell, Swyddog Cydymffurfio, Cynulliad Cenedlaethol Cymru.*

*Tystion: Dr Helen Phillips, Cyfarwyddwr, Asiantaeth yr Amgylchedd Cymru, Liz Parkes, Pennaeth Rheoleiddio Gwastraff, Asiantaeth yr Amgylchedd, Nigel Reader, Cyfarwyddwr Cyllid, Asiantaeth yr Amgylchedd, Dr June Milligan, Pennaeth Is-adran yr Amgylchedd, Cynulliad Cenedlaethol Cymru, Robert Williams, Pennaeth Adran Polisi Gwastraff, Cynulliad Cenedlaethol Cymru.*

*Assembly Members present: Janet Davies (Chair), Leighton Andrews, Mick Bates, Alun Cairns, Jeff Cuthbert, Jocelyn Davies, Christine Gwyther, Denise Idris Jones, Val Lloyd, Mark Isherwood.*

*Officials present: Sir John Bourn, Auditor General for Wales, Gillian Body, National Audit Office Wales, David Powell, Compliance Officer, National Assembly for Wales.*

*Witnesses: Dr Helen Phillips, Director, Environment Agency Wales, Liz Parkes, Head of Waste Regulation, Environment Agency, Nigel Reader, Director of Finance, Environment Agency, Dr June Milligan, Head of Environment Division, National Assembly for Wales, Robert Williams, Head of Waste Policy Branch, National Assembly for Wales.*

*Dechreuodd y cyfarfod am 9.32 a.m.*

*The meeting began at 9.32 a.m.*

[1] **Janet Davies:** Good morning. I welcome the committee, the witnesses—I will ask you to introduce yourselves in a minute—and members of the public to the meeting. Can I remind everyone that the committee operates bilingually? Headsets are available for translation from Welsh and also to amplify the sound, if you need that. Would you please turn off any mobile phones, pagers or other electronic devices? They interfere with the headsets' reception for the broadcasting and translation systems. In the case of an emergency, would you leave by the nearest exit and follow the instructions from the ushers? I have had an apology from Carl Sargeant and Jeff Cuthbert is substituting for him. So, welcome to the committee, Jeff. Do any Members need to make any declarations of interest? I see that no-one does, and in

[1] **Janet Davies:** Bore da. Croesawaf y pwyllgor, y tystion—byddaf yn gofyn i chi gyflwyno eich hunain yn y man—ac aelodau'r cyhoedd i'r cyfarfod. A gaf fi atgoffa pawb fod y pwyllgor yn gweithredu'n ddwyieithog? Mae clustffonau ar gael ar gyfer cyfieithiad o'r Gymraeg a hefyd i gynyddu'r sain, os oes arnoch angen hynny. A fydddech cystal â diffodd eich ffoniau symudol, blipwyr neu unrhyw ddyfeisiau electronig eraill? Maent yn amharu ar dderbyniad y clustffonau ar gyfer y systemau darlledu a chyfieithu. Os bydd argyfwng, gadewch drwy'r allanfa agosaf a dilynwch gyfarwyddiadau'r tywyswyr. Yr wyf wedi cael ymddiheuriad gan Carl Sargeant ac mae Jeff Cuthbert yn bresennol ar ei ran. Felly, croeso i'r pwyllgor, Jeff. A oes unrhyw Aelodau am

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that case we will move on to the first item, which is an evidence session on the 'Environment Agency Wales: Regulation of Waste Management' report from the National Audit Office. Could I please ask the witnesses to introduce themselves?

**Dr Phillips:** My name is Dr Helen Phillips, and I am the director of Environment Agency Wales. I am accompanied this morning by two of my colleagues, Nigel Reader, director of finance for the Environment Agency, and Liz Parkes, head of waste regulation.

**Dr Milligan:** I am June Milligan, the head of the Environment Division in the Welsh Assembly Government. I am accompanied today by Robert Williams, who is head of the waste policy branch.

[2] **Janet Davies:** Right. Thank you very much. If I could just set this hearing today in context by saying that we are taking evidence on the Auditor General for Wales's report on waste management. As the report sets out, waste is becoming an increasingly thorny issue in modern life. There is pressure on us to recycle more, particularly in view of the general public's distaste for disposal by other means, such as landfill or incineration, yet in today's society we are generating more waste than ever before. The auditor general's report sets these issues out and focuses on the role of Environment Agency Wales in regulating the ways in which waste is managed, within the context of the Assembly Government's overarching waste policy.

I will just say that it is possible that we may have a break halfway through to have a cup of tea or coffee or whatever, but I will see how the time goes.

ddatgan buddiant? Gwelaf nad oes neb am wneud hynny, felly, awn ymlaen at yr eitem gyntaf, sef sesiwn dystiolaeth ar adroddiad 'Asiantaeth yr Amgylchedd Cymru: Rheoleiddio Rheoli Gwastraff' gan y Swyddfa Archwilio Genedlaethol. A gaf fi ofyn i'r tystion gyflwyno eu hunain?

**Dr Phillips:** Dr Helen Phillips ydwyf fi, cyfarwyddwr Asiantaeth yr Amgylchedd Cymru. Mae dau gydweithiwr gyda mi'r bore yma, sef Nigel Reader, cyfarwyddwr cyllid Asiantaeth yr Amgylchedd, a Liz Parkes, pennaeth rheoleiddio gwastraff.

**Dr Milligan:** June Milligan ydwyf fi, pennaeth Is-adran yr Amgylchedd yn Llywodraeth Cynulliad Cymru. Mae fy nghydweithiwr Robert Williams gyda mi heddiw, sef pennaeth yr adran polisi gwastraff.

[2] **Janet Davies:** Iawn. Diolch yn fawr. A gaf fi osod y cyd-destun ar gyfer y gwrandawriad heddiw, drwy ddweud ein bod yn cymryd dystiolaeth am adroddiad Archwilydd Cyffredinol Cymru ar reoli gwastraff. Fel y mae'r adroddiad yn ei nodi, mae gwastraff yn dod yn bwnc llosg cynyddol yn yr oes sydd ohoni. Mae pwysau arnom i ailgylchu mwy, yn arbennig yng ngoleuni anhoffter y cyhoedd yn gyffredinol o waredu drwy ddulliau eraill, megis tirlenwi neu losgi. Ond eto heddiw yr ydym yn cynhyrchu mwy o wastraff nag erioed o'r blaen. Mae adroddiad yr archwilydd cyffredinol yn gosod allan y materion hyn ac yn canolbwyntio ar rôl Asiantaeth yr Amgylchedd Cymru wrth reoleiddio'r ffyrdd y caiff gwastraff ei reoli, o fewn cyd-destun polisi gwastraff trosfwaol Llywodraeth y Cynulliad.

Hoffwn ddweud y byddwn efallai yn cael egwyl hanner ffordd drwy'r cyfarfod i gael paned o de neu goffi neu beth bynnag. Ond caf weld sut aiff yr amser.

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I will start by asking a few fairly general questions and I think that these are both to the Assembly and agency witnesses. Perhaps you could sort out between yourselves who will go first. First of all, what are the Assembly and the agency doing to help to reduce the amount of waste generated?

**Dr Milligan:** The Assembly has a wide-ranging strategy, published in 2002—the Wales waste strategy—which is about changing the practices that have henceforth been in place in Wales to a much more sustainable means of managing waste. As part of that, we have activities on regulation and enforcement, sustainable resource management, infrastructure and market development, education and marketing of the strategy, improving understanding and building blocks for change, and waste minimisation. An encouragement to reuse and reduce waste, as well as recycling and recovery, are really important parts of that.

[3] **Janet Davies:** Thank you.

**Dr Phillips:** I think that I would only add that the agency, in our regulatory activities and in our advisory role, has due regard to the waste hierarchy in terms of minimisation of waste prior to reuse and recycling. That is a fundamental building block of our other regimes.

[4] **Janet Davies:** Could you perhaps explain how you are limiting the effects of waste on the environment, rather than just through its reduction?

**Dr Phillips:** If I give you a comment on

Yr wyf am ddechrau drwy ofyn ambell gwestiwn digon cyffredinol, a chredaf fod y rhain ar gyfer tystion y Cynulliad a'r asiantaeth. Efallai y gallwch drefnu ymhlith eich gilydd pwy fydd yn mynd gyntaf. Yn gyntaf oll, beth mae'r Cynulliad a'r asiantaeth yn ei wneud i helpu lleihau'r gwastraff a gynhyrchir?

**Dr Milligan:** Mae gan y Cynulliad strategaeth eang, a gyhoeddwyd yn 2002—strategaeth gwastraff Cymru—sy'n ymwneud â newid yr arferion sydd wedi bod ar waith yng Nghymru i ddulliau llawer mwy cynaliadwy o reoli gwastraff. Fel rhan o hynny, mae gennym weithgareddau ar reoleiddio a gorfodi, rheoli adnoddau cynaliadwy, datblygu seilwaith a'r farchnad, addysg a marchnata'r strategaeth, gwella dealltwriaeth ac adeiladu blociau ar gyfer newid, a lleihau gwastraff. Mae annog aildddefnyddio a lleihau gwastraff, yn ogystal ag ailgylchu ac adfer, yn rhannau pwysig iawn o hynny.

[3] **Janet Davies:** Diolch.

**Dr Phillips:** Credaf yr hoffwn ychwanegu dim mwy na bod yr asiantaeth, yn ein gweithgareddau rheoleiddio ac yn ein rôl ymgynghorol, wedi rhoi sylw priodol i'r hierarchaeth wastraff o ran lleihau gwastraff cyn aildddefnyddio ac ailgylchu. Mae hynny'n floc adeiladu sylfaenol yn ein cyfundrefnau eraill.

[4] **Janet Davies:** A ellwch egluro sut yr ydych yn cyfyngu effeithiau gwastraff ar yr amgylchedd, yn hytrach na thrwy ei leihau'n unig?

**Dr Phillips:** Os caf wneud sylw am y

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the way in which we protect the environment and health specifically in respect of our regulatory role, I will then call on my colleague, Liz, for some further detail. In terms of health, which is often a big issue when people worry about the impact of waste disposal and treatment, I would have to start by saying that there is no way that we can remove all of the risk from the industries that we regulate. This would make industry uneconomic and deprive society of the goods and services that it provides. However, the Department for Environment, Food and Rural Affairs' recent report on disposal and treatment of solid municipal waste stated quite clearly that there are no conclusive links between incineration and health impacts. Another expert study by Government also considered the impacts of substitute fuels to be low. The area where concern has been flagged up was particularly around composting in respect of bioaerosols. Perhaps this is a good example because, when risk has been flagged up, the agency responded to the advice from health professionals and, for instance, we have a presumption against permitting composting facilities within a 250m radius of adjacent housing or workplaces. So, that is an example of where a risk was flagged up—a health risk in this case—and of our response in our regulatory role. I would like to call on Liz, with your blessing.

**Ms Parkes:** Just to add to that, we are primarily a regulatory body in relation to waste, and we regulate the production, movement, disposal and recovery of waste. Increasingly, we are looking at the whole lifecycle impact of waste by doing cradle-to-grave-type assessments, so that we are not just regulating the disposal and recovery sites, but are looking to target the most polluting wastes as they

ffordd yr ydym yn amddiffyn yr amgylchedd ac iechyd yn benodol o ran ein swyddogaeth reoleiddio, byddaf wedyn yn gofyn i Liz, fy nghydweithwraig, am rai manylion pellach. O ran iechyd, sydd yn aml yn fater pwysig pan fydd pobl yn poeni am effaith gwaredu a thrin gwastraff, byddai'n rhaid i mi ddechrau drwy ddweud nad oes unrhyw ffordd i ni allu dileu'r risg yn gyfan gwbl o'r diwydiannau yr ydym yn eu rheoleiddio. Byddai hyn yn gwneud diwydiant yn aneconomaidd ac yn amddifadu cymdeithas o'r nwyddau a'r gwasanaethau a ddarpara. Fodd bynnag, dywedai adroddiad Adran yr Amgylchedd, Bwyd a Materion Gwledig ar waredu a thrin gwastraff trefol solet yn ddiweddar yn hollol glir nad oes cysylltiadau terfynol rhwng llosgi ac effeithiau iechyd. Yr oedd astudiaeth arbenigol arall gan y Llywodraeth hefyd yn ystyried bod effeithiau tanwydd amgen yn isel. Y maes y mynegwyd pryder yn ei gylch yn abrennig oedd compostio o ran bioerosolau. Efallai fod hon yn enghraifft dda, oherwydd lle mae pryder wedi ei fynegi mae'r asiantaeth wedi ymateb i'r cyngor gan weithwyr iechyd proffesiynol, ac, er enghraifft, mae gennym dybiaeth yn erbyn caniatáu cyfleusterau compostio o fewn cwmpas o 250 metr i dai neu weithleoedd cyfagos. Felly, mae hon yn enghraifft lle mae risg wedi ei nodi—risg iechyd yn yr achos hwn—a'n hymateb ni yn ein swyddogaeth reoleiddio. Hoffwn ofyn i Liz gyfrannu yma, os ydych yn fodlon.

**Ms Parkes:** I ychwanegu at hynny, corff rheoleiddio yn bennaf ydym ni mewn cysylltiad â gwastraff, yn rheoleiddio cynhyrchu, symud, gwaredu ac adfer gwastraff. Yr ydym yn gynyddol yn edrych ar effaith cylch oes cyfan gwastraff drwy wneud asesiadau o'r crud i'r bedd, er mwyn sicrhau nad rheoleiddio safleoedd gwaredu ac adfer yn unig a wnawn, ond ceisio targedu'r defnyddiau

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are produced at source. We work with producers, whether they be producers of hazardous waste or packaging waste, for instance, to try to minimise the impacts of what they are producing, and then, obviously, apply the regulations in a firm but fair way, not least to stamp out illegal activity, because that would undermine public confidence and the legitimate waste industry as well as have a potentially damaging impact on the environment.

[5] **Janet Davies:** Thank you. We will return to some of those issues later, as I am sure that other Members have questions on them. Of the total amount of waste generated in Wales, municipal waste makes up only 7 per cent. Therefore, why does it have such a high priority?

**Dr Phillips:** I think that that is a very interesting question. To date, it has been important that we focused on municipal waste. I think that we have made real strides, but we would echo your sentiments very much. Ninety per cent of waste comes from sources other than municipal waste. I think that it is very important that we turn our attention to those, particularly to construction and demolition waste. There is a real requirement to bring forward coherent strategies on how we deal with other waste streams.

[6] **Janet Davies:** Thank you. I would like Dr Milligan to comment on that as well, please.

**Dr Milligan:** Of course. Perhaps it would be helpful if I explain why there is a focus on municipal waste, because I think that is the context within which it is possible to think about how to move

gwastraff mwyaf llygrol yn y fan lle cânt eu cynhyrchu. Byddwn yn gweithio gyda chynhyrchwyr, boed yn gynhyrchwyr gwastraff peryglus neu wastraff pecynnu, er enghraifft, i geisio lleihau effeithiau'r hyn a gynhyrchant. Yna, yn amlwg, yr ydym yn gweithredu'r rheoliadau mewn ffordd gadarn ond teg, i roi terfyn ar weithgarwch anghyfreithlon yn anad dim, oherwydd y byddai hynny'n tanseilio hyder y cyhoedd a'r diwydiant gwastraff cyfreithlon yn ogystal â chael effaith a allai niweidio'r amgylchedd.

[5] **Janet Davies:** Diolch. Byddwn yn dod yn ôl at rai o'r materion hynny'n ddiweddarach, oherwydd yr wyf yn sicr y bydd gan Aelodau eraill gwestiynau amdanynt. O'r cyfanswm gwastraff a gynhyrchir yng Nghymru, 7 y cant yn unig sy'n wastraff trefol. Felly, pam mae hyn yn cael blaenoriaeth mor uchel?

**Dr Phillips:** Credaf fod hwn yn gwestiwn diddorol iawn. Hyd yma, mae wedi bod yn bwysig i ni ganolbwyntio ar wastraff trefol. Credaf ein bod wedi gwneud cynnydd mawr, ond byddem yn sicr yn ategu eich sylwadau. Mae naw deg y cant o wastraff yn dod o ffynonellau ar wahân i wastraff trefol. Credaf ei bod yn bwysig iawn i ni droi ein sylw at y rhai hynny, yn arbennig at wastraff adeiladu a dymchwel. Mae gwir angen cyflwyno strategaethau cydlynol ar y ffordd yr ydym yn delio â ffrydiau gwastraff eraill.

[6] **Janet Davies:** Diolch. Hoffwn i Dr Milligan roi sylwadau ar hynny hefyd.

**Dr Milligan:** Wrth gwrs. Efallai y byddai'n ddefnyddiol pe bawn yn egluro pam yr ydym yn canolbwyntio ar wastraff trefol, oherwydd credaf mai yn y cyddestun hwn y gallwn feddwl sut i symud



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forward. Half of the biodegradable waste produced that goes to landfill is municipal waste, and, of course, the European targets are related to biodegradable waste going to landfill. The other important thing to note about municipal waste is that it is an area that has been managed in one of the least sustainable ways in the past, for example, over 50 per cent of construction and demolition waste is already being recovered, whereas, our record for recovery and recycling of municipal waste has been low, and it is also an area where there is a lot of leverage available within the public sector and through the regulatory system. So, it is an area where we can make an impact and, therefore, it has been the focus of the strategy, because, if we do not make an impact in that area, then we simply will not meet the targets that the strategy aims to achieve.

[7] **Janet Davies:** Right. What would are you doing in relation to the amount of waste generated through agriculture, because that, I think, is the largest percentage?

**Dr Phillips:** I will come in on that, if I may. Agricultural waste is a huge challenge, not least because of the volumes of it, the fact that the agricultural waste regulations—as you can see in one of the appendices later in the document—will be imminently upon us, and because of the fact that the agricultural sector in Wales—all 29,000 farms—consists, in effect, of small and medium-sized businesses, and we know that it is often harder for small businesses in industry to cope with their waste issues.

However, I think that the big opportunity that we have now is the new regulatory regime which is coming in, and we have

ymlaen. Mae hanner y gwastraff bioddiraddadwy a gynhyrchir ac sy'n cael ei dirlenwi yn wastraff trefol, ac wrth gwrs, mae'r targedau Ewropeaidd yn ymwneud â gwastraff bioddiraddadwy sy'n cael ei dirlenwi. Y peth pwysig arall i'w nodi am wastraff trefol yw ei fod yn faes sydd wedi'i reoli yn un o'r ffyrdd lleiaf cynaliadwy yn y gorffennol. Er enghraifft, mae dros 50 y cant o wastraff adeiladu a dymchwel yn cael ei adfer eisoes, ond mae ein hanes o adfer ac ailgylchu gwastraff trefol wedi bod yn isel, ac mae hefyd yn faes lle mae llawer o drosoledd ar gael yn y sector cyhoeddus a thrwy'r system reoleiddio. Felly, mae'n faes lle gallwn ddylanwadu, ac felly mae wedi bod yn ffocws ein strategaeth, oherwydd os nad ydym yn dylanwadu yn y maes hwnnw, yna ni fyddwn yn bodloni'r targedau y mae'r strategaeth yn ceisio'u cyflawni.

[7] **Janet Davies:** Iawn. Beth yr ydych yn ei wneud o ran y gwastraff a gynhyrchir drwy amaethyddiaeth, oherwydd dyna, mi gredaf, yw'r ganran uchaf?

**Dr Phillips:** [Hoffwn i gyfrannu yma, os caf. Mae gwastraff amaethyddol yn her enfawr, yn anad dim oherwydd bod cymaint ohono, y ffaith y bydd y rheoliadau gwastraff amaethyddol—fel y gwelwch yn un o'r atodiadau yn ddiweddarach yn y ddogfen hon—yn cael eu gweithredu gyda hyn, ac oherwydd bod y sector amaethyddol yng Nghymru—pob un o'r 29,000 o ffermydd—yn cynnwys, mewn gwirionedd, fusnesau bach a chanolig eu maint. Gwyddom ei bod yn anoddach yn aml i fusnesau bach mewn diwydiant ddelio â'u materion gwastraff.

Fodd bynnag, credaf mai'r cyfle mawr sydd gennym yn awr yw'r drefn reoleiddio newydd sy'n cael ei

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an opportunity to think about how we in Wales wish to make sure that we have sensible implementation of that regime and that the agency works closely with Assembly colleagues in making sure that our regulation of that regime is proportionate. You will hear later this morning, I am sure, a number of things about modern regulation, but if there was ever a case for modern regulation that is risk-based and proportionate and not over-burdensome, while still achieving the right environmental outcomes, I think that the agricultural sector is one such case.

[8] **Christine Gwyther:** I want to focus initially—and all of my questions are to the Assembly witnesses—on where we are sitting in the European league tables for waste management at the moment. Figure 2 shows quite clearly that we are lying just about at the bottom of the table in terms of recycling and the fact that most of our waste is going to landfill sites. Can you give me some idea of why Wales is lagging so far behind other countries—even countries not dissimilar to ours, such as Belgium and the Netherlands?

**Dr Milligan:** Part of the reason for that is that other countries started to tackle the problem before we did. There is evidence in the Performance and Innovation Unit report published in 2002 that, where other countries have turned their waste management regimes around, it has taken 10 to 15 years, and so they are ahead of us in the game, but they are climbing the same hill, as it were.

The reasons for our having such a poor record here relate to a number of things. There was a reliance on landfill because it

chyflwyno. Mae gennym gyfle i feddwl sut yr ydym ni yng Nghymru am sicrhau ein bod yn gweithredu'r drefn honno'n ddoeth, a bod yr asiantaeth yn gweithio'n agos gyda chydweithwyr yn y Cynulliad i sicrhau ein bod yn rheoleiddio'r drefn honno'n gymesur. Byddwch yn clywed yn ddiweddarach y bore yma, yr wyf yn sicr, nifer o bethau am reoleiddio modern, ond os bu achos erioed dros reoleiddio modern ar sail risg ac yn gymesur heb fod yn rhy feichus, gan barhau i gyflawni'r canlyniadau amgylcheddol iawn, credaf fod y sector amaethyddol yn achos o'r fath.

[8] **Christine Gwyther:** Yr wyf am ganolbwyntio i ddechrau—ac mae fy nghwestiynau i gyd i dystion y Cynulliad—ar ein safle yn y tablau cynghrair Ewropeaidd ar gyfer rheoli gwastraff ar hyn o bryd. Mae ffigur 2 yn dangos yn glir ein bod yn agos iawn i waelod y tabl o ran ailgylchu, a bod y rhan fwyaf o'n gwastraff yn mynd i safleoedd tirlenwi. A allwch roi rhyw syniad i mi pam mae Cymru cymaint y tu ôl i wledydd eraill—hyd yn oed gwledydd digon tebyg i ni, fel Gwlad Belg a'r Iseldiroedd?

**Dr Milligan:** Y rheswm yn rhannol am hynny yw bod gwledydd eraill wedi dechrau mynd i'r afael â'r broblem cyn i ni wneud. Mae tystiolaeth yn adroddiad yr Uned Perfformiad ac Arloesi a gyhoeddwyd yn 2002 sef, er bod gwledydd eraill wedi trawsnewid eu systemau rheoli gwastraff, ei bod wedi cymryd 10 i 15 mlynedd i ni wneud, ac felly mae ganddynt fantais drosom. Ond maent yn wynebu'r un her, fel petai.

Mae'r rhesymau dros ein hanes mor wael yma yn ymwneud â nifer o bethau. Yr oedd dibyniaeth ar dirlenwi oherwydd ei

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was cheap, because there were holes in the ground or areas around the coast that could be made available for that purpose before its environmental impacts were as well understood as they are now. There were very few financial incentives in place, therefore, for disposal authorities to look for other ways of handling the waste and, so, that market was relatively undeveloped. Therefore, landfill led, in a sense, to a lack of development in recycling and recovery markets.

There was also a poor public awareness of the impact of landfill. The way in which methane emissions contributes to greenhouse gas effects was not well understood. There have also been issues around the regulatory regime—which is something that I am sure that we will come to—which was very complex and had a lot of responsibilities split between different agencies in terms of regulation, and a very complicated framework that did not lend itself terribly well to a strategic approach to changing the way in which we deal with our wastes. All of those things have contributed to our being where we are. It is a poor situation, but what has happened now, partly through the strategy and partly through things like the Assembly's own investigation into Nantygwyddon landfill site, is that the environmental impact of landfill is much better recognised, and there is a much greater public awareness of the need to do something sustainable with waste. So, the context within which we are moving has changed, and there are, of course, European targets, to which we have signed up and therefore, we have to now—even though we still have some of those barriers—get a grip, take a strategic approach and move forward.

[9] **Christine Gwyther:** Thank you. That has given us a historic context. I wonder at what stage—was it 10 or 20 years

fod yn rhad, oherwydd bod tyllau yn y tir neu ardaloedd o gwmpas yr arfordir a allai fod ar gael i'r diben hwnnw cyn i ni ddeall ei effeithiau amgylcheddol i'r graddau yr ydym yn eu deall yn awr. Nid oedd yna lawer o gymhellion ariannol, felly, i awdurdodau gwaredu ystyried ffyrdd eraill o drin gwastraff, ac felly yr oedd y farchnad honno'n gymharol annatblygedig. Felly, arweiniodd tirlenwi, i ryw raddau, at ddiffyg datblygiad mewn marchnadoedd ailgylchu ac adfer.

Yr oedd yna hefyd ddiffyg ymwybyddiaeth ymhlith y cyhoedd o effaith tirlenwi. Nid oedd pobl yn deall y ffordd y mae allyriadau methan yn cyfrannu at effeithiau nwyon tŷ gwydr. Yr oedd yna faterion hefyd ynghylch y drefn reoleiddio—sy'n rhywbeth yr wyf yn sicr y byddwn yn ei drafod—a oedd yn gymhleth iawn. Yr oedd iddi nifer o gyfrifoldebau wedi'u rhannu rhwng gwahanol asiantaethau o ran rheoleiddio, a fframwaith dyrys iawn nad oedd yn addas iawn ar gyfer dull strategol o newid y ffordd yr ydym yn delio â'n gwastraff. Mae hynny i gyd wedi cyfrannu at y sefyllfa sydd ohoni. Mae'n sefyllfa wael, ond yr hyn sydd wedi digwydd yn awr, yn rhannol drwy'r strategaeth ac yn rhannol drwy bethau fel ymchwiliad y Cynulliad ei hun i safle tirlenwi Nantygwyddon, yw bod cydnabyddiaeth lawer gwell i effaith amgylcheddol tirlenwi, a bod y cyhoedd lawer yn fwy ymwybodol o'r angen i wneud rhywbeth cynaliadwy â gwastraff. Felly, mae'r cyd-destun yr ydym yn symud ynddo wedi newid, ac wrth gwrs, mae yna dargedau Ewropeaidd, yr ydym wedi arwyddo iddynt. Felly, rhaid i ni'n awr—er bod rhai o'r rhwystrau hynny gennym o hyd—gael gafael ar y sefyllfa, defnyddio dull strategol a symud ymlaen.

[9] **Christine Gwyther:** Diolch. Mae hynny wedi rhoi cyd-destun hanesyddol i ni. Ym mha gyfnod, tybed—ai 10 neu 20

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ago—that the public at large started to become more aware of its environmental responsibility. Will you tell me what the Assembly and the agency is doing to motivate members of the public and small and medium-sized businesses to take responsibility for their waste?

**Dr Milligan:** There are many strands within the strategy which are about raising awareness still, because we have a long way to go. I guess that the biggest challenge that we face in driving this programme forward is the one that Governments always face, which is about influencing and changing patterns of behaviour, because your leverage to do that is second, third or fourth hand. So, we are putting a lot of work into awareness. There has been much spending—around £700,000 in the past two years—on direct public awareness-raising. However, hand in hand with that must go the facilities and market development of the alternatives. There is no good raising people’s awareness that putting everything into the black bin bag is a bad idea unless there is some alternative. So, the investment that is being put in through local authorities to develop recycling and recovery facilities for people to use, and to encourage people to change their behaviour, must go hand in hand with that. We have invested an additional £63.5 million since the strategy was developed in local authorities’ waste management regimes to help them develop that side of it. So, it is about creating a demand in terms of raising people’s awareness that they should do something different and also providing them with the opportunities to do something different.

[10] **Christine Gwyther:** I know that I said that I would ask my questions to the Assembly side, but Helen, is the agency also doing anything?

mlynedd yn ôl—y dechreuodd y cyhoedd yn gyffredinol ddod yn fwy ymwybodol o’u cyfrifoldeb i’r amgylchedd. A ellwch ddweud wrthym beth y mae’r Cynulliad a’r asiantaeth yn ei wneud i ysgogi’r cyhoedd a busnesau bach a chanolig eu maint i fod yn gyfrifol am eu gwastraff?

**Dr Milligan:** Mae sawl llinyn o hyd o fewn y strategaeth sy’n ymwneud â chodi ymwybyddiaeth, oherwydd mae gennym lawer i’w wneud. Credaf mai’r her fwyaf yr ydym yn ei hwynebu wrth yrru’r rhaglen hon ymlaen yw honno mae Llywodraethau bob amser yn ei hwynebu, sef dylanwadu ar batrymau ymddygiad a’u newid, oherwydd bod eich gallu i wneud hyn yn ail, trydedd neu bedwaredd law. Felly, yr ydym yn gwneud llawer o waith ar ymwybyddiaeth. Bu llawer o wario—oddeutu £700,000 yn y ddwy flynedd diwethaf—ar godi ymwybyddiaeth gyhoeddus uniongyrchol. Fodd bynnag, mae’n rhaid i gyfleusterau a datblygiad marchnad y dulliau eraill fynd law yn llaw â hynny. Nid oes diben gwneud pobl yn ymwybodol fod rhoi popeth yn y bag bin du yn beth drwg os nad oes dewis yn lle hynny. Felly, mae’n rhaid i’r buddsoddiad sy’n cael ei wneud drwy awdurdodau lleol i ddatblygu cyfleusterau ailgylchu ac adfer i bobl eu defnyddio, ac i annog pobl i newid eu hymddygiad, fynd law yn llaw â hynny. Yr ydym wedi buddsoddi £63.5 miliwn ychwanegol ers datblygu’r strategaeth yng nghyfundrefnau rheoli gwastraff awdurdodau lleol, i’w cynorthwyo i ddatblygu’r ochr honno. Felly, mae’n ymwneud â chreu galw o ran gwneud pobl yn ymwybodol y dylent wneud rhywbeth gwahanol, a hefyd roi’r cyfleoedd iddynt wneud rhywbeth gwahanol.

[10] **Christine Gwyther:** Gwn i mi ddweud y byddwn yn gofyn fy nghwestiynau i ochr y Cynulliad, ond Helen, a yw’r asiantaeth hefyd yn gwneud unrhyw beth?

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**Dr Phillips:** I am happy to come in on that. Public awareness-raising and motivation, as you so rightly described, is primarily a role for local authorities. Our focus is on industry, for example, through the implementation of the pollution prevention and control regime, where we have made good strides in waste minimisation. I am sure that Liz will be able to give you some facts and figures around that.

**Ms Parkes:** There is a requirement under the integrated pollution prevention and control directive for major industrial producers to minimise the waste that they produce, and we are requiring that as we re-permit sites and bring them into that regime. So, that is focusing on the most polluting industries where we can have the best maximum environmental benefit. As Helen said, the remit with household waste recycling is predominantly with local authorities, and we do not have a locus on that.

[11] **Christine Gwyther:** The Assembly has a target of recycling 40 per cent of waste by 2010 I believe. The fact that we are running out of landfill space very quickly will possibly prejudice what we do with the other 60 per cent. Can you tell me what the strategy is for the year 2010, when it looks as if we will be running out of landfill sites?

**Dr Milligan:** The strategy is about preparing, and doing things now, and enabling actions to get gradually towards the fulfilment of that target. So, some of it is more of the same and some of it is more funding of local authorities to increase facilities. Some of it is about market support, which is going through bodies that work to develop markets in recycling so that, once those facilities are getting underway, there is something there to do with the recycle which is commercially viable. However, we are also taking enabling actions. We are

**Dr Phillips:** Yr wyf yn fodlon cyfrannu ar y pwynt hwnnw. Swyddogaeth awdurdodau lleol yn bennaf yw gwneud y cyhoedd yn ymwybodol a'u cymell, fel y dywedasoeh yn gwbl gywir. Yr ydym yn canolbwyntio ar ddiwydiant, er enghraifft, drwy weithredu cyfundrefn atal llygredd a'i reoli, lle yr ydym wedi gwneud gwaith da i leihau gwastraff. Yr wyf yn sicr y gall Liz roi ffeithiau a ffigurau i chi am hynny.

**Ms Parkes:** Mae'n ofynnol dan y gyfarwydddeb atal a rheoli llygredd integredig i brif gynhyrchwyr diwydiannol leihau'r gwastraff a gynhyrchant, ac mae hynny'n amod wrth i ni ail-drwyddedu safleoedd a dod â hwy dan y drefn honno. Felly, mae hynny'n canolbwyntio ar y diwydiannau mwyaf llygrol lle gallwn sicrhau'r budd amgylcheddol mwyaf sy'n bosib. Fel y dywedodd Helen, mae'r cylch gwaith ar gyfer ailgylchu gwastraff tai yn bennaf yn nwylo awdurdodau lleol, ac nid ydym yn canolbwyntio ar hynny.

[11] **Christine Gwyther:** Credaf fod gan y Cynulliad darged i ailgylchu 40 y cant o wastraff erbyn 2010. Efallai y bydd y ffaith ein bod yn gyflym iawn yn rhedeg allan o fannau tirlenwi yn peryglu'r hyn a wnawn â'r 60 y cant arall. A allwch ddweud beth yw'r strategaeth ar gyfer y flwyddyn 2010, pan fyddwn, mae'n ymddangos, yn rhedeg allan o safleoedd tirlenwi?

**Dr Milligan:** Mae'r strategaeth yn ymwneud â pharatoi, a gwneud pethau yn awr, a galluogi camau tuag at gyflawni'r targed hwnnw'n raddol. Felly, mae rhyfaint ohono yn golygu mwy o'r un fath, a rhywfaint ohono'n ymwneud â rhoi rhagor o gyllid i awdurdodau lleol i gynyddu cyfleusterau. Mae rhywfaint ohono'n ymwneud â chynorthwyo'r farchnad, sy'n mynd drwy gyrff sy'n gweithio i ddatblygu marchnadoedd mewn ailgylchu er mwyn sicrhau, ar ôl i'r cyfleusterau hynny fod ar waith, y gellir gwneud rhywbeth â'r deunydd eildro sy'n

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taking important action with the public sector across Wales—not just the ones that come within the remit of the Assembly Government, but also with the Driver and Vehicle Licensing Agency and others—in a public sector waste minimisation campaign. That has two main elements—one is to encourage the public sector itself to reduce waste arising through the same methods of reduction and reuse, but the other part of it is about working with the Welsh procurement initiative to see whether the public sector can do more to procure recycled goods, as that also stimulates that market. So, much of that is about enabling change and moving the process forward because the hurdles get higher the further we go. So, you are right to indicate, as it were, that we must do what we are doing, but that we have to then do more things and different things, and gradually broaden that out. Our awareness campaign will now also ramp up, and so, in support of local authorities' efforts to move beyond the current targets, we will launch another public awareness campaign with a lot of public funding to try to give us the impetus towards the next targets.

fasnachol ymarferol. Fodd bynnag, yr ydym hefyd yn cymryd camau galluogi. Yr ydym yn cymryd camau gweithredu pwysig gyda'r sector cyhoeddus ledled Cymru—nid yn unig y rheiny o fewn cylch gwaith Llywodraeth y Cynulliad, ond hefyd gyda'r Asiantaeth Trwyddedu Gyrwyr a Cherbydau ac eraill—mewn ymgyrch i leihau gwastraff yn y sector cyhoeddus. Mae dwy brif elfen i hynny—un yw annog y sector cyhoeddus ei hun i leihau'r gwastraff sy'n deillio o'r un dulliau lleihau ac ailddefnyddio. Ond mae'r rhan arall yn ymwneud â gweithio gyda menter gaffael Cymru i weld a all y sector cyhoeddus wneud mwy i gaffael nwyddau wedi'u hailgylchu, oherwydd bod hynny hefyd yn sbarduno'r farchnad honno. Felly, mae llawer o hyn yn ymwneud â galluogi newid a symud y broses ymlaen oherwydd bod y rhwystrau'n fwy wrth i ni fynd ymhellach. Felly, yr ydych yn iawn i ddweud, fel petai, ei bod yn rhaid i ni wneud yr hyn yr ydym yn ei wneud, ond bod yn rhaid i ni wedyn wneud rhagor o bethau a phethau gwahanol, ac ehangu hynny'n raddol. Bydd ein hymgyrch ymwybyddiaeth hefyd nawr yn cynyddu, ac felly, i gynorthwyo ymdrechion awdurdodau lleol i symud y tu hwnt i'r targedau cyfredol, byddwn yn lansio ymgyrch ymwybyddiaeth gyhoeddus arall gyda llawer o arian cyhoeddus, i geisio ein sbarduno tuag at y targedau nesaf.

[12] **Christine Gwyther:** That takes us, hopefully, towards the 40 per cent target?

[12] **Christine Gwyther:** Mae hynny, gobeithio, yn mynd â ni tuag at y targed o 40 y cant?

**Dr Milligan:** Yes, moving from where we are.

**Dr Milligan:** Ydy, gan symud o'r fan lle yr ydym yn awr.

[13] **Christine Gwyther:** It sounds as if you are reasonably confident that we will hit that, but that still leaves us with 60 per cent of the waste that we produce now with perhaps no landfill sites left to put it

[13] **Christine Gwyther:** Yr ydych yn ymddangos yn gymharol hyderus y byddwn yn cyflawni hynny. Ond mae hynny'n ein gadael o hyd gyda 60 y cant o'r gwastraff a gynhyrchwn yn awr heb

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in by 2010. Have I read the situation incorrectly?

safleoedd tirlenwi ar ôl o bosibl i'w waredu erbyn 2010. A ydwyf wedi camddeall y sefyllfa?

**Mr Williams:** Given demand, we can expect more proposals for landfills to come forward in the interim period, but we are also expecting considerable investment by local authorities, in particular, in treatment facilities for the residual waste mass, particularly mechanical and biological treatment supported by Objective 1 funding, regional selective assistance and possibly a capital challenge fund that we can develop within our own resources to treat the residual waste mass, apart from the 40 per cent recycling and composting target. We are also funding five local authorities—Anglesey, Powys, Ceredigion, Torfaen and Newport—to act as exemplars. They will be seeking to reach in excess of 50 per cent recycling by 2007 through a particular project funded through a strategic recycling scheme. That project will be fully evaluated by external consultants and we hope to be able to roll out the information gained from that to other local authorities in Wales.

**Mr Williams:** O ystyried y galw, gallwn ddisgwyl i ragor o gynigion am safleoedd tirlenwi gael eu cyflwyno yn y cyfamser. Ond yr ydym hefyd yn disgwyl buddsoddiad sylweddol gan awdurdodau lleol, yn arbennig, mewn cyfleusterau trin ar gyfer y gwastraff gweddilliol, yn arbennig triniaeth fecanyddol a biolegol a gefnogir gan gyllid Amcan 1, cymorth detholiadol rhanbarthol, ac o bosibl gronfa her cyfalaf y gallwn ei datblygu gyda'n hadnoddau ein hunain i drin y gwastraff gweddilliol, ar wahân i'r targed 40 y cant ailgylchu a chompostio. Yr ydym hefyd yn cyllido pum awdurdod lleol—Ynys Môn, Powys, Ceredigion, Torfaen a Chasnewydd—i weithredu fel enghreifftiau. Byddant yn ceisio ailgylchu dros 50 y cant erbyn 2007 drwy brosiect penodol a ync ael ei gyllido drwy gynllun ailgylchu strategol. Bydd y prosiect hwnnw'n cael ei werthuso'n llawn gan ymgynghorwyr allanol, a gobeithiwn allu cyflwyno'r wybodaeth a gesglir fesul cam i awdurdodau lleol eraill yng Nghymru.

**Dr Phillips:** Could I just add to those responses? I think that this is the classic example of needing to balance bravery and prudence. If I may, I will reflect on our experience with hazardous waste to perhaps demonstrate that point, and I am sure that we will probably return to hazardous waste in the course of the morning. We and the Assembly and others were very concerned about the provision of facilities for hazardous waste in the run-up to the ban on co-disposal earlier this year. The evidence to date, I stress, is that we do not have stockpiles of hazardous waste and perhaps, therefore, that is an indication that the environmental outcome that underpins that bit of the legislation, which is about

**Dr Phillips:** A gaf fi ychwanegu at yr ymatebion hynny? Credaf fod hon yn enghraifft berffaith o'r angen am gydbwysedd rhwng bod yn ddewr a bod yn bwylllog. Os caf, soniaf am ar ein profiad gyda gwastraff peryglus i brofi'r pwynt hwnnw, ac yr wyf yn sicr y byddwn yn debygol o ddychwelyd at wastraff peryglus yn ystod y bore. Yr oeddem ni a'r Cynulliad ac eraill yn bryderus iawn am y ddarpariaeth cyfleusterau ar gyfer gwastraff peryglus wrth agosáu at y gwaharddiad ar gydwaredu yn gynharach eleni. Hoffwn bwysleisio mai'r dystiolaeth hyd yma yw nad oes gennym bentyrâu stoc o wastraff peryglus, a hwyrach fod hynny'n awgrymu bod y canlyniad amgylcheddol

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driving down the production of these sorts of waste streams, is bearing fruit. It is always difficult in terms of how you move from a predict and provide approach to a much braver sustainable strategy, which I think the Wales waste strategy sets out to achieve; we just need to constantly manage that balance.

[14] **Jocelyn Davies:** May I just ask what the direct public awareness campaign consists of?

**Dr Milligan:** The funding that has gone in has been for several things: direct funding support for local authorities' campaigns—making people aware of their new collection arrangements, facilities that local authorities are putting in place and new facilities that are coming on-stream in civic amenity sites. So, it has been important to try to support that local effort. However, there have also been some national events: there have been seminars to invite people—opinion-makers as it were—in order to get the message across about what this is all about, namely needing to find new sustainable ways. The thrust, which is about to be launched, is a media campaign. So, that one will be taking the messages about recycling and rethinking about what people are doing with their rubbish and getting some national coverage for it. So, that is the next stage, as it were, but we have been building up to that.

[15] **Janet Davies:** I will just pursue that, if I may, because it seems to me that a number of people—far too many—have still not got the message about recycling and they are making no attempt to recycle even when kerbside collections are

sy'n tanategu'r rhan honno o'r ddeddfwriaeth, sy'n ymwneud â lleihau cynhyrchu'r mathau hyn o ffrydiau gwastraff, yn dwyn ffrwyth. Mae hi bob amser yn anodd o ran y ffordd i symud o agwedd ragweld a darparu i strategaeth gynaliadwy lawer dewrach. Credaf mai dyna mae strategaeth wastraff Cymru yn ceisio'i wneud; mae angen i ni reoli'r cydbwysedd hwnnw'n gyson.

[14] **Jocelyn Davies:** A gaf fi ofyn beth sydd wedi'i gynnwys yn yr ymgyrch ymwybyddiaeth gyhoeddus uniongyrchol?

**Dr Milligan:** Mae'r cyllid sydd wedi'i roi wedi bod ar gyfer sawl elfen: cymorth cyllid uniongyrchol ar gyfer ymgyrchoedd awdurdodau lleol—sichrau bod pobl yn gwybod am eu trefniadau casglu newydd, cyfleusterau y mae awdurdodau lleol yn eu gweithredu, a chyfleusterau newydd sy'n cael eu cyflwyno mewn safleoedd amwynderau dinesig. Felly, mae wedi bod yn bwysig ceisio cefnogi'r ymdrech leol honno. Fodd bynnag, bu rhai digwyddiadau cenedlaethol hefyd: cafwyd seminarau i wahodd pobl—llunwyr barn fel petai—er mwyn lledaenu'r neges ynglŷn ag ystyr hyn i gyd, sef bod angen cael ffyrdd cynaliadwy newydd. Y prif ddigwyddiad, a fydd yn cael ei lansio'n fuan, yw ymgyrch yn y cyfryngau. Felly, bydd hynny'n lledaenu'r negeseuon am ailgylchu ac ailystyried yr hyn y mae pobl yn ei wneud â'u sbwriel, a rhoi tipyn o sylw cenedlaethol iddo. Felly, dyna'r cam nesaf, fel petai, ond yr ydym wedi bod yn paratoi ar gyfer hynny.

[15] **Janet Davies:** Yr wyf am ôl hynny, os caf, oherwydd ymddengys i mi fod nifer o bobl—llawer gormod—eto heb gael y neges am ailgylchu, a heb wneud unrhyw ymdrech i ailgylchu hyd yn oed pan fydd casgliadau stryd ar gael. A



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available. Have you had any discussions with local authorities on how you can make it easier or cheaper to recycle than just to put the rubbish in a wheelie bin or whatever?

**Mr Williams:** We work very closely with the WLG—it is one of our major partners in the campaign. We have regular meetings with it to discuss a range of issues. It is difficult to see how local authorities can make recycling easier for residents other than to collect it from their own doorstep, and we encourage local authorities to go down that route wherever possible. It is sometimes difficult in high-rise flats, for example, to deliver a doorstep service, but there are alternatives even in those circumstances. In terms of making it easier, therefore, we are encouraging local authorities to take the most effective action. There may be other areas which we can look at, in conjunction with local government, in future. For example, the London borough of Barnet is placing a requirement on residents to recycle, and we are looking very closely at the effect of what it is doing. On the continent, there are variable charging regimes in some countries, whereby residents are charged a much higher rate for disposing of their mixed waste—their residual waste—than they are charged for their compost or separately segregated recyclables. These are things that we can look at with local government at some appropriate time in the future. The important thing at this stage is to make sure that the facilities are available to residents to recycle easily and conveniently. That will then provide the background for introducing these other measures, where appropriate, in the future.

[16] **Alun Cairns:** Thank you, that answer was pretty helpful. However,

ydych wedi cael unrhyw drafodaethau gydag awdurdodau lleol ynglŷn â ffyrdd haws neu ratach i ailgylchu na thrwy roi'r sbwriel mewn bin olwynion, neu beth bynnag?

**Mr Williams:** Yr ydym yn gweithio'n agos iawn gyda CLILC—mae'n un o'n prif bartneriaid yn yr ymgyrch. Cawn gyfarfodydd rheolaidd gyda hwy i drafod amrywiaeth o faterion. Mae'n anodd gweld sut y gall awdurdodau lleol wneud ailgylchu yn haws i drigolion, ar wahân i'w gasglu o'u drysau, ac yr ydym yn annog awdurdodau lleol i ddefnyddio'r dull hwnnw pryd bynnag y bydd yn bosibl. Weithiau mae'n anodd mewn fflatiau uchel, er enghraifft, i ddarparu gwasanaeth drws, ond yna ddewisiadau eraill hyd yn oed dan yr amgylchiadau hynny. O ran ei wneud yn haws, felly, yr ydym yn annog awdurdodau lleol i gymryd y camau mwyaf effeithiol. Gall fod meysydd eraill i ni edrych arnynt, mewn cydweithrediad â llywodraeth leol, yn y dyfodol. Er enghraifft, mae bwrdeistref Barnet yn Llundain yn ei gwneud yn ofynnol i drigolion ailgylchu, ac yr ydym yn edrych yn agos iawn ar effaith yr hyn y mae'n ei wneud. Ar y Cyfandir, mae cyfundrefnau codi tâl amrywiol mewn rhai gwledydd, lle mae preswylwyr yn gorfod talu llawer mwy am waredu eu gwastraff cymysg—eu gwastraff gweddilliol—nag y maent yn ei dalu am eu compost neu eu nwyddau ailgylchu sydd wedi'u didoli ar wahân. Mae'r rhain yn bethau y gallwn edrych arnynt gyda llywodraeth leol ar ryw adeg briodol yn y dyfodol. Y peth pwysig ar hyn o bryd yw sicrhau bod y cyfleusterau ar gael i drigolion ailgylchu'n hwylus a chyfleus. Bydd hyn wedyn yn paratoi'r ffordd ar gyfer cyflwyno'r mesurau eraill hyn, pan fydd hynny'n briodol, yn y dyfodol.

[16] **Alun Cairns:** Diolch, yr oedd eich ateb yn ddigon defnyddiol. Fodd bynnag,

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forgive me for saying that I fail to pick up a sense of urgency about these issues. You have talked about the model in Barnet and models elsewhere, about the charging structure for example, and said that we would be looking at that in the near future, or as and when the time is right to do so. However, this report suggests that there could well be a crisis on our hands unless we take action quickly. I certainly did not sense that in the response. I want to give you the opportunity to clarify my misunderstanding, perhaps.

**Mr Williams:** We have just had the first set of targets for local authorities for 2003-04, and the indications are, although the figures have yet to be published, that local authorities will have achieved, overall across Wales, the 15 per cent recycling and composting rate. We are still encouraging local authorities, as I say, to extend kerbside collection to all their residents. I would not say that we do not have a sense of urgency—I do not think that that is correct at all. However, the time to introduce these other measures within individual local authorities will be when their residents have a complete kerbside collection service.

[17] **Alun Cairns:** What I am getting at is that we have heard talk of these kinds of policies ever since the Assembly was established and the sustainability clause was included in the Government of Wales Act 1998. We are five years down the road, but it does not seem as if we have made much progress within that period.

**Mr Williams:** I think that we have made considerable progress. We are recycling three times as much material now than we were at the beginning of the waste

maddeuwch i mi am ddweud nad oeddwn yn ymwybodol eich bod yn mynd i'r afael â'r materion hyn ar frys. Yr ydych wedi siarad am y model yn Barnet a modelau mewn mannau eraill, am y strwythur codi tâl, er enghraifft, a dweud y byddem yn edrych ar hynny yn y dyfodol agos, neu pryd bynnag y bydd yn briodol gwneud. Fodd bynnag, mae'r adroddiad hwn yn awgrymu y gallai fod yn argyfwng arnom os na wnawn rywbeth ar frys. Yn sicr, nid oeddwn yn ymwybodol o hynny yn yr ymateb. Yr wyf am roi'r cyfle i chi egluro fy nghamddealltwriaeth, efallai.

**Mr Williams:** Yr ydym newydd gael y gyfres gyntaf o dargedau ar gyfer awdurdodau lleol yn 2003-04, a'r arwyddion, er nad yw'r ffigurau wedi'u cyhoeddi eto, yw y bydd awdurdodau lleol, yn gyffredinol ledled Cymru, wedi cyrraedd y gyfradd ailgylchu a chompostio o 15 y cant. Yr ydym yn dal i annog awdurdodau lleol, fel y dywedais, i ehangu casgliadau stryd i'w trigolion i gyd. Ni fyddwn yn dweud nad ydym yn gweithredu ar frys—ni chredaf fod hynny'n gywir o gwbl. Fodd bynnag, yr adeg i gyflwyno'r mesurau eraill hyn mewn awdurdodau lleol unigol fydd pan gaiff eu trigolion wasanaeth cyflawn i gasglu ar y stryd.

[17] **Alun Cairns:** Yr hyn yr wyf yn ceisio'i bwysleisio yw ein bod wedi clywed siarad am y mathau hyn o bolisiau ers sefydlu'r Cynulliad ac ers i'r cymal cynaliadwyedd gael ei gynnwys yn Neddf Llywodraeth Cymru 1998. Bum mlynedd yn ddiweddarach, nid yw'n ymddangos ein bod wedi gwneud llawer o gynnydd yn ystod yr amser hwnnw.

**Mr Williams:** Credaf ein bod wedi gwneud cynnydd sylweddol. Yr ydym yn ailgylchu deirgwaith cymaint o ddeunyddiau yn awr ag yr oeddem ar

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strategy. We have also increased the recycling rate dramatically since that time. So, we are making considerable progress, and we are acting with the landfill directive targets of 2010 to 2013 firmly in mind.

[18] **Alun Cairns:** Just a closing comment: three times a small number does not necessarily mean that much. I will leave it at that.

[19] **Mark Isherwood:** On the regulatory burden, paragraphs 1.11 and 1.12 refer to up to six new European directives relating to waste management that are likely to come into effect in the next five years in the UK. Given this increase, how are you planning to manage this burden?

**Dr Phillips:** I will come in on that, if I may. Again, there is a balance to be struck here, and I am anxious that we should get away from the spurious presumption that increased regulation equates to an increased burden on industry and society. With new regulations, we have opportunities to bring in new approaches and refer to a modern regulatory approach, but we must also reflect on the extent to which increased regulation can drive resource efficiency within industry. For instance, regular audits of waste streams, minimising inputs and outputs, are all positive outcomes from increased regulation.

[20] **Mark Isherwood:** Building on that, I will cite two examples of which I am aware. I understand that, with effect from July this year, there is licensing for landfills for hazardous waste, but that no licences have been granted in Wales.

ddechrau'r strategaeth wastraff. Yr ydym hefyd wedi cynyddu'r gyfradd ailgylchu'n ddramatig ers hynny. Felly, yr ydym yn gwneud cynnydd sylweddol, ac yn gweithredu gyda thargedau cyfarwydddeb tirlenwi 2010 i 2013 mewn sicr mewn golwg.

[18] **Alun Cairns:** Un sylw i gloi: nid yw teirgwaith ffigur isel o reidrwydd yn golygu cymaint â hynny. Gadawaf hi ar hynny.

[19] **Mark Isherwood:** O ran y baich rheoleiddio, mae paragraffau 1.11 ac 1.12 yn cyfeirio at hyd at chwe chyfarwydddeb Ewropeaidd newydd yn ymwneud â rheoli gwastraff sy'n debygol o ddod i rym yn y pum mlynedd nesaf yn y DU. O ystyried y cynnydd hwn, sut yr ydych yn bwriadu rheoli'r baich hwn?

**Dr Phillips:** Yr wyf am gyfrannu yma, os caf. Eto, mae angen cael cydbwysedd yma, ac yr wyf yn awyddus i ddileu'r rhagdybiaeth annilys fod rheoleiddio cynyddol yn golygu baich cynyddol ar ddiwydiant a chymdeithas. Gyda rheoliadau newydd, mae gennym gyfleoedd i gyflwyno dulliau newydd a chyfeirio at ddull rheoleiddio modern. Ond mae'n rhaid i ni hefyd ystyried y graddau y gall mwy o reoleiddio ysgogi effeithlonrwydd adnoddau yn y diwydiant. Er enghraifft, mae archwiliadau rheolaidd o ffrydiau gwastraff, lleihau mewnbwn ac allbwn, i gyd yn ganlyniadau positif o fwy o reoleiddio.

[20] **Mark Isherwood:** I ychwanegu at hynny, soniaf am ddwy enghraifft yr wyf yn ymwybodol ohonynt. Deallaf, o fis Gorffennaf eleni, fod yna drwyddedau ar gyfer safleoedd tirlenwi gwastraff peryglus, ond nad oes unrhyw

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How will we monitor the effects of that, therefore, and speed up the process? Also, the European position paper on incineration and co-incineration of hazardous waste classifies both co-incinerators and incinerators as the same for regulatory purposes, and also refers to best practice models throughout Europe for 24-hour monitoring of emissions, which, in turn, obviously, imposes a burden on you. The key issue on emissions is filtration systems, because if the microparticulates get out they deposit very efficiently on the human lung. So what measures, particularly, is the Assembly taking to minimise the burden on the agency, but also what measures is the agency taking to meet these challenges, which we know are coming our way?

**Dr Milligan:** I will pick that up first and then pass it back to Helen. Again, in terms of the regulatory burden, as it were, I think that the context is that a lot of what we are doing in the strategy is consistent with the main thrust in Europe, which is to change how Europe manages its waste, and it is all related to climate change and emissions. So, although more and more regulations are coming through, I think that the European Union thrust is that these are all pushing in the same direction. So, for example, the hazardous waste restrictions are designed to complement the restrictions in landfill capacity—the diversion of material going to landfill—so they are all pushing in the same direction, and they, as it were, reinforce each other.

Now, that does not lessen the burden, but it is a consistent approach, and so we rely quite heavily as part of our overall strategy on some regulatory measures to drive it. The hazardous waste co-disposal ban is a clear example of that. What has

drwyddedau wedi'u rhoi yng Nghymru. Sut byddwn yn monitro effeithiau hynny, felly, a chyflymu'r broses? Hefyd, mae papur sefyllfa Ewrop ar losgi a chyd-losgi gwastraff peryglus yn dosbarthu llosgyddion a chyd-losgyddion yr un fath at ddibenion rheoleiddio, ac mae hefyd yn cyfeirio at fodolau arfer gorau ledled Ewrop ar gyfer monitro allyriadau 24 awr y dydd, a hynny, yn ei dro, yn amlwg, yn gosod baich arnoch chi. Y mater allweddol o ran allyriadau yw systemau hidlo, oherwydd os bydd y microgronynnau yn dianc, byddant yn sefydlu'n effeithiol iawn yn ysgyfaint pobl. Felly, pa fesurau, yn benodol, y mae'r Cynulliad yn eu cymryd i ysgafnhau'r baich ar yr asiantaeth, ond hefyd pa fesurau mae'r asiantaeth yn eu cymryd i ymateb i'r heriau hyn y gwyddom sy'n ein hwynebu?

**Dr Milligan:** Yr wyf am drafod hynny'n gyntaf ac wedyn mynd yn ôl at Helen. Eto, o ran y baich rheoleiddio, fel petai, credaf mai'r cyd-destun yw bod llawer o'r hyn yr ydym yn ei wneud yn y strategaeth yn gyson â'r prif bwyslais yn Ewrop, sef newid sut mae Ewrop yn rheoli ei gwastraff, ac mae hyn i gyd yn ymwneud â newid yn yr hinsawdd ac allyriadau. Felly, er bod mwy a mwy o reoliadau'n cael eu cyflwyno, credaf mai pwyslais yr Undeb Ewropeaidd yw fod y rhain i gyd yn mynd i'r un cyfeiriad. Felly, er enghraifft, mae'r cyfyngiadau ar wastraff peryglus wedi'u cynllunio i gyd-fynd â'r cyfyngiadau ar allu tirlenwi—arallgyfeirio'r deunydd sy'n cael ei dirlenwi. Felly, maent i gyd yn tynnu i'r un cyfeiriad, ac fel petai yn ategu ei gilydd.

Yn awr, nid yw hynny'n lleihau'r baich, ond mae'n ddull cyson, ac felly yr ydym yn dibynnu'n fawr ar ein strategaeth gyffredinol ar rai o'r mesurau rheoleiddio i'w yrru ymlaen. Mae'r gwaharddiad ar gydwaredu gwastraff peryglus yn

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happened is that half the capacity, I think, according to the agency's figures, has been taken out of the system, and at the moment there is close monitoring of permitting, of capacity, of the market situation, and, as Helen says, that is being managed through. It is a painful transition, because it is about changing the way in which we are dealing with that from just putting it in the ground, and finding different ways to deal with it. However, the regulations are driving that, so the regulation and the support for alternative treatment facilities and for changing practices go hand in hand. There is an increased regulatory burden on the agency—there is no doubt about that—and so we are having to work with it and with the UK authorities to prioritise. I think that Helen might say something about the risk-based approach in that—that is what our strategy commends in terms of what the agency's approach to enforcement should be. That is, I think, where I would come from on that.

**Dr Phillips:** I will take the first part of your question about hazardous waste, and bring Liz in on the second part about incineration, if I may. There is so much happening in terms of hazardous waste that it might be worth just giving you a quick canter through the size of the regulatory role.

Under the landfill regulations, the disposal of liquid hazardous waste was banned in June 2003. In July 2004 we saw the banning of co-disposal, as you mentioned, but also at that time we saw the introduction of a requirement for pre-treatment of waste prior to disposal, and, of course, there is more to come. July seems to be an important month. Next year we will see the implementation of the full waste acceptance criteria, which will set out the standards to which waste

enghraifft glir o hynny. Yr hyn sydd wedi digwydd yw bod hanner y gallu, mi gredaf, yn ôl ffigurau'r asiantaeth, wedi'i dynnu allan o'r system, ac ar hyn o bryd yr ydym yn monitro caniatáu'r farchnad, neu allau'r farchnad, yn ofalus, ac fel y dywedodd Helen, mae hynny dan reolaeth. Mae'n gyfnod pontio gofidus, oherwydd ei fod yn ymwneud â newid y ffordd yr ydym yn delio â hynny o'i roi yn y ddaear, a chael ffyrdd gwahanol i ddelio ag ef. Fodd bynnag, mae'r rheoliadau yn gyrru hynny yn ei flaen. Felly, mae'r rheoleiddio a'r gefnogaeth i gyfleusterau trin amgen ac ar gyfer newid arferion yn mynd law yn llaw. Mae baich rheoleiddio cynyddol ar yr asiantaeth—nid oes amheuaeth am hynny—ac felly yr ydym yn gorfod gweithio gyda hynny a chydag awdurdodau'r DU i flaenoriaethu. Efallai y bydd Helen yn dweud rhywbeth am y dull ar sail risg—dyna mae ein strategaeth yn ei gymeradwyo o ran pa ddull gorfodi ddylai'r asiantaeth ei ddefnyddio. Credaf mai dyna fy safbwynt ar hynny.

**Dr Phillips:** Yr wyf am drafod rhan gyntaf eich ateb am wastraff peryglus, a gofyn i Liz ateb yr ail ran am losgi, os caf. Mae cymaint yn digwydd o ran gwastraff peryglus fel y gallai fod yn werth rhoi darlun cyflym i chi o faint y rôl reoleiddio.

Dan y rheoliadau tirlenwi, gwaharddwyd gwaredu gwastraff peryglus ar ffurf hylif ym mis Mehefin 2003. Ym mis Gorffennaf 2004 gwaharddwyd cydwaredu, fel yr oeddech yn crybwyll. Ond hefyd bryd hynny cyflwynwyd gofyniad i drin gwastraff cyn ei waredu, ac wrth gwrs mae mwy i ddod. Ymddengys fod mis Gorffennaf yn fis pwysig. Y flwyddyn nesaf byddwn yn gweithredu'r meini prawf llawn ar gyfer derbyn gwastraff, a fydd yn nodi'r

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needs to be treated. That, of course, deals with hazardous waste in so far as it relates to the landfill regulations. There are also the hazardous waste regulations, and they are due to come into force next year as well, and that will extend the categories of waste that are considered hazardous and will also place further restrictions on the movement of that waste. So that is just a little short summary, really, in terms of the size of the challenge.

We have a number of roles. We obviously have our straightforward regulatory role, which will probably be most familiar to you, and the sort of things that we have been doing in that regard is that, through our special waste tracking system, we have been monitoring the movements of all this waste. If I recall the figure for 2002-03 correctly, we monitored 680,000 tonnes of hazardous waste.

We have also done 360 inspections over the last year, and cradle-to-grave audits are something that we have introduced since the July co-disposal ban. Sorry, I gave you a wrong figure there. It was not in the last year, it was in the first two quarters of this year that the 360 inspections were undertaken. That is a flavour of some of the regulatory approaches.

June mentioned that we are having to target resources, and that could not be truer. What we have been doing, in terms of our enforcement and prosecution policy, and also just in terms of identifying the approach that we take to our inspections, is dealing with priority waste streams. So, we are identifying what the priority waste streams are and focusing on those first; we are checking waste going to former co-disposal sites, because there may be possibilities for the

safonau ar gyfer trin gwastraff. Mae hynny, wrth gwrs, yn delio â gwastraff peryglus cyhyd â'i fod yn gysylltiedig â'r rheoliadau tirlenwi. Mae yna hefyd y rheoliadau gwastraff peryglus, ac mae disgwyl iddynt ddod i rym y flwyddyn nesaf hefyd. Bydd hynny'n ehangu categorïau'r gwastraff a ystyrir yn beryglus, a bydd hefyd yn gosod cyfyngiadau pellach ar symud gwastraff. Felly, dyna grynodedd byr, mewn gwirionedd, o faint yr her.

Mae gennym sawl swyddogaeth. Yn amlwg mae gennym ein swyddogaeth reoleiddio syml, a fydd fwyaf cyfarwydd i chi, a'r math o bethau yr ydym wedi bod yn eu gwneud mewn cysylltiad â hynny, drwy ein system olrhain gwastraff arbennig, yw monitro symudiadau'r holl wastraff hwn. Os cofiaf ffigur 2002-03 yn iawn, cafodd 680,000 o dunelli metrig o wastraff peryglus ei fonitro gennym.

Yr ydym hefyd wedi cynnal 360 o arolygiadau yn ystod y flwyddyn ddiwethaf, ac yr ydym wedi cyflwyno archwiliadau o'r crud i'r bedd ers y gwaharddiad ar gydwaredu ym mis Gorffennaf. Mae'n ddrwg gennyf, rhoddais y ffigur anghywir i chi. Nid y llynedd y gwnaed y 360 o arolygiadau, ond yn y ddau chwarter cyntaf eleni. Dyna flas o rai o'r dulliau rheoleiddio.

Soniodd June ein bod yn gorfod targedu adnoddau, ac ni allai hynny fod yn fwy gwir. Yr hyn yr ydym wedi bod yn ei wneud, o ran ein polisi gorfodi ac erlyn, a hefyd o ran nodi'r dull a ddefnyddiwn yn ein harolygiadau, yw delio â ffrydiau gwastraff sy'n cael blaenoriaeth. Felly, yr ydym yn nodi beth yw'r ffrydiau gwastraff sy'n flaenoriaeth ac yn canolbwyntio ar y rheiny'n gyntaf. Yr ydym yn archwilio gwastraff sy'n mynd i hen safleoedd cydwaredu, oherwydd gall

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misdescription of waste there, which we will obviously want to catch early on and ensure is not happening; we are inspecting known and suspected producers of special waste, bringing it right back to the producer; and, as I say, there are these cradle-to-grave audits. So, in the first half of this year, we did 360 inspections, and those inspections then give us an indication of where it is that we need to go in and do these much more thorough cradle-to-grave audits. Also, we are doing in-depth audits, not only of sites, but of transfrontier shipment of waste, which is another concern, particularly in respect of hazardous waste.

In terms of our advisory role—because that is another way in which we are working—we are working closely with Assembly colleagues on the hazardous waste sub-group of the Wales waste forum. We have written to everybody that we could think of in the last six to 12 months: letters have gone to all hazardous waste producers, and to all registered carriers. In the business rates, we managed to get a flyer in to all local authority areas about hazardous waste. We have had workshops throughout the year, focused at small and medium-sized enterprises and others, we have detailed guidance for specific waste streams, and we have also put a facility on our website called the Hazardous Waste Interrogator, which is updated weekly so that you can go in and see the sort of quantities and capacity and what the options are in terms of managing hazardous waste. There are days when we think that we do nothing other than deal with hazardous waste, and that is a flavour for you of what it has been like. However, in respect of the second part of your question, perhaps I could hand over to Liz.

fod posibiliadau cam-ddisgrifio gwastraff yno, a byddwn yn amlwg am fynd at wraidd hynny'n fuan a sicrhau nad yw'n digwydd. Yr ydym yn arolygu cynhyrchwyr gwastraff arbennig y gwyddom amdanynt a'r rheiny sydd dan amheuaeth, ac yn mynd â'r gwastraff yn ôl at y cynhyrchwr. Ac fel y dywedais, mae yna'r archwiliadau o'r crud i'r bedd. Felly, yn hanner cyntaf eleni, cynhaliwyd 360 o arolygiadau, ac mae'r arolygiadau hynny wedyn yn rhoi syniad i ni o'r cyfeiriad y mae angen i ni fynd a gwneud yr archwiliadau hyn o'r crud i'r bedd sydd lawer yn fwy trylwyr. Yr ydym hefyd yn cynnal archwiliadau dwys, nid yn unig o safleoedd, ond o gludo gwastraff ar draws ffiniau, sy'n bryder arall, yn arbennig o ran gwastraff peryglus.

O ran ein swyddogaeth ymgynghorol—oherwydd dyna ffordd arall y byddwn yn gweithio—yr ydym yn gweithio'n agos gyda chydweithwyr yn y Cynulliad ar is-grŵp gwastraff peryglus fforwm gwastraff Cymru. Yr ydym wedi ysgrifennu at bawb y gallem feddwl amdanynt yn ystod y chwech i'r 12 mis diwethaf: mae llythyrau wedi'u hanfon at yr holl gynhyrchwyr gwastraff peryglus, ac at yr holl gludwyr cofrestredig. Gyda'r trethi busnes, llwyddasom i roi pamffled i bob ardal awdurdod lleol ar wastraff peryglus. Yr ydym wedi cynnal gweithdai gydol y flwyddyn, yn canolbwyntio ar fentrau bach a chanolig ac eraill. Mae gennym ganllawiau manwl ar gyfer ffrydiau gwastraff penodol, ac yr ydym hefyd wedi gosod cyfleuster ar ein gwefan o'r enw Hazardous Waste Interrogator. Caiff hwn ei ddiweddarau bob wythnos er mwyn i chi allu mynd i mewn a gweld y math o allu a llwyth a beth yw'r dewisiadau o ran rheoli gwastraff peryglus. Mae yna ddiwrnodau pan gredwn nad ydym yn gwneud dim ond delio â gwastraff peryglus, ac mae hynny'n rhoi syniad i chi sut mae pethau wedi bod. Fodd bynnag, o ran ail ran eich

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cwestiwn, efallai y gallai Liz ateb.

**Ms Parkes:** Thank you. I will just come back to the generic point about how we are trying to manage to ease the regulatory burden for ourselves and for industry. It is very much about taking a holistic approach—looking at the impacts on the environment and the particular industry sectors and ensuring that we are not dealing with individual directives, but are looking at the combined impact. To give you a practical example of that, in implementing the landfill directive, we are re-permitting landfill sites. In doing that, we are delivering the integrated pollution prevention and control directive, the landfill directive, the groundwater directive and habitats directive, as well as the waste framework directive. Now, without some modern regulatory approaches and thinking ahead, we could have been faced with re-permitting those sites many times, which would be a huge burden for industry and for us. So, it is about these much more modern approaches to looking at the receiving environment and the impacts and making sure that we are planning ahead with the Welsh Assembly Government, DEFRA and industry to ensure that we have the right people in place, and the right tools and systems.

To give you another example, we are very keen on moving towards on-line registration for companies that need, for instance, to register as exempt with the agency. We need modern regulatory approaches that allow that to happen and, by doing that, it means that we are not then sitting down entering data, but can actually do something with that data and go out and check the receiving environment. That is just an example.

On your point about the waste

**Ms Parkes:** Diolch. Hoffwn ddod yn ôl at y pwynt cyffredinol ynglŷn â'r ffordd yr ydym yn ceisio ysgafnhau'r baich rheoleiddio i ni ein hunain ac i'r ddiwydiant. Mae'n ymwneud yn helaeth â defnyddio dull cyfannol—edrych ar yr effeithiau ar yr amgylchedd a'r sectorau diwydiant penodol, a sicrhau nad ydym yn delio â chyfarwyddedau unigol, ond yn edrych ar yr effaith gyfunol. I roi enghraifft ymarferol o hynny, wrth weithredu'r gyfarwydded tirlenwi, yr ydym yn ail-drwyddedu safleoedd tirlenwi. Drwy wneud hynny, yr ydym yn darparu'r gyfarwydded rheoli ac atal llygredd integredig, y gyfarwydded tirlenwi, y gyfarwydded dŵr daear a'r gyfarwydded cynefinoedd, yn ogystal â'r gyfarwydded fframwaith gwastraff. Yn awr, heb dulliau rheoleiddio modern a meddwl ymlaen, gallem fod wedi wynebu gorfod ail-drwyddedu'r safleoedd hynny dro ar ôl tro, a fyddai'n faich enfawr ar ddiwydiant ac arnom ni. Felly, mae'n ymwneud â'r dulliau llawer mwy modern hyn o edrych ar yr amgylchedd sy'n derbyn a'r effeithiau, ac o sicrhau ein bod yn cynllunio ymlaen gyda Llywodraeth Cynulliad Cymru, DEFRA a diwydiant i sicrhau bod gennym y bobl iawn, a'r dulliau a'r systemau iawn.

I roi enghraifft arall i chi, yr ydym yn awyddus iawn i symud tuag at gofrestru ar-lein i gwmnïau, er enghraifft, y mae angen iddynt gofrestru i gael eu heithrio gan yr asiantaeth. Mae arnom angen dulliau rheoleiddio modern sy'n caniatáu i hynny ddigwydd, a thrwy wneud hynny mae'n golygu nad ydym yn gwneud dim ond eistedd i lawr i gofnodi data, ond yn gallu gwneud rhywbeth â data hynny a mynd allan i archwilio'r amgylchedd sy'n derbyn. Enghraifft yn unig yw hynny.

Ynglŷn â'ch pwynt am y gyfarwydded



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incineration directive, that is another example of where the tougher standards are really putting the onus back on operators to ensure that their plant can be in compliance and come into compliance with the standards that are coming in 2005. Again, in re-permitting these sites, we are having to give effect to the IPPC directive, the waste incineration directive and the hazardous waste incineration directive all in one go, making sure that we, industry and the Assembly Government are absolutely clear on the outcomes that we are trying to achieve here, and that we achieve that in a way that is not burdensome to the industry.

[21] **Janet Davies:** Jeff, you asked to come in, but can I ask you not to pursue the hazardous waste issue at the moment, as we will come back to it? If you have another question, I would be happy for you to ask it.

[22] **Jeff Cuthbert:** I will wait.

[23] **Janet Davies:** You will wait—that is great. Let me know again when we get to that point. Jocelyn, you wanted to come in?

[24] **Jocelyn Davies:** I just want to ask some questions on devolution. The report tells us that, although this is a devolved function, we lack the legislative and fiscal powers in relation to waste management. What sort of problems does that create for you?

**Dr Milligan:** We have a hugely complex and confusing legislative framework. Just to explain, as it were, what happened around the time of devolution, the Assembly got devolved powers for waste which, at that stage, were mainly under

llosgi gwastraff, mae hon yn enghraifft arall lle mae'r safonau llymach yn rhoi'r baich yn ôl ar ysgwyddau weithredwyr i sicrhau y gall eu safle gydymffurfio â'r safonau hyn a chydymffurfio â'r safonau a gaiff eu cyflwyno yn 2005. Eto, wrth ail-drwyddedu'r safleoedd hyn, yr ydym yn gorfod gweithredu'r gyfarwyddeb IPPC, y gyfarwyddeb llosgi gwastraff a'r gyfarwyddeb llosgi gwastraff peryglus i gyd gyda'i gilydd, gan sicrhau ein bod ni, diwydiant a Llywodraeth y Cynulliad yn gwbl glir ynglŷn â'r canlyniadau yr ydym yn ceisio'u cyflawni, a'n bod yn cyflawni hynny mewn ffordd nad yw'n feichus ar y diwydiant.

[21] **Janet Davies:** Jeff, yr oeddech yn gofyn am gael cyfrannu, ond a gaf fi ofyn i chi beidio â thrafod y mater gwastraff peryglus ar hyn o bryd, gan y byddwn yn dod yn ôl ato? Os oes gennych gwestiwn arall, byddwn yn fodlon i chi ei ofyn.

[22] **Jeff Cuthbert:** Fe arhosaf.

[23] **Janet Davies:** Yr ydych am aros—da iawn. Rhowch wybod i mi eto pan gyrhaeddwn y pwynt hwnnw. Jocelyn, yr oeddech am gyfrannu?

[24] **Jocelyn Davies:** Yr wyf am ofyn ambell gwestiwn am ddatganoli. Mae'r adroddiad yn dweud, er bod hon yn swyddogaeth sydd wedi ei datganoli, nad oes gennym y pwerau deddfwriaethol a chyllidol o ran rheoli gwastraff. Pa fath o broblemau mae hynny'n eu creu i chi?

**Dr Milligan:** Mae gennym fframwaith deddfwriaethol dyrys a chymhleth iawn. I egluro, fel petai, yr hyn a ddigwyddodd o gwmpas y cyfnod datganoli oedd fod y Cynulliad wedi cael pwerau datganoledig dros wastraff a oedd, bryd hynny, yn

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the Environmental Protection Act 1990 and the Environment Act 1995. The principle is that, where functions have been devolved, then, in future, the Assembly should also exercise those functions. That has been the case, particularly in some of the more recent legislation. There is the Waste and Emissions Trading Act 2003, for example: not only have we been able to exercise the subordinate legislation functions, but we have had Welsh clauses in the Act that have given us some advantages. There are several examples of where that has been the case. So there is a good side to this.

However, around the time of devolution, what was also happening was that the UK Government found that it had to use powers under the European Communities Act 1972—they are called section 2(2) designation powers—to implement some of the legislation that was coming out of the directives, in addition to the old Environmental Protection Act and Environment Act powers. That was just because the scope of the legislation was becoming so wide: to be sure of transposing it correctly, the UK Government had to rely on those powers. The UK Government has designations in respect of waste which date back to 1989 and 1992, so well before devolution. The Assembly does not have the same designations. So, there have been some issues around that, one of which is highlighted in the report, in relation to pollution prevention and control. The pollution prevention and control legislation that implemented the integrated pollution prevention and control directive was brought forward just after the devolution settlement in 1999 and, at that stage, it had not become normal practice to do what we do now and take the powers at the time that primary legislation is passed, and, indeed, to get Welsh powers in it.

bennaf dan Ddeddf Diogelu'r Amgylchedd 1990 a Deddf yr Amgylchedd 1995. Yr egwyddor yw, lle mae swyddogaethau wedi'u datganoli, y dylai'r Cynulliad yn y dyfodol hefyd ymarfer y swyddogaethau hynny. Dyna sydd wedi digwydd, yn arbennig mewn rhai o'r deddfwriaethau diweddaraf. Dyna i chi Ddeddf Gwastraff a Masnachu Allyriadau 2003, er enghraifft: nid yn unig yr ydym wedi gallu ymarfer swyddogaethau'r is-ddeddfwriaeth, ond yr ydym wedi cael cymalau Cymru yn y Ddeddf sydd wedi rhoi rhai manteision i ni. Mae yna lawer enghraifft lle mae hyn wedi digwydd. Felly mae ochr dda i hyn.

Fodd bynnag, tuag adeg datganoli, yr oedd Llywodraeth y DU hefyd yn gweld ei bod yn rhaid iddi ymarfer pwerau dan Ddeddf Cymunedau Ewropeaidd 1972—fe'u gelwir yn bwerau dynodi adran 2(2)—i weithredu rhywfaint o'r ddeddfwriaeth a oedd yn deillio o'r cyfarwyddbau, yn ogystal â phwerau hen Ddeddf Diogelu'r Amgylchedd a Deddf yr Amgylchedd. Yr oedd hynny oherwydd bod cwmpas y ddeddfwriaeth yn mynd mor eang: er mwyn sicrhau ei bod yn ei thrawsosod yn iawn, yr oedd yn rhaid i Lywodraeth y DU ddibynnu ar y pwerau hynny. Mae gan Lywodraeth y DU ddynodiadau o ran gwastraff sydd wedi bodoli er 1989 ac 1992, ymhell cyn datganoli. Nid oes gan y Cynulliad yr un dynodiadau. Felly, mae rhai materion wedi codi ynglŷn â hynny, ac mae'r adroddiad yn tynnu sylw at un ohonynt, mewn perthynas ag atal llygredd a'r i reoli. Cyflwynwyd y ddeddfwriaeth ar atal a rheoli llygredd a oedd yn gweithredu'r gyfarwydddeb atal a rheoli llygredd integredig yn ychydig ar ôl y setliad datganoli ym 1999, a'r pryd hwnnw nid oedd yn ymarfer cyffredin i wneud yr hyn yr ydym yn ei wneud yn awr a chymryd y pwerau pan gyflwynir deddfwriaeth sylfaenol, ac, yn wir, i gael pwerau i Gymru ynddi.

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What happened was that there was a political agreement in Westminster, at the time that the legislation was passed, that the powers would be transferred to Wales. However, then the regulations had to be made and had to be made quickly to avoid the risk of infraction—and, therefore, they were made on an England-and-Wales basis. We still have not managed to get that transfer of functions Order, although we are very close to it. The political agreement is there, but there have been terribly protracted discussions about the nature and scope of the transfer of functions Order, which relate to the scope of the original directive and the scope of the Pollution Prevention and Control Act 1999 being much wider than the previous powers that the Assembly had under the Environment Protection Act 1990 in terms of integrated pollution control. They also relate to concerns about how the Pollution Prevention and Control Act was framed—the parliamentary drafting, as it were—because it was a framework Act, which gave a lot of powers to the Secretary of State for Environment. Therefore it was not a simple matter of saying that the powers would all come to the Assembly, because they included powers to amend primary legislation. It has taken a long time to move that forward. The current situation on that, to jump to where we are now, is that DEFRA is moving forward with some consolidation amendments to the Pollution Prevention and Control Act, which will benefit clarity in terms of the statute book. We hope that, as soon those are through, we will transfer the clearer function, as it were, to Wales.

[25] **Jocelyn Davies:** I think that is the best explanation for how the Assembly

Yr hyn a ddigwyddodd oedd bod cytundeb gwleidyddol yn San Steffan, pan gyflwynwyd y ddeddfwriaeth, y byddai'r pwerau'n cael eu trosglwyddo i Gymru. Fodd bynnag, yr oedd yn rhaid gwneud y rheoliadau wedyn a'u gwneud yn gyflym i osgoi perygl tordyletswydd—ac felly cawsant eu gwneud ar sail Cymru a Lloegr. Nid ydym wedi llwyddo eto i gael y Gorchymyn trosglwyddo swyddogaethau hwnnw, er ein bod yn agos iawn. Mae'r cytundeb gwleidyddol yno, ond bu trafodaethau hirfaith iawn am natur ac ystod y Gorchymyn trosglwyddo swyddogaethau, sy'n ymwneud â'r ffaith fod cwmpas y gyfarwydddeb wreiddiol a chwmpas Deddf Atal a Rheoli Llygredd 1999 lawer yn ehangach na'r pwerau blaenorol a oedd gan y Cynulliad dan Ddeddf Diogelu'r Amgylchedd 1990 o ran rheoli llygredd integredig. Maent hefyd yn ymwneud â phryderon ynglŷn â'r ffordd y lluniwyd y Ddeddf Atal a Rheoli Llygredd—y drafftio seneddol, fel petai—oherwydd ei bod yn Ddeddf fframwaith, a oedd yn rhoi nifer o bwerau i'r Ysgrifennydd Gwladol dros yr Amgylchedd. Felly, nid mater syml ydoedd o ddweud y byddai'r holl bwerau'n dod i'r Cynulliad, oherwydd yr oeddynt yn cynnwys pwerau i ddiwygio deddfwriaeth sylfaenol. Mae wedi cymryd cryn amser i symud hynny ymlaen. Y sefyllfa sydd ohoni, i lamu i'r fan yr ydym yn awr, yw bod DEFRA yn symud ymlaen gyda rhai diwygiadau cydgrynhoi yn y Ddeddf Atal a Rheoli Llygredd, a fydd o fudd i sicrhau eglurder o ran y llyfr statud. Gobeithio, yn syth ar ôl cyflwyno'r rhain, y byddwn yn trosglwyddo'r swyddogaeth gliriach, fel petai, i Gymru.

[25] **Jocelyn Davies:** Credaf mai dyna'r esboniad gorau a glywais erioed am y

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lost powers that I have ever heard.

ffordd y colodd y Cynulliad bwerau.

So, it seems to be more, sort of, a matter of technical issues in terms of where these powers lay, in being able to exercise the functions, rather than there being a deliberate policy of starving us of those powers?

Felly, ymddengys fod y rhain, rywsut, yn fwy o faterion technegol o ran pwy sydd â'r pwerau hyn, i allu ymarfer y swyddogaethau, yn hytrach na chael polisi bwriadol o'n hamddifadu o'r pwerau hynny?

**Dr Milligan:** Absolutely. I do not think that we would claim that at all. I think that that is signalled by the political agreement that was made at Westminster. It was the timing that was the issue. The processes that we have in place now for subsequent Acts just had not been put in place in 1999. So, we are left with trying to tidy it up, and I am glad that this does not apply to other legislation because the tidying-up is a heck of a process.

**Dr Milligan:** Yn hollol. Ni chredaf y byddem yn honni hynny o gwbl. Credaf fod hynny'n amlwg o'r cytundeb gwleidyddol a wnaed yn San Steffan. Yr amseru oedd y ddadl. Nid oedd y prosesau sydd gennym ar waith yn awr ar gyfer Deddfau dilynol wedi eu gweithredu ym 1999. Felly, mae'n rhaid i ni geisio cael trefn ar y sefyllfa, ac yr wyf yn falch nad yw hyn yn gymwys i ddeddfwriaethau eraill, oherwydd mae'r gwaith o gael trefn yn broses feichus.

[26] **Jocelyn Davies:** So, would we—

[26] **Jocelyn Davies:** Felly, a fyddem yn—

**Dr Phillips:** I will just add to that, if I may. In our evidence to the Richard commission, we described the sharing of powers between Westminster and Cardiff as appearing somewhat arbitrary and we gave a couple of examples, one of which is the one that June has just described around pollution prevention and control. While I would be the first to appreciate and acknowledge the technical difficulties around pollution prevention and control, we did say in that evidence that, where powers had been devolved and there was an updating of that particular piece of legislation, there should be a presumption in favour of those powers remaining devolved to the Assembly. I appreciate that there are all sorts of technical difficulties in this particular example, but I think that that principle is an important one.

**Dr Phillips:** Hoffwn ychwanegu at hynny, os caf. Yn ein tystiolaeth i gomisiwn Richard, bu i ni ddisgrifio bod y rhannu pwerau rhwng San Steffan a Chaerdydd yn ymddangos braidd yn fympwyol, a rhoesom enghraifft neu ddwy - un ohonynt oedd yr enghraifft a ddisgrifiodd June yn awr am atal a rheoli llygredd. Er mai fi fyddai'r cyntaf i werthfawrogi a chydabod yr anawsterau technegol ynghylch atal a rheoli llygredd, dywedwyd yn ein tystiolaeth, lle yr oedd pwerau wedi'u datganoli a'r ddeddfwriaeth benodol honno'n cael ei diweddarau, y dylid bob amser ragdybio o blaid cadw'r pwerau hynny wedi'u datganoli i'r Cynulliad. Yr wyf yn gwerthfawrogi bod pob math o anawsterau technegol yn yr enghraifft benodol hon, ond credaf fod yr egwyddor yn un bwysig.

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Another example of a kind of apparently arbitrary decision is, for instance, that radioactive substances regulation falls to the Assembly and the control of major accident hazards falls to Westminster. Well, you can imagine that there are a number of radioactive substances sites that would also be considered to be major hazards. The agency is always the first to acknowledge the importance of having a level playing field between England and Wales, so that you are not creating waste tourism and a number of undesirable impacts. However, at the same time, we have said to you previously that there is a big opportunity here for you to set an example, and I think that the Wales waste strategy endeavours to do that. There is an opportunity, I think, within Wales, to set perhaps more stretching targets and to increase the pace in terms of the delivery of some of these pieces of legislation or the ensuing regulatory regimes. I will point to two examples—one example, I think, is in the report—of where Wales has perhaps taken that braver step more quickly. One is the landfill allowance scheme, which was introduced in Wales before it was introduced in England, and was also introduced without trading, which effectively means that, in Wales, we have decided not to store up the problem until tomorrow but to tackle it today and to use the money that the Assembly Government and others are giving to get the investment in that infrastructure for more sustainable waste management technologies. I think that that is an excellent example. The other example that I will give you, which I do not think is referenced in the report, is mobile plant licensing, and the way in which we have ensured that mobile plant can now go around to tackle the mountains of contaminated soils that we have. I think that those are examples where that freedom has been excellently exercised.

Enghraifft arall o fath o benderfyniad sy'n ymddangos yn fympwyol, er enghraifft, yw fod rheoleiddio sylweddau ymbelydrol yn nwylo'r Cynulliad, a rheoli peryglon damweiniau difrifol yn nwylo San Steffan. Wel, gallwch ddychmygu bod nifer o safleoedd sylweddau ymbelydrol y gellid hefyd eu hystyried yn beryglon difrifol. Yr asiantaeth yw'r cyntaf bob tro i gydnabod pwysigrwydd rhoi cyfle cyfartal i Gymru a Lloegr, er mwyn sicrhau nad ydych yn creu twristiaeth gwastraff a nifer o effeithiau annymunol. Fodd bynnag, ar yr un pryd, yr ydym wedi dweud wrthy ch yn y gorffennol fod cyfle mawr yma i chi ddangos esiampl, a chredaf fod strategaeth gwastraff Cymru yn ceisio gwneud hynny. Mae cyfle, mi gredaf, yng Nghymru i osod targedau mwy uchelgeisiol o bosibl ac i gynyddu'r tempo o ran darparu rhai o'r deddfwriaethau hyn neu'r cyfundrefnau rheoleiddio dilynol. Yr wyf am gyfeirio at ddwy enghraifft—mae un enghraifft, mi gredaf, yn yr adroddiad—lle mae Cymru wedi cymryd y cam dewraf hwnnw yn gyflymach. Un yw'r cynllun lwfans tirlenwi, a gyflwynwyd yng Nghymru cyn ei gyflwyno yn Lloegr, a'i gyflwyno hefyd heb fasnachu. Mae hynny, i bob diben, yn golygu yng Nghymru ein bod wedi penderfynu peidio ag anwybyddu'r broblem tan yfory a mynd i'r afael â hi heddiw a defnyddio'r arian y mae Llywodraeth y Cynulliad ac eraill yn ei roi i gael buddsoddiadau yn y seilwaith hwnnw ar gyfer technolegau rheoli gwastraff sy'n fwy cynaliadwy. Credaf fod hon yn enghraifft ragorol. Yr enghraifft arall yr wyf am ei rhoi, ac ni chredaf fod cyfeiriad ati yn yr adroddiad hwn, yw trwyddedu peirianwaith symudol, a'r ffordd yr ydym wedi sicrhau y gall peirianwaith symudol yn awr fynd i'r afael â'r mynyddoedd sydd gennym o bridd wedi'i halogi. Credaf fod y rhain yn enghreifftiau lle mae'r rhyddid hwnnw

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wedi'i ddefnyddio'n rhagorol.

[27] **Jocelyn Davies:** Would we better placed to tackle waste management if we had those powers? Obviously you are making efforts to get them; there must be a reason for that.

[27] **Jocelyn Davies:** A fyddem mewn gwell sefyllfa i fynd i'r afael â rheoli gwastraff pe bai gennym y pwerau hynny? Mae'n amlwg eich bod yn ymdrechu i'w cael; mae'n rhaid bod rheswm am hynny.

**Dr Milligan:** We would be better placed if the regulatory framework was simpler and clearer, not least because it would be easier to explain—you were very kind in your comments about the explanation, but it is really difficult to get your head around why we have one thing and not another. It does not help, for example, in looking at hazardous waste, that we will be bringing into effect the hazardous waste catalogue amendments, which Helen talked about, and which are coming into effect next year, when we do not have the co-disposal. It is just really difficult to have to keep explaining that all the time. So it would be better if we had them. The balance, though, is that what we do not want to do, in that already complex legislative situation, is to make it more complex. There is a risk that exercising more powers where we do not have a clear end in sight, just for the sake of it, would not be helpful. So, what we have tried to do is to carefully target where we put the resource into doing that. If it is okay with you, Robert might like to quickly say something about the Waste and Emissions Trading Act 2003, where we have those two separate Welsh clauses that give us the sort of ability to step up what we are doing here more quickly in the way that Helen was talking about.

**Dr Milligan:** Byddem mewn gwell sefyllfa pe bai'r fframwaith rheoleiddio yn symlach ac yn gliriach, yn anad dim oherwydd y byddai'n haws i'w egluro. Yr oedd eich sylwadau ar yr esboniad yn garedig iawn, ond mae'n anodd iawn deall pam mae gennym un peth ond nid y peth arall. Nid yw'n llesol, er enghraifft, wrth edrych ar wastraff peryglus, y byddwn yn gweithredu'r diwygiadau yn y catalog gwastraff peryglus y bu Helen yn siarad amdano, ac sy'n dod i rym y flwyddyn nesaf, pan na fydd gennym y cydwaredu. Mae'n anodd iawn gorfod egluro hynny drwy'r amser. Felly, byddai'n well eu cael. Yr hyn nad ydym am ei wneud, fodd bynnag, yn y sefyllfa ddeddfwriaethol sydd eisoes yn gymhleth, yw ei gwneud yn fwy cymhleth. Mae perygl na fyddai'n llesol ymarfer mwy o bwerau lle nad oes gennym nod clir mewn golwg, dim ond er mwyn gwneud hynny. Felly, yr hyn yr ydym wedi ceisio'i wneud yw targedu'n ofalus ble yr ydym yn cyfeirio ein hadnoddau i wneud hynny. Os yw'n iawn gennych chi, efallai y bydd Robert am ddweud gair cyflym am Ddeddf Gwastraff a Masnachu Allyriadau 2003, lle mae'r ddau gymal hynny i Gymru ar wahân sy'n rhoi'r gallu i ni gynyddu'r hyn yr ydym yn ei wneud yn gyflymach, fel y dywedodd Helen.

**Mr Williams:** Clauses 29 and 30, if I recall correctly, in the Waste and Emissions Trading Act 2003 are specific

**Mr Williams:** Mae cymalau 29 a 30, os cofiaf yn iawn, yn Neddf Gwastraff a Masnachu Allyriadau 2003 yn benodol i

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to Wales and were inserted at our request. They give us the powers, for example, to require local authorities to complete municipal waste management strategies to our specification and to provide municipal waste data, again to our specification. We have not needed to enact either of those clauses; we have good co-operation with local authorities on the current round of municipal waste management strategies and we have all our local authorities signed up to the new WasteDataFlow system, providing data within that system. However, the powers are there for us to use if we need them, and we were able to get those additional powers through a Westminster Bill, with the co-operation of DEFRA.

[28] **Jocelyn Davies:** Is there sometimes a conflict for the agency, though, in having these two masters and this complexity regarding who is in charge of what bit of the legislation and so on?

**Dr Phillips:** I believe the reality is that it probably looks worse on the outside looking in than it feels being on the inside endeavouring to make it happen. If I can endeavour to give a bit of clarity around that headline, we have good joint working, particularly on new pieces of legislation, with Welsh Assembly Government colleagues and DEFRA, so we do not get surprises and we have opportunities to plan. I suppose that the other opportunity that we have, perhaps more fully in Wales than colleagues have experienced in England, is the clarity that we seek to achieve with the Welsh Assembly Government around service levels that we will achieve in the delivery of different regulatory regimes, and I think that that has been enormously helpful.

Gymru ac wedi'u mewnosod ar ein cais. Maent yn rhoi'r pwerau i ni, er enghraifft, fynnu bod awdurdodau lleol yn cwblhau strategaethau rheoli gwastraff trefol yn unol â'n gofynion, ac yn darparu data gwastraff trefol, eto yn unol â'n gofynion. Ni fu angen i ni weithredu'r cymalau hyn; yr ydym yn cydweithredu'n dda ag awdurdodau lleol ar y cylch cyfredol o strategaethau rheoli gwastraff trefol, ac mae ein awdurdodau lleol bob un wedi arwyddo'r system WasteDataFlow, sy'n darparu data o fewn y system. Fodd bynnag, mae'r pwerau yno i ni eu defnyddio os oes arnom eu hangen, a bu modd i ni gael y pwerau ychwanegol hynny drwy Fesur San Steffan, gyda chydweithrediad DEFRA.

[28] **Jocelyn Davies:** A oes gwrthdaro i'r asiantaeth o bryd i'w gilydd, serch hynny, o gael y ddau feistr hyn a'r cymhlethdod hwn o ran pwy sy'n gyfrifol am wahanol rannau o'r ddeddfwriaeth ac yn y blaen?

**Dr Phillips:** Credaf fod y sefyllfa mewn gwirionedd, yn ôl pob tebyg, yn edrych yn waeth wrth edrych arni o'r tu allan na'r teimlad y mae rhywun yn ei gael o'r tu mewn wrth ymdrechu i beri iddo ddigwydd. Os caf geisio egluro rhywfaint ar y pennawd hwnnw, yr ydym yn cydweithio'n dda, yn arbennig o ran deddfwriaeth newydd, gyda chydweithwyr yn Llywodraeth Cynulliad Cymru a DEFRA, felly nid ydym yn cael pethau sy'n annisgwyl ac mae gennym gyfle i gynllunio. Mae'n debyg mai'r cyfle arall sydd gennym, efallai i raddau mwy yng Nghymru na'r hyn y mae cydweithwyr wedi'i brofi yn Lloegr, yw'r eglurder yr ydym yn ceisio'i gael gyda Llywodraeth Cynulliad Cymru am y lefelau gwasanaeth y byddwn yn eu cyflawni wrth weithredu gwahanol gyfundrefnau rheoleiddio, a chredaf fod hynny wedi bod yn ddefnyddiol dros ben.

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[29] **Janet Davies:** So, you do not spend a disproportionate amount of time writing letters to each other?

**Dr Phillips:** No.

**Dr Milligan:** No.

[30] **Jeff Cuthbert:** Chair, may I ask a question on this? To be absolutely clear, in terms of the Pollution Prevention and Control Act 1999 that is causing the problem now—just looking at your report—it is the case that there is a desire to reach agreement on an Order, so there is a recognition that the situation must improve, and, hopefully, we will get there.

**Dr Milligan:** Absolutely. We have agreement, not just at a political level, but an in-principle agreement on the scope of that Order. What we are waiting for are these consolidated amendments, because they can all be done now to regularise the statute before it is brought across. Then, as soon as that happens, we hope that we will we do it.

[31] **Leighton Andrews:** May I just direct you to paragraphs 2.8 to 2.10 and the series of questions there? Clearly, there are new targets—by 2010 we need 500 new sites for the management of waste. That, on average, would mean local authorities in Wales having to find over 20 sites each. Do you think that the planning system in Wales is likely to deliver that?

[29] **Janet Davies:** Felly, nid ydych yn treulio gormod o amser yn ysgrifennu llythyrau at eich gilydd?

**Dr Phillips:** Na.

**Dr Milligan:** Na.

[30] **Jeff Cuthbert:** Gadeirydd, a gaf ofyn cwestiwn ar hyn? I fod yn hollol glir, o ran Deddf Atal a Rheoli Llygredd 1999 sy'n achosi'r broblem yn awr—o edrych ar eich adroddiad—mae awydd i ddod i gytundeb ar Orchymyn, felly mae cydnabyddiaeth bod yn rhaid i'r sefyllfa wella, a gobeithio y byddwn yn cyrraedd y nod.

**Dr Milligan:** Yn sicr. Mae gennym gytundeb, nid ar lefel wleidyddol yn unig, ond cytundeb mewn egwyddor ar gwmpas y Gorchymyn hwnnw. Yr hyn yr ydym yn disgwyl amdano yw'r diwygiadau hyn sydd wedi eu cydgrynhoi, oherwydd gellir eu gwneud i gyd yn awr i reoleiddio'r statud cyn ei gweithredu. Yna, cyn gynted ag y bydd hynny'n digwydd, gobeithio y byddwn yn gwneud hynny.

[31] **Leighton Andrews:** A gaf eich cyfeirio at baragraffau 2.8 i 2.10 a'r gyfres o gwestiynau sydd yn y fan honno? Yn amlwg, mae targedau newydd—erbyn 2010 mae arnom angen 500 o safleoedd newydd er mwyn rheoli gwastraff. Byddai hynny, ar gyfartaledd, yn golygu y byddai pob awdurdod lleol yng Nghymru yn gorfod dod o hyd i 20 safle yr un. A ydych yn credu bod y system gynllunio yng Nghymru yn debygol o ddarparu hynny?



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**Dr Milligan:** May I explain what we are doing to encourage and to work with local authorities in their planning function, to make that happen? We are actually really fortunate in Wales because, supplementing the Wales waste strategy, we have a technical advice note under the planning system—technical advice note 21—that is very clear about what the planning system needs to bring to the party, as it were. We also have regional waste plans now, and that is groundbreaking. We are ahead of the others, as it were, in having those regional waste plans. They are an important collaboration at regional level—more than one local authority working together—but, also, they are an important joining up of two disciplines within local authorities, so the waste planners and the land use planners have had to get together to work through the data, the requirements and the best environmental options to come up with these regional waste plans. We now have them covering all of Wales and all local authorities have adopted them, so we are ahead of the game in getting that far. There is much more to do, because that plan then has to be translated by the local authorities into their unitary development plans or local development plans. They have to take the technical assessments of the number of sites that are needed, which are underpinned by municipal waste flow composition figures, which are underpinned by the technical advice as to what the best environmental practical option would be. They have to then say, ‘Okay. How do we share those out around the region?’. There is more work to be done, especially on regional facilities and, in fact, the regional waste groups are going to look at that again, as they are going to look at hazardous waste facilities. However, we have come a long way, and we have those in place.

**Dr Milligan:** A gaf esbonio beth yr ydym yn ei wneud i annog ac i weithio gyda’r awdurdodau lleol o ran eu swyddogaeth ym maes cynllunio, i beri i hynny ddigwydd? Yr ydym yn ffodus iawn mewn gwirionedd yng Nghymru oherwydd, i ategu strategaeth wastraff Cymru, mae gennym nodyn cyngor technegol dan y system gynllunio—nodyn cyngor technegol 21—sy’n glir iawn ynglŷn â chyfraniad y system gynllunio, fel petai. Mae gennym hefyd gynlluniau gwastraff rhanbarthol bellach, ac mae hynny’n torri tir newydd. Yr ydym ar y blaen i eraill, fel petai, o gael y cynlluniau gwastraff rhanbarthol hynny. Maent yn golygu cydweithrediad pwysig ar lefel ranbarthol—mwy nag un awdurdod lleol yn gweithio gyda’i gilydd—ond, hefyd, maent yn gyfuniad pwysig o ddwy ddisgyblaeth o fewn yr awdurdodau lleol, felly mae’r cynllunwyr gwastraff a’r cynllunwyr defnydd tir wedi gorfod dod at ei gilydd i weithio drwy’r data, y gofynion a’r opsiynau amgylcheddol gorau i lunio’r cynlluniau gwastraff rhanbarthol hyn. Bellach mae gennym rai ar gyfer Cymru gyfan ac mae pob awdurdod lleol wedi’u mabwysiadu, felly yr ydym gam ar y blaen o ran cyrraedd y nod hwnnw. Mae llawer mwy i’w wneud, oherwydd mae’n rhaid i’r cynllun hwnnw wedyn gael ei gyfieithu gan yr awdurdodau lleol i’w cynlluniau datblygu unedol neu eu cynlluniau datblygu lleol. Mae’n rhaid iddynt gynnal asesiadau technegol o sawl safle sydd ei angen, sy’n cael eu hategu gan ffigurau cyfansoddiad llif gwastraff trefol, sy’n cael eu hategu gan y cyngor technegol ynghylch beth fyddai’r opsiwn ymarferol amgylcheddol gorau. Mae’n rhaid iddynt ddweud wedi hynny, ‘Iawn. Sut yr ydym yn rhannu’r rheini o gwmpas y rhanbarth?’. Mae mwy o waith i’w wneud, yn arbennig ar gyfleusterau rhanbarthol ac, yn wir, mae’r grwpiau gwastraff rhanbarthol yn mynd i edrych ar hynny eto, ac edrych ar gyfleusterau gwastraff peryglus. Fodd bynnag, yr

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ydym wedi dod yn bell iawn, ac mae'r rheini ar waith gennym.

Do we have confidence that the system will work? It is a huge challenge because the regional plans indicate that the number of waste sites needed is about 629—I think that is the figure according to the actual plan—and we have about 300 or so sites already. So, the 500 that is in the report is a sort of ballpark figure, but the regional waste planning sites are based on tonnage and technical data and, of course, one is never quite sure which facilities will go in and out of use.

So, the answer is that we are a long way towards that. We set out in the technical advice note very clear guidance as to what local authorities need to be doing to make it happen, and we are working very closely with them in terms of monitoring exactly what is happening and what facilities are coming forward. So, that is where we are. Earlier this year, we issued a further letter to local authorities, which clarifies even further exactly what details should now be taken into the unitary development plans or local development plans from the regional level in terms of the nature of sites that need to be identified.

**Dr Phillips:** May I add to that response? I think we have made great progress in Wales in terms of waste management and planning, however there is still a challenge in front of us. I was really pleased to see a recommendation in the report around waste management planning. As June said, we have the waste framework directive, which is a requirement on member states and a devolved responsibility to the Welsh Assembly Government to have adequate plans in place to facilitate the provision of an integrated network of facilities.

A ydym yn ffyddiog y bydd y system yn gweithio? Mae'n her enfawr oherwydd y mae'r cynlluniau rhanbarthol yn nodi bod angen tua 629 o safleoedd gwastraff—credaf mai dyna'r ffigur yn ôl y cynllun—ac mae gennym tua 300 o safleoedd eisoes. Felly, mae'r 500 sydd yn yr adroddiad yn rhyw fath o ffigur sy'n agos ati, ond mae'r safleoedd cynllunio gwastraff rhanbarthol yn seiliedig ar dunelledd a data technegol ac, wrth gwrs, ni ellir bod yn sicr pa gyfleusterau fydd yn cael eu defnyddio ac na fyddant yn cael eu defnyddio.

Felly, yr ateb yw ein bod wedi gwneud llawer i gyrraedd y nod. Bu inni roi canllawiau clir iawn yn y nodyn cyngor technegol ynghylch yr hyn y mae angen i'r awdurdodau lleol ei wneud i beri iddo ddigwydd, ac yr ydym yn gweithio'n agos iawn gyda hwy o ran monitro beth yn union sy'n digwydd, a pha gyfleusterau sy'n cael eu cyflwyno. Felly, dyna lle yr ydym. Yn gynharach eleni, bu i ni anfon llythyr pellach at yr awdurdodau lleol, sy'n egluro ymhellach yr union fanylion y dylid eu rhoi yn awr yn y cynlluniau datblygu unedol neu'r cynlluniau datblygu lleol o'r lefel ranbarthol o ran natur y safleoedd sydd angen eu nodi.

**Dr Phillips:** A gaf ychwanegu at yr ateb hwnnw? Credaf ein bod wedi gwneud cynnydd rhagorol yng Nghymru o ran rheoli a chynllunio gwastraff, fodd bynnag mae her yn ein hwynebu o hyd. Yr oeddwn yn falch iawn o weld argymhelliad yn yr adroddiad ynghylch cynllunio rheoli gwastraff. Fel y dywedodd June, mae'r gyfarwyddeb fframwaith gwastraff gennym, sy'n golygu ei bod yn ofynnol i aelod-wladwriaethau ac yn gyfrifoldeb datganoledig i Lywodraeth Cynulliad Cymru gael cynlluniau digonol ar waith i

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Someone once described the regional waste plans to me as miraculous, because all the local authorities have come together at a regional level to talk about a really thorny subject and how they will address it. I think that we need to pause and reflect and celebrate that success. But, by the same token, they still have some way to go in terms of identifying the sorts of locations where this plethora of new facilities will need to go. The point I would make here is that we have gone some way in the last 12 to 18 months to improve regulatory certainty for industry, and until we improve planning certainty, we will not be able to meet the requirements of the waste framework directive. The recommendation in the report is very helpful in that it suggests that unitary development plans turn their attention to doing this, and, as June said, there is good guidance in TAN 21 to point them in this direction. If we remember that there is only one unitary development plan adopted in Wales so far—for Denbighshire—I expect that a number of local authorities will proceed directly to the preparation of their local development plans. The target date on these plans is 2010, and it would not be unrealistic to maybe put in a little contingency for slippage around that. I think that this underlines the importance of the regional waste plans.

June mentioned the fact that the Assembly has issued even further advice to local authorities and, in fact, I felt moved to write to them in our role as a consultee on the regional waste plans, because, until we find a mechanism to get these decisions, debates and discussions about what are really thorny issues about where the facilities will go, we will not meet the requirements of the waste

hwyluso darpariaeth rhwydwaith cyfleusterau integredig. Disgrifiodd rhywun unwaith y cynlluniau gwastraff rhanbarthol i mi fel gwyrth, oherwydd bod yr holl awdurdodau lleol wedi dod at ei gilydd ar lefel ranbarthol i siarad am bwnc dadleuol iawn a sut y maent am fynd i'r afael ag ef. Credaf fod angen i ni gymryd munud i feddwl a dathlu'r llwyddiant hwnnw. Ond, yn yr un modd, mae llawer i'w wneud o hyd o ran nodi'r mathau o leoliadau lle y bydd angen rhoi'r plethora hwn o gyfleusterau newydd. Y pwynt y byddwn yn ei wneud yma yw ein bod wedi mynd beth o'r ffordd yn y 12 i 18 mis diwethaf i wella sicrwydd rheoleiddio ar gyfer diwydiant, a hyd nes y byddwn yn gwella sicrwydd cynllunio, ni fyddwn yn gallu bodloni gofynion y gyfarwyddeb fframwaith gwastraff. Mae'r argymhelliad yn yr adroddiad yn ddefnyddiol iawn oherwydd ei fod yn awgrymu bod cynlluniau datblygu unedol yn rhoi sylw i wneud hyn, ac, fel y dywedodd June, mae canllawiau da yn Nodyn Cyngor Technegol 21 i'w tywys i'r cyfeiriad hwn. Os cofiwn mai un cynllun datblygu unedol yn unig sydd wedi'i fabwysiadu yng Nghymru hyd yma—ar gyfer sir Ddinbych—yr wyf yn disgwyl i nifer o awdurdodau lleol fynd ati ar eu hunion i baratoi eu cynlluniau datblygu lleol. 2010 yw'r dyddiad targed ar gyfer y cynlluniau hyn, ac ni fyddai'n afrealistig cael rhyw drefniant wrth gefn ar gyfer methu cyrraedd y targed efallai. Credaf fod hyn yn pwysleisio pwysigrwydd y cynlluniau gwastraff rhanbarthol.

Soniodd June fod y Cynulliad wedi cyhoeddi cyngor pellach hyd yn oed i'r awdurdodau lleol ac, mewn gwirionedd, teimlwn y dylwn ysgrifennu atynt yn ein rôl fel ymgynghorai ar y cynlluniau gwastraff rhanbarthol, oherwydd, nes i ni ganfod mecanwaith i gael y penderfyniadau, y dadleuon a'r trafodaethau hyn am y cwestiynau sy'n wirioneddol ddadleuol ynghylch lleoli'r

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framework directive, and we will not meet the requirements of the facilities that we need in Wales to manage our waste.

cyfleusterau, ni fyddwn yn bodloni gofynion y gyfarwyddeb fframwaith gwastraff, ac ni fyddwn yn bodloni gofynion y cyfleusterau sydd eu hangen arnom yng Nghymru i reoli ein gwastraff.

[32] **Leighton Andrews:** We are in 2004, and you said that 500 was a ballpark figure. You said that we have 300 and that 629 had been recognised as potentially needed. Therefore, you will have to find another 200 to 329 sites in six years. Coming from the Rhondda, I do not need to be told that these sites are controversial. Is the agency's use of the phrase, a 'contingency for slippage', a suggestion that these targets will not be met by 2010?

[32] **Leighton Andrews:** Yr ydym yn 2004, a dywedasoeh mai ffigur agos ati oedd 500. Dywedasoeh fod gennym 300 ac y bydd angen 629 o bosibl. Felly, bydd yn rhaid i chi ddod o hyd i rhwng 200 a 329 safle arall mewn chwe blynedd. A minnau o'r Rhondda, nid oes angen dweud wrthyf fod y safleoedd hyn yn ddadleuol. A yw geiriau'r asiantaeth 'trefniant wrth gefn ar gyfer methu cyrraedd y targed', yn awgrym na fydd y targedau hyn yn cael eu cyrraedd erbyn 2010?

**Dr Phillips:** If you want me to clarify the point I was making, historically, in the planning process, whether we are talking about UDPs or whatever, we have had experience in the past of plans not being produced exactly to deadline. While I am very hopeful that local development plans will be produced within the timetable, we must acknowledge the fact that this may not be the case universally for all 22 authorities.

**Dr Phillips:** Os ydych am i mi egluro'r pwynt yr oeddwn yn ei wneud, yn hanesyddol, yn y broses gynllunio, waeth a ydym yn sôn am gynlluniau datblygu unedol neu beth bynnag, yr ydym wedi cael profiad yn y gorffennol o gynlluniau heb gael eu cynhyrchu erbyn y terfyn amser yn union. Er fy mod yn obeithiol y bydd cynlluniau datblygu lleol yn cael eu cynhyrchu o fewn yr amserlen, mae'n rhaid i ni gydnabod na fydd hyn o bosibl yn wir yn achos pob un o'r 22 awdurdod.

**Dr Milligan:** May I pick up the first part of the question? I should have clarified in my first answer the types of sites that we are talking about, because there is a danger that people will look at that big number and think that we are talking about 500 incinerators or more landfill sites. I would not want to leave that impression. This is a real range of facilities, from your local bottle bank all the way through to some treatment sites, some voluntary sites that are operated, and collection sites for redistribution into the community. So, this is not about that number of big, 'scary' sites; there will be

**Dr Milligan:** A gaf drafod rhan gyntaf y cwestiwn? Dylwn fod wedi egluro yn fy ateb cyntaf pa fathau o safleoedd yr ydym yn eu trafod, oherwydd y mae perygl y bydd pobl yn edrych ar y ffigur uchel hwnnw a meddwl ein bod yn siarad am 500 o losgyddion neu ragor o safleoedd tirlenwi. Ni fyynnwn roi'r argraff honno. Mae hyn yn amrywiaeth gwirioneddol o gyfleusterau, o'ch banc poteli lleol i rai safleoedd trin, rhai safleoedd gwirfoddol a weithredir, a safleoedd casglu ar gyfer ailddosbarthu i'r gymuned. Felly, nid yw hyn yn ymwneud â rhyw lawer o safleoedd mawr, 'brawychus'; bydd pob

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all sorts of different facilities. I just think that we have to get that quite clear.

math o wahanol gyfleusterau. Credaf fod yn rhaid i ni ddweud hynny'n eithaf clir.

The other thing is that operators do not need to wait until unitary development plans or local development plans are in place to make progress in terms of commercial opportunities that are available within this shift to sustainable waste management, and local authorities are telling us that people are already coming forward and that they, in fact, are already approving new waste management facilities. So, the planning system takes its time, and it involves lots of public consultation, but planning is already happening in Wales, and there are already applications coming forward from companies who have seen the opportunity to establish recycling or other facilities, and those are being taken.

Y peth arall yw nad oes angen i weithredwyr aros tan i'r cynlluniau datblygu unedol neu'r cynlluniau datblygu lleol fod ar waith i wneud cynnydd o ran y cyfleoedd masnachol sydd ar gael o fewn y symudiad hwn tuag at reoli gwastraff cynaliadwy, ac mae awdurdodau lleol yn dweud wrthym fod pobl eisoes yn dod ymlaen a'u bod, mewn gwirionedd, eisoes yn cymeradwyo cyfleusterau rheoli gwastraff newydd. Felly, mae'r system gynllunio yn cymryd ei hamser, ac mae'n golygu llawer o ymgynghori â'r cyhoedd, ond mae cynllunio eisoes ar y gweill yng Nghymru, ac mae ceisiadau eisoes yn cael eu cyflwyno gan gwmnïau sydd wedi gweld y cyfle i sefydlu cyfleusterau ailgylchu neu gyfleusterau eraill, a manteisir ar y rheini.

[33] **Leighton Andrews:** How do these additional 200 or 329 sites break down between what you have called additional bottle bank and voluntary collection sites and what you have then called scary sites?

[33] **Leighton Andrews:** Sut y dosberthir y 200 neu 329 o safleoedd ychwanegol hyn rhwng yr hyn y bu i chi eu galw yn safleoedd banc poteli a chasglu gwirfoddol ychwanegol a'r hyn y bu i chi eu galw wedyn yn safleoedd brawychus?

**Dr Milligan:** I am afraid that I do not have the details with me; they are in the regional waste plans, and, if you are interested in this, we could make the information available separately. Would that be helpful, Chair?

**Dr Milligan:** Mae arnaf ofn nad yw'r manylion gennyf; maent yn y cynlluniau gwastraff rhanbarthol, ac, os oes gennych ddiddordeb yn hyn, gallem sicrhau bod y wybodaeth ar gael ar wahân. A fyddai hynny'n ddefnyddiol, Gadeirydd?

[34] **Janet Davies:** Yes.

[34] **Janet Davies:** Byddai.

**Dr Milligan:** It is very detailed because it is on the basis of their analysis of the flow and of how waste will be dealt with in the authorities, but we will make it available.

**Dr Milligan:** Mae'n fanwl iawn oherwydd ei fod ar sail eu dadansoddiad o'r llif a sut yr ymdrinnir â gwastraff yn yr awdurdodau, ond byddwn yn trefnu ei fod ar gael.

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[35] **Leighton Andrews:** Which of you has the responsibility to drive the achievement of these targets? Presumably, it is the Assembly Government?

**Dr Milligan:** Yes.

[36] **Leighton Andrews:** Okay. I will take you, if I may, to the spatial plans, regional waste plans and the unitary development plans. The spatial plan seems to have been produced at the end of the process, but surely we should have been providing some kind of national framework for the development of the regional and local plans?

**Dr Milligan:** In terms of waste, that framework is provided by the Wales waste strategy and by technical advice note 21 to which I referred. That is quite a detailed document that explains what needs to happen alongside the Wales waste strategy, and that, to date, has formed the upper tier of a system which is national, regional and then local. The Wales Spatial Plan, coming in slightly after that strategy—two years after it—will be a yet more strategic context within which the planning system will make its determinations.

[37] **Leighton Andrews:** To talk about the unitary development plans for a moment, having only one developed is pretty poor, is it not?

**Dr Milligan:** That is the situation. There is only one, and that is the one that

[35] **Leighton Andrews:** Pwy sydd â'r cyfrifoldeb o geisio cyrraedd y targedau hyn? Llywodraeth y Cynulliad, mae'n debyg?

**Dr Milligan:** Ie.

[36] **Leighton Andrews:** Iawn. Yr wyf am symud ymlaen, os caf, at y cynlluniau gofodol, y cynlluniau gwastraff rhanbarthol a'r cynlluniau datblygu unedol. Ymddengys fod y cynllun gofodol wedi'i gynhyrchu ar ddiwedd y broses, ond oni ddylem fod yn darparu rhyw fath o fframwaith cenedlaethol ar gyfer datblygu'r cynlluniau rhanbarthol a lleol?

**Dr Milligan:** O ran gwastraff, mae'r fframwaith hwnnw'n cael ei ddarparu gan strategaeth wastraff Cymru a chan nodyn cyngor technegol 21 y cyfeiriais ato. Mae honno'n ddogfen eithaf manwl sy'n esbonio beth sydd angen ei wneud ochr yn ochr â strategaeth wastraff Cymru, a hynny, hyd yma, sydd wedi llunio haen uchaf system sy'n genedlaethol, yn rhanbarthol ac yna'n lleol. Bydd Cynllun Gofodol Cymru, a fydd yn cael ei roi ar waith ychydig ar ôl y strategaeth honno—ddwy flynedd ar ei hôl—yn gyd-destun mwy strategol fyth i'r system gynllunio wneud ei phenderfyniadau.

[37] **Leighton Andrews:** A siarad am y cynlluniau datblygu unedol am funud, onid yw'n eithaf gwael mai un yn unig sydd wedi ei ddatblygu?

**Dr Milligan:** Dyna'r sefyllfa. Dim ond un sy'n bodoli, sef yr un a fabwysiadwyd

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Denbighshire adopted in 2002.

gan sir Ddinbych yn 2002.

[38] **Leighton Andrews:** Why have local authorities been so slow in developing UDPs?

[38] **Leighton Andrews:** Pam mae'r awdurdodau lleol wedi bod mor araf yn datblygu cynlluniau datblygu unedol?

**Dr Milligan:** I am not sure that I know the answer to that.

**Dr Milligan:** Nid wyf yn sicr a wn beth yw'r ateb i hynny.

[39] **Leighton Andrews:** Presumably, at the end of the day, this is a requirement on local authorities that the Welsh Assembly Government is monitoring?

[39] **Leighton Andrews:** Yn y pen draw, mae'n debyg bod hyn yn ofyniad i'r awdurdodau lleol y mae Llywodraeth Cynulliad Cymru yn ei fonitro?

**Dr Milligan:** There is a requirement on local authorities to prepare plans, although I think that there is now an acceptance that, as Helen suggested, with the Planning and Compulsory Purchase Act 2004 coming through and with there being distinctive Welsh arrangements for planning, some of them will now move to local development plans rather than put unitary development plans in place and then have to produce local development plans again so quickly.

**Dr Milligan:** Mae'n ofynnol i'r awdurdodau lleol baratoi cynlluniau, er fy mod yn credu y derbynnir bellach, fel yr awgrymodd Helen, gyda Deddf Cynllunio a Phrynu Gorfodol 2004 yn cael ei gweithredu a chyda threfniadau arbennig i Gymru ar gyfer cynllunio, y bydd rhai ohonynt yn symud at gynlluniau datblygu lleol yn awr yn hytrach na rhoi cynlluniau datblygu unedol ar waith ac yna gorfod cynhyrchu cynlluniau datblygu lleol eto mor fuan.

[40] **Janet Davies:** I will just point out to Leighton that, although I think that this is a very interesting question and it would be nice to get to the bottom of it, Dr Milligan does not have responsibility for planning.

[40] **Janet Davies:** Yr wyf am dynnu sylw Leighton at y ffaith nad yw Dr Milligan yn gyfrifol am gynllunio, er fy mod yn credu bod hwn yn gwestiwn diddorol iawn ac y byddai'n braf mynd at ei wraidd.

[41] **Leighton Andrews:** I am aware of that, but I think that it is an important issue that we will probably need to return to and flag up. From what you have seen, from what has been emerging from local authorities in relation to their UDPs—and I am sure that they are working on them—are you satisfied that we will achieve what we need to achieve through those UDPs in terms of waste management, or do you have concerns about them?

[41] **Leighton Andrews:** Yr wyf yn ymwybodol o hynny, ond credaf fod hynny'n fater pwysig y bydd angen i ni ddod yn ôl ato a rhoi sylw iddo mae'n debyg. Yn ôl yr hyn yr ydych wedi'i weld, yn ôl yr hyn sydd wedi bod yn dod allan gan yr awdurdodau lleol o ran eu cynlluniau datblygu unedol—ac yr wyf yn sicr eu bod yn gweithio arnynt—a ydych yn argyhoeddedig y byddwn yn cyflawni'r hyn sydd angen i ni ei gyflawni drwy'r cynlluniau datblygu unedol hynny o ran rheoli gwastraff, neu a ydych yn bryderus yn eu cylch?

**Dr Milligan:** I do not think that we are at

**Dr Milligan:** Ni chredaf ein bod yn

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all complacent. We are keeping in very close touch with them as they are coming through, and, indeed, the Assembly has been involved in planning discussions both at the regional level and with the Welsh Local Government Association about the way in which the planning system can contribute to this. You will be aware that a direction has already been issued to one local authority in Wales in respect of its UDP, and we are watching as other ones come through on deposit. That is the current position and that is what is coming forward. We are watching and making our assessment as to how they will contribute to the strategy.

[42] **Leighton Andrews:** May I ask the agency if it is satisfied with the progress that it is observing from local authorities?

**Dr Phillips:** As I said in response to the earlier question, we must not underestimate the progress that we have made so far. However, there is a challenge. The waste framework directive is unequivocal in its requirement, and I think that the best mechanism we have to meet that requirement in this interim period is probably through the regional waste plans, and, consequently, my mantra is about underlining the importance of those plans and ensuring that the way in which they are described, and the detail that is contained within them, is adequate to provide that context for unitary development plans and local development plans, both in terms of the timing and in terms of the planning hierarchy.

[43] **Leighton Andrews:** I will move off UDPs, despite the fact that I do not believe that we will get the answers that we need. I turn to the issue of information on capacity of waste sites. As I understand it, the Environment Agency can only obtain this if it is volunteered by

hunanfodlon o gwbl. Yr ydym yn cadw mewn cysylltiad agos iawn â hwy wrth iddynt gael eu cyflwyno, ac, yn wir, mae'r Cynulliad wedi bod yn cynnal trafodaethau cynllunio ar lefel ranbarthol a chyda Cymdeithas Llywodraeth Leol Cymru am y modd y gall y system gynllunio gyfrannu at hyn. Byddwch yn ymwybodol bod cyfarwyddyd wedi'i roi i un awdurdod lleol yng Nghymru eisoes o ran ei gynllun datblygu unedol, ac yr ydym yn gwyllo wrth i eraill gael eu hadneuo. Dyna'r sefyllfa sydd ohoni a dyna sy'n digwydd. Yr ydym yn cadw golwg ac yn asesu sut y byddant yn cyfrannu at y strategaeth.

[42] **Leighton Andrews:** A gaf ofyn i'r asiantaeth a yw'n fodlon ar y cynnydd y mae'n ei weld gan yr awdurdodau lleol?

**Dr Phillips:** Fel y dywedais mewn ymateb i'r cwestiwn cynharach, mae'n rhaid i ni beidio â thanbriso'r cynnydd yr ydym wedi'i wneud hyd yma. Fodd bynnag, mae her. Mae gofynion y gyfarwydddeb fframwaith gwastraff yn ddiamwys, a chredaf mai'r mecanwaith gorau sydd gennym i fodloni'r gofyn hwnnw yn y cyfnod interim hwn mae'n debyg yw drwy'r cynlluniau gwastraff rhanbarthol, ac, o ganlyniad, mae fy mantra yn ymwneud â phwysleisio pwysigrwydd y cynlluniau hynny a sicrhau bod y modd y cânt eu disgrifio, a'r manylion sy'n cael eu cynnwys ynddynt, yn ddigonol i ddarparu'r cyddestun hwnnw ar gyfer cynlluniau datblygu unedol a chynlluniau datblygu lleol, o ran amseru ac o ran yr hierarchaeth gynllunio.

[43] **Leighton Andrews:** Rhof y gorau i sôn am gynlluniau datblygu unedol, er na chredaf y byddwn yn cael yr atebion sydd eu hangen arnom. Yr wyf am droi at wybodaeth am gapasiti safleoedd gwastraff. Yn ôl fel y deallaf, ni all Asiantaeth yr Amgylchedd gael gafael ar



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waste site operators. Is that correct?

**Dr Phillips:** Waste data is a notoriously complex area and there is undoubtedly an argument for us to have greater powers to require the provision of information to us in a timely fashion, but perhaps I could ask Liz to give you a flavour of the detail.

**Ms Parkes:** Certainly. We currently require, through most site license conditions, the return of information on the types and quantities of waste that have gone into the site. However, as you say, there is no overriding statutory requirement for companies to do that. If they were to fail to comply with that condition, we could take enforcement action. The specific question about capacity is a different one, and we do not currently require that, and that is an area where we do consider that some element of statutory provision could be helpful to help inform the whole planning process that we have just been discussing.

[44] **Leighton Andrews:** Okay. May I ask the Assembly representatives what they feel about the need for statutory provision to reveal capacity?

**Dr Milligan:** Our view on data is that, to date, and no doubt going into the future, weaknesses in the data flow that we have at the moment is one of the biggest challenges that we face. It is an area where, so far, in terms of the life of the strategy, we have invested a lot of time and money, to improve the systems. There are requirements on the Environment Agency and requirements—including new requirements—on local authorities, and we are working to both rationalise existing collection data and to make it more available. So, we need better data, we need it quicker and we need it to be more comprehensive. So, the

y wybodaeth hon oni chaiff ei rhoi'n wirfoddol gan weithredwyr safleoedd gwastraff. A yw hynny'n gywir?

**Dr Phillips:** Mae data ar wastraff yn faes sy'n enwog am fod yn gymhleth ac nid oes amheuaeth nad oes lle i ddadlau y dylem gael rhagor o bwerau i fynnu bod gwybodaeth yn cael ei rhoi i ni yn brydlon, ond efallai y gallaf ofyn i Liz roi rhagor o fanylion i chi.

**Ms Parkes:** Yn sicr. Ar hyn o bryd, yn ôl amodau trwydded y mwyafrif o safleoedd, mae'n rhaid i ni gael gwybodaeth am y mathau o wastraff faint o wastraff sydd wedi cyrraedd y safle. Fodd bynnag, fel y dywedasoch, nid oes rheidrwydd statudol ar gwmnïau sy'n eu gorfodi i wneud hynny. Pe baent yn methu â chydymffurfio â'r amod hwnnw, byddai modd i ni gymryd camau i orfodi hynny. Mae'r cwestiwn penodol am gapasiti yn un gwahanol, ac nid yw hynny'n ofynnol gennym ar hyn o bryd, ac mae hynny'n faes lle y credwn y gallai rhyw elfen o ddarpariaeth statudol fod yn ddefnyddiol i helpu i lywio'r holl broses gynllunio yr ydym newydd fod yn ei thrafod.

[44] **Leighton Andrews:** Iawn. A gaf ofyn i gynrychiolwyr y Cynulliad beth yw eu barn am yr angen am ddarpariaeth statudol i ddatgelu capasiti?

**Dr Milligan:** Ein barn ynglŷn â data, hyd yma, a heb os yn y dyfodol, yw bod diffygion yn y llif data sydd gennym ar hyn o bryd yn un o'r heriau mwyaf yr ydym yn eu hwynebu. Mae'n faes lle yr ydym, hyd yma, o ran oes y strategaeth, wedi buddsoddi llawer o amser ac arian, i wella'r systemau. Mae gofynion i Asiantaeth yr Amgylchedd a gofynion—gan gynnwys gofynion newydd—i'r awdurdodau lleol, ac yr ydym yn ymdrechu i resymoli'r data casglu cyfredol ac i sicrhau ei fod ar gael yn haws. Felly, mae arnom angen gwell data, mae arnom angen ei gael yn gyflymach ac mae angen iddo fod yn fwy

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answer is ‘yes’, there is much more to do on data.

I will ask Robert to come in shortly, because he has some specific detail about capacity, but data is a big challenge. The UK Government has just published a data strategy in respect of the whole of the waste transformation, as it were, across the UK because it has requirements that it must meet in terms of European data flows. That reveals that there are weaknesses, both at local authority level and indeed in the Environment Agency’s own systems. I think that we would say that there is much more to be done, and we are investing in it and will continue to do so. However, we have made good progress in Wales. We are making progress in terms of the waste data flow arrangements, where all local authorities are now providing data on a consistent basis, and that data will be available next year, replacing the old municipal waste survey and the National Assembly for Wales’s performance indicators, which have, in a sense, been inconsistent data sets. We will get that all onto one basis, and that has been a huge effort because it has involved local authorities themselves standardising the way that they collect and present data and then agreeing a way of bringing all of that together across Wales. The Environment Agency has worked closely with us in getting that waste data flow arrangement in place.

These things take time. You asked whether statutory leverage was helpful—it may be and Robert has already mentioned some instances where we have retained, as it were, powers to do things statutorily, but we are not there yet because we are making good progress and we hope to continue to make good progress in tackling that challenge through voluntary means, and then we have got those powers, as it were, if we

cynhwysfawr. Felly, yr ateb yw ‘oes’, mae llawer mwy i’w wneud o ran data.

Gofynnaf i Robert gyfrannu yn y man, oherwydd y mae ganddo fanylion penodol ynglych capasiti, ond mae data yn her fawr. Mae Llywodraeth y DU newydd gyhoeddi strategaeth ddata mewn perthynas â’r holl drawsnewid o ran gwastraff, fel petai, ledled y DU oherwydd bod ganddi ofynion y mae’n rhaid iddi eu bodloni o ran llif data Ewropeaidd. Mae hynny’n dangos bod gwendidau, ar lefel yr awdurdodau lleol ac yn wir yn systemau Asiantaeth yr Amgylchedd ei hun. Credaf y byddem yn dweud bod llawer mwy i’w wneud, ac yr ydym yn buddsoddi ynddo a byddwn yn parhau i wneud. Fodd bynnag, yr ydym wedi gwneud cynnydd da yng Nghymru. Yr ydym yn gwneud cynnydd o ran y trefniadau llif data gwastraff, lle y mae pob awdurdod lleol bellach yn darparu data’n gyson, a bydd y data hwnnw ar gael y flwyddyn nesaf, gan ddisodli’r hen arolwg gwastraff trefol a dangosyddion perfformiad Cynulliad Cenedlaethol Cymru, sydd, ar un olwg, wedi bod yn gyfresi data anghyson. Byddwn yn rhoi hynny oll ar un sail, a bu hynny’n ymdrech enfawr oherwydd ei fod wedi golygu bod yr awdurdodau lleol eu hunain yn safoni’r modd y maent yn casglu a chyflwyno data ac yna’n cytuno ar ddull o ddod â’r cwbl ynghyd ledled Cymru. Mae Asiantaeth yr Amgylchedd wedi bod yn gweithio’n agos gyda ni i roi’r trefniadau llif data gwastraff ar waith.

Mae’r pethau hyn yn cymryd amser. Bu i chi ofyn a oedd pwysau statudol yn ddefnyddiol—efallai ei fod ac mae Robert eisoes wedi crybwyll rhai achosion lle yr ydym wedi cadw, fel petai, y pwerau i wneud pethau’n statudol, ond nid ydym wedi cyrraedd y nod eto oherwydd ein bod yn gwneud cynnydd da ac yn gobeithio parhau i wneud cynnydd da wrth fynd i’r afael â’r her honno drwy ddulliau gwirfoddol, ac

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need them.

wedyn bydd gennym y pwerau hynny, fel petai, os bydd arnom eu hangen.

[45] **Leighton Andrews:** Do you want to add to that, Mr Williams?

[45] **Leighton Andrews:** A ydych am ychwanegu at hynny, Mr Williams?

**Mr Williams:** I have just a brief addition to that. June and Helen have identified that data is a problem. We are seeking various ways of trying to overcome at least some aspects of that problem, one of which, as we were just discussing with local authority planning officers, is about a requirement at the planning application stage for new facilities to identify capacity as part of the planning application. We have not got any feedback in terms of the effectiveness of that as yet.

**Mr Williams:** Mae gennyf un ychwanegiad byr at hynny. Mae June a Helen wedi cydnabod bod data yn broblem. Yr ydym yn chwilio am wahanol ddulliau o geisio goresgyn o leiaf rai agweddau ar y broblem honno, ac mae un ohonynt, fel yr oeddem yn trafod yn awr gyda swyddogion cynllunio awdurdodau lleol, yn ymwneud â gofyniad yn ystod cam y cais cynllunio am gyfleusterau newydd i nodi capasiti yn rhan o'r cais cynllunio. Nid ydym wedi cael dim adborth o ran effeithiolrwydd hynny eto.

[46] **Leighton Andrews:** Do you want to take statutory powers over capacity information?

[46] **Leighton Andrews:** A ydych am gael pwerau statudol dros wybodaeth am gapasiti?

**Dr Milligan:** I do not think that we have yet formed a view. There is not yet a policy position as to whether that is the right thing to do. I think that what we are trying to explain to you is what we have been doing, what we have put in place, how far we have got in terms of a voluntary approach, and explain that that is a real challenge and one of the big challenges that we face. There are a range of powers in reserve that we may have to rely on if we cannot get the system to work through the increased effort that we have been funding.

**Dr Milligan:** Ni chredaf ein bod wedi penderfynu eto beth yw ein barn. Nid oes gennym safbwynt eto o ran polisi ai hynny yw'r peth iawn i'w wneud. Credaf mai'r hyn yr ydym yn ceisio'i esbonio i chi yw'r hyn yr ydym wedi bod yn ei wneud, yr hyn yr ydym wedi'i roi ar waith, pa mor bell yr ydym wedi mynd o ran dull gwirfoddol, ac esbonio bod hynny'n her go iawn ac yn un o'r heriau mawr sy'n ein hwynebu. Mae gennym amrywiaeth o bwerau wrth gefn y bydd yn rhaid i ni ddibynnu arnynt o bosibl os nad ydym yn gallu cael y system i weithio drwy'r ymdrech gynyddol yr ydym wedi bod yn ei chyllido.

[47] **Leighton Andrews:** But if you cannot get accurate information on capacity, how can you ensure that you have got an adequate network of facilities?

[47] **Leighton Andrews:** Ond os nad ydych yn gallu cael gwybodaeth gywir ynghylch capasiti, sut y gallwch sicrhau bod gennych rwydwaith digonol o gyfleusterau?

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**Dr Milligan:** The problem relates to consistent regular data flow. There have been studies on capacity for the Wales waste strategy and the conclusion—after capacity requirements, predicted shifts in patterns of behaviour and all the technical issues were taken into consideration—was that, up until 2010, there was going to be the capacity for landfill of non-hazardous waste, which would support the changing patterns of waste management in Wales.

That will be updated in the progress report, which will be produced hopefully later this year. We are very close to finalising the first progress report on the strategy. The regional waste plans similarly have undertaken technical and capacity assessments to come up with the estimates that we were talking about earlier in terms of the types of facilities that they would need. So, studies have been done, which have informed the snapshot strategic documents. In terms of weakness, we are talking about quick, consistent and reliable regular data flow and some of the barriers to that, as I say, are a variety of old systems and different means of collecting data. We need to invent and get the systems in place to support the regulatory requirements of the agency, our own strategic requirements and the operational requirements of local authorities. That takes a lot of ensuring that you get it right and then working through. As I say, WasteDataFlow Wales, which is coming online next year, is one of the first fruits of that sort of effort. However, it is a big challenge; data is one of the big issues for us.

**Dr Phillips:** For the record, I will just add, if I may, that the Environment Agency would welcome further statutory leverage in this area in order that we can better serve the Assembly's needs in this respect.

**Dr Milligan:** Mae'r broblem yn ymwneud â llif data rheolaidd cyson. Bu astudiaethau ar gapasiti ar gyfer strategaeth wastraff Cymru a'r casgliad oedd—ar ôl ystyried y gofynion o ran capasiti, y newid disgwylidig mewn patrymau ymddygiad a'r holl faterion technegol—hyd at 2010, y byddai digon o gapasiti ar gyfer tirlenwi gwastraff nad yw'n beryglus, a fyddai'n cynnal y patrymau sy'n newid o ran rheoli gwastraff yng Nghymru.

Bydd hynny'n cael ei ddiweddarau yn yr adroddiad cynnydd, a fydd yn cael ei gynhyrchu yn ddiweddarach eleni gobeithio. Yr ydym yn agos iawn at orffen yr adroddiad cynnydd cyntaf ar y strategaeth. Mae'r cynlluniau gwastraff rhanbarthol yn yr un modd wedi cynnal asesiadau technegol ac asesiadau capasiti i gael yr amcangyfrifon yr oeddem yn eu trafod yn gynharach o ran y mathau o gyfleusterau y byddai eu hangen arnynt. Felly, mae astudiaethau wedi'u gwneud, a'r rheini wedi bwydo'r dogfennau strategol sy'n rhoi cip ar y sefyllfa. O ran gwendidau, yr ydym yn sôn am lif data rheolaidd cyflym, cyson a dibynadwy a rhai o'r elfennau sy'n rhwystro hynny, fel y dywedais, yw'r amrywiaeth o hen systemau a gwahanol ddulliau o gasglu data. Mae angen i ni ddyfeisio a sefydlu systemau i ateb gofynion rheoleiddio'r asiantaeth, ein gofynion strategol ein hunain a gofynion gweithredol yr awdurdodau lleol. Mae hynny'n golygu llawer o waith i sicrhau eich bod yn ei wneud yn iawn ac yna'n ei gwblhau. Fel y dywedais, mae WasteDataFlow Cymru, a fydd ar-lein y flwyddyn nesaf, yn un o gynhyrchion cyntaf y math hwnnw o ymdrech. Fodd bynnag, mae'n her fawr; mae data yn un o'r problemau mawr i ni.

**Dr Phillips:** Er mwyn i bawb gael gwybod, yr wyf am ychwanegu, os caf, y byddai Asiantaeth yr Amgylchedd yn croesawu pwysau statudol pellach yn y maes hwn er mwyn i ni allu bodloni anghenion y Cynulliad yn well.

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[48] **Janet Davies:** This is a question for Dr Phillips and Dr Milligan. A great deal of planning and work has been done in the background, but do you think that it is realistic to establish even one new municipal waste landfill site in Wales without taking draconian measures?

**Dr Milligan:** That is an interesting question because it begs asking what you mean by ‘draconian measures’ and whether we need additional landfill: so there are several issues on that. Where to begin? In terms of landfill requirements, as I just mentioned to Leighton Andrews, there is an issue about what we need, which has to be balanced delicately, as Helen said earlier, against trying to change the way we dispose of our waste. We are not trying to create more landfill. We are certainly trying to ensure that we have got capacity there to move through the transition, but we are not about ‘can we get another landfill site?’. That is not what the policy thrust is. There are certainly applications that we are aware of in the system for extensions to existing facilities, which would increase capacity. So yes, those are going to come through the system, and that will need to be faced. There is of course a call-in power which the Assembly can exercise in relation to planning applications where the national interest is engaged, but that probably comes under the category of one of the ‘draconian measures’ that you alluded to.

**Dr Phillips:** It is a good question, as we have spoken a bit this morning about the importance of plans and setting that strategic context. In many ways, it is about taking the heat out of the decision making. Decisions can be taken sequentially at different levels. The thing I perhaps neglected to add in my earlier response was the importance of public

[48] **Janet Davies:** Cwestiwn i Dr Phillips a Dr Milligan yw hwn. Mae llawer o gynllunio a gwaith wedi'i wneud yn y cefndir, ond a ydych yn credu ei bod yn realistig sefydlu hyd yn oed un safle tirlenwi gwastraff trefol newydd yng Nghymru heb gymryd camau llym?

**Dr Milligan:** Mae hynny'n gwestiwn diddorol oherwydd y mae'n peri i ni ofyn beth yr ydych yn ei olygu wrth sôn am ‘gampau llym’ ac a oes arnom angen safleoedd tirlenwi ychwanegol: felly mae amryw o gwestiynau ynglŷn â hynny. Lle y mae dechrau? O ran gofynion tirlenwi, fel y soniais wrth Leighton Andrews, mae cwestiwn ynghylch yr hyn sydd arnom ei angen, sy'n rhaid ei gydbwyso'n ofalus, fel y dywedodd Helen yn gynharach, yn erbyn ceisio newid y ffordd yr ydym yn gwaredu ein gwastraff. Nid ydym yn ceisio creu rhagor o safleoedd tirlenwi. Yr ydym yn sicr yn ceisio sicrhau bod gennym gapasiti i fynd drwy'r cyfnod pontio, ond nid ‘a allwn gael safle tirlenwi arall?’ sy'n mynd â'n bryd. Nid hynny yw pwyslais y polisi. Yr ydym yn sicr yn ymwybodol o geisiadau yn y system ar gyfer estyniadau i gyfleusterau sy'n bod eisoes, a fyddai'n cynyddu'r capasiti. Felly, ydynt, mae'r rheini am ddod drwy'r system, a bydd angen i ni wynebu hynny. Gall y Cynulliad wrth gwrs ddefnyddio ei bŵer galw i mewn gyda cheisiadau cynllunio lle y mae hynny o ddiddordeb cenedlaethol, ond mae'n debyg bod hynny'n perthyn i gategori un o'r ‘camau llym’ y cyfeiriasoch atynt.

**Dr Phillips:** Mae'n gwestiwn da, gan ein bod wedi siarad ychydig y bore yma am bwysigrwydd cynlluniau a gosod y cyddestun strategol. Ar lawer golwg, mae'n ymwneud ag ysgafnhau'r baich wrth wneud penderfyniadau. Gellir dod i benderfyniadau yn olynol ar wahanol lefelau. Yr hyn na wneuthum ei ychwanegu o bosibl yn fy ymateb

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engagement. At the end of the day, we all produce a lot of waste, and we seem to wash our hands of it in terms of where it is going to go. We perhaps need to look to models of good practice elsewhere about how you get that acceptance—that people need facilities in order to dispose of their waste. There is perhaps more work to be done around that. The other thing I would say about call-in is that I see it as a port of last recourse. At the risk of sounding like a waste management planning anorak, it once again points to the importance of regional waste plans and the local plans. Until we have that level of acceptance and ownership and buy-in to those decisions, I think you will often find yourself in the hot seat.

cynharach oedd pwysigrwydd ymgysylltu â'r cyhoedd. Yn y pen draw, yr ydym i gyd yn cynhyrchu llawer o wastraff, ac ymddengys ein bod yn golchi ein dwylo o ran i ble y bydd yn mynd. Efallai fod angen i ni edrych ar fodolau o arferion da mewn mannau eraill ynghylch sut y mae cael gan bobl dderbyn—bod ar bobl angen cyfleusterau er mwyn gwaredu eu gwastraff. Efallai fod rhagor o waith i'w wneud ar hynny. Y peth arall y byddwn yn ei ddweud am alw i mewn yw fy mod yn barnu mai wedi iddi fynd i'r pen y mae hynny'n digwydd. Er y gwn fod perygl imi swnio fel rhywun sy'n mwydro am gynllunio rheoli gwastraff, mae unwaith eto'n amlygu pwysigrwydd cynlluniau gwastraff rhanbarthol a'r cynlluniau lleol. Hyd nes y bydd y penderfyniadau hynny'n cael eu derbyn a'u harddel a'u mabwysiadu ar y lefel honno, credaf y byddwch dan bwysau'n aml.

[49] **Janet Davies:** Thank you. We will now take a break.

[49] **Janet Davies:** Diolch. Yr ydym am gael egwyl yn awr.

*Gohiriwyd y cyfarfod rhwng 10.48 a.m. ac 11.01 a.m.  
The meeting was adjourned between 10.48 a.m. and 11.01 a.m.*

[50] **Janet Davies:** Welcome back. Alun Cairns will resume the questioning.

[50] **Janet Davies:** Croeso yn ôl. Bydd Alun Cairns yn aildechrau gyda'r cwestiynau.

[51] **Alun Cairns:** Before I come on to the particular section that I want to talk about—the licence fees and charges structure—I will start off with a question that would have closed off the last session, where you talked about the planning ability to call in contentious applications. Bearing in mind that that can force a planning inquiry that takes some considerable time, does that worry you at all, bearing in mind the necessity to develop some of the more

[51] **Alun Cairns:** Cyn i mi ddod at yr adran benodol yr wyf am ei thrafod—y ffioedd trwyddedu a'r strwythur codi tâl—yr wyf am ddechrau gyda chwestiwn a fyddai wedi cloi'r sesiwn ddiwethaf, lle yr oeddech yn siarad am y gallu o ran cynllunio i alw ceisiadau dadleuol i mewn. O gofio y gall hynny beri gorfod cynnal ymchwiliad cynllunio sy'n cymryd cryn amser, a yw hynny'n peri gofid i chi o gwbl, o gofio bod yn rhaid datblygu rhai o'r cynigion mwyaf

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controversial proposals in the shorter term?

**Dr Phillips:** From my perspective it is not only the time lag, to be honest with you, it is about communities taking responsibility for their own waste management. So it is two things: first that it introduces a whole new delay, and secondly, that it continues the view of these sites as contentious propositions.

[52] **Janet Davies:** I will bring Leighton in on that point before Alun continues with the questioning.

[53] **Leighton Andrews:** It is all very well talking about communities taking responsibility for waste management, but it seems to me that statutory authorities and organisations such as yourselves have an obligation to find ways of engaging the communities in this process. That is one of the lessons that has come out of the Agency for Toxic Substances and Disease Registry report on Nantygwyddon.

[54] **Alun Cairns:** I will now move on to what I am scheduled to ask. As I said, I would like to refer to paragraphs 2.17 to 2.19, which refer to the licence fees and the charging structure. Can you clarify my understanding on this, that there are two broad themes of charging, one is the licence application fee, and the other would be the subsistence charging, which would be for maintenance and ongoing costs for support services that you provide? Before I come on to the licence application fees, does the subsistence levy cover the costs of the services that you provide for support within the year?

**Dr Phillips:** This is a very big issue for us. I will describe the charges to you a bit more generally in the round to give you

dadleuol yn y tymor byrrach?

**Dr Phillips:** O'm safbwynt i nid yw'n ymwneud â'r oedi yn unig, a bod yn onest, ond mae'n ymwneud hefyd â chymunedau'n cymryd cyfrifoldeb dros reoli eu gwastraff eu hunain. Felly mae dau beth: yn gyntaf ei fod yn creu oedi newydd sbon, ac yn ail, ei fod yn peri bod y safleoedd hyn yn dal i gael eu hystyried yn gynigion dadleuol.

[52] **Janet Davies:** Yr wyf am roi cyfle i Leighton ar y pwynt hwnnw cyn i Alun barhau gyda'r cwestiynau.

[53] **Leighton Andrews:** Mae'n ddigon hawdd siarad am gymunedau'n cymryd cyfrifoldeb dros reoli eu gwastraff, ond ymddengys i mi fod gan awdurdodau statudol a chyrrff fel chi rwymedigaeth i ganfod ffyrdd o ymgysylltu â'r cymunedau yn y broses hon. Dyna un o'r gwersi sydd wedi deillio o adroddiad yr Asiantaeth ar gyfer Sylweddau Gwenwynig a Chofrestrfa Clefydau ar Nantygwyddon.

[54] **Alun Cairns:** Yr wyf yn awr am symud ymlaen at yr hyn yr wyf i fod i'w ofyn. Fel y dywedais, hoffwn gyfeirio at baragraffau 2.17 i 2.19, sy'n cyfeirio at y ffioedd trwyddedu a'r strwythur codi tâl. A allwch daflu goleuni ar hyn i mi, sef bod dwy thema gyffredinol o ran codi tâl, un yw'r ffi wrth wneud cais am drwydded, a'r llall fyddai codi tâl cynhaliaeth, sef am gostau cynnal a chadw a chostau parhaus am wasanaethau cymorth yr ydych yn eu darparu? Cyn i mi drafod y ffioedd wrth wneud cais am drwydded, a yw'r ardoll gynhaliaeth yn talu costau'r gwasanaethau yr ydych yn eu darparu ar gyfer cymorth o fewn y flwyddyn?

**Dr Phillips:** Mae hwn yn fater pwysig iawn i ni. Yr wyf am ddisgrifio'r taliadau i chi ychydig yn fwy cyffredinol i roi

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some background. Our charges at the moment are generally pinned at around an increase of 2.5 per cent, and this is against a background of budgetary pressures of 5 per cent upon us. The reason that we have been able to do this is because of the size of the efficiency programme that we have been driving through, which in Environment Agency Wales in this year alone is £2.8 million. The principle behind charges is that the polluter should pay, but there are a number of regimes where the polluter is not paying the full cost, most noticeably—particularly in the context of this report—waste management licensing and transfrontier shipments. You will be aware from the report that we have been engaged with the Department for Environment, Food and Rural Affairs in a review of our charging regime, and there is an early outcome of that review and there are later outcomes of that review that we are still working on. In terms of the early outcomes of the review, the good news is that the Treasury has been happy that our consultation on charges this year have a proposition that we go for full cost recovery on both of these issues—waste management licensing and transfrontier shipments—which means a large increase in those particular charges against the backdrop of us generally trying to pin charges.

[55] **Alun Cairns:** Thank you, Dr Phillips, that is useful. I want to come on to the licence application, but I want to clarify what losses there are in terms of the subsistence or maintenance costs on an ongoing basis, because the report is a little bit more explicit in relation to the licence application losses.

**Dr Phillips:** I will pass you on to our money man.

rhywfaint o gefndir i chi. Mae ein taliadau ar hyn o bryd yn cael eu cyfyngu i gynnydd o tua 2.5 y cant, ac mae hyn yn erbyn cefndir o bwysau cyllidebol o 5 y cant arnom. Y rheswm ein bod wedi gallu gwneud hyn yw oherwydd maint y rhaglen effeithlonrwydd yr ydym wedi bod yn ei chyflwyno, sy'n £2.8 miliwn yn Asiantaeth yr Amgylchedd Cymru eleni yn unig. Yr egwyddor wrth wraidd codi tâl yw y dylai'r llygrwr dalu, ond mae nifer o gyfundrefnau lle nad yw'r llygrwr yn talu'r pris llawn, yn fwyaf amlwg—yn arbennig yng nghyd-destun yr adroddiad hwn—trwyddedu rheoli gwastraff a chludo trawsffiniol ar longau. Byddwch yn ymwybodol o'r adroddiad ein bod wedi bod yn cydweithio ag Adran yr Amgylchedd, Bwyd a Materion Gwledig ar adolygiad o'n cyfundrefn codi tâl, ac mae canlyniad cynnar i'r adolygiad hwnnw ac mae canlyniadau diweddarach i'r adolygiad hwnnw yr ydym yn dal i weithio arnynt o hyd. O ran canlyniadau cynnar yr adolygiad, y newyddion da yw bod y Trysorlys wedi bod yn hapus bod ein ymgynghoriad ar daliadau eleni yn cynnwys cynnig ein bod yn ceisio adennill costau'n llawn ar y ddau fater hyn—trwyddedu rheoli gwastraff a chludo trawsffiniol ar longau—sy'n golygu cynnydd mawr yn y taliadau penodol hynny yn erbyn y cefndir ein bod yn ceisio cyfyngu ar daliadau yn gyffredinol.

[55] **Alun Cairns:** Diolch, Dr Phillips, mae hynny'n ddefnyddiol. Yr wyf am drafod y cais am drwydded, ond yr wyf am gael eglurhad ynghylch pa golledion sy'n bodoli o ran costau cynhaliaeth neu gynnal a chadw parhaus, oherwydd y mae'r adroddiad ychydig yn fwy penodol ynghylch y colledion o ran y cais am drwydded.

**Dr Phillips:** Yr wyf am eich trosglwyddo i'n dyn ariannol.



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**Mr Reader:** Thank you. I think that first I need to clarify the fact that the charges are calculated and determined on an average across England and Wales. So, there is not an explicit ‘Wales charge’. It is an England and Wales average. However, in specific reply to your question on subsistence charging, the charge for a waste management licence is recovering the cost that we are currently able to recover through the charging mechanism. So, that is breaking even. It is the applications charge and the variations charge that are not recovering costs fully, and that is the reference in the report.

[56] **Alun Cairns:** That is useful, and that is what I expected from the report. I just wanted to clarify that position. Moving on to the application charges, will an increased cost of applying for licences drive the industry to illegal dumping, as has been shown in some of the horrendous examples in the paper?

**Dr Phillips:** If I can come in on this point, again, it is a matter of balance between increased costs, increases in environmental standards through new legislation, incentivising, to an extent, illegal activity, to be balanced with new legislation, higher standards, driving tighter practices and, basically, better husbandry by site operators. There is a balance to be struck there.

[57] **Alun Cairns:** But will the increased costs in applying for licences drive us to a position of more illegal dumping such as the example on page 35, example I, which is quite horrendous, if you read it—which I am sure you have, obviously?

**Mr Reader:** Diolch. Credaf yn gyntaf fod angen i mi egluro’r ffaith bod y taliadau yn cael eu cyfrifo a’u pennu ar gyfartaledd ledled Cymru a Lloegr. Felly, nid oes ‘tâl i Gymru’ yn benodol. Cyfartaledd Cymru a Lloegr ydyw. Fodd bynnag, i ateb eich cwestiwn yn benodol ar godi tâl cynhaliaeth, mae’r tâl am drwydded rheoli gwastraff yn adennill y costau yr ydym yn gallu eu hadennill drwy’r mecanwaith codi tâl ar hyn o bryd. Felly, mae hynny’n golygu bod y costau’n cael eu talu. Y tâl ceisiadau a’r tâl amrywiadau yw’r rhai nad ydynt yn adennill y costau’n llawn, ac at hynny y mae’r adroddiad hwn yn cyfeirio.

[56] **Alun Cairns:** Mae hynny’n ddefnyddiol, a dyna beth yr oeddwn yn ei ddisgwyl gan yr adroddiad. Yr oeddwn am gael eglurhad ar y sefyllfa honno. A symud ymlaen at y taliadau am wneud cais, a fydd cynnydd yng nghostau gwneud cais am drwydded yn peri i’r diwydiant ddympio’n anghyfreithlon, fel y dangoswyd yn rhai o’r enghreifftiau brawychus yn y papur?

**Dr Phillips:** Os caf gyfrannu ar y pwynt hwn, unwaith eto, mae’n fater o sicrhau cydbwysedd rhwng costau uwch a chynnydd mewn safonau amgylcheddol drwy ddeddfwriaeth newydd yn ysgogi gweithgarwch anghyfreithlon, i raddau, i’w gydbwyso â deddfwriaeth newydd a safonau uwch yn peri bod arferion mwy llym ac, yn y bôn, gwell hwsmonaeth gan weithredwyr safleoedd. Mae angen sicrhau cydbwysedd yn hynny o beth.

[57] **Alun Cairns:** Ond a fydd y costau uwch am wneud cais am drwyddedau yn ein harwain at sefyllfa lle y bydd mwy o ddympio anghyfreithlon fel yr enghraifft ar dudalen 35, enghraifft I, sy’n eithaf erchyll, os darllenwch ef—fel yr ydych wedi gwneud, siŵr o fod, yn amlwg?

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**Mr Reader:** Can I comment? I think that on the economics of it, the application fee is not huge in itself, although we will be looking for a significant increase in the cost recovery. The fee for a typical application will range from a few hundred pounds to £10,000 to £15,000. We are looking for a significant increase in those numbers, but at that sort of level, it is highly unlikely to have a significant economic disincentive effect upon the waste operator.

**Mr Reader:** A gaf wneud sylw? O ran yr economeg, credaf nad yw'r ffi am wneud cais yn fawr ynnddi'i hun, er y byddwn yn disgwyl cael cynnydd sylweddol yn y costau sy'n cael eu hadennill. Bydd y ffi am gais cyffredin yn amrywio o ychydig gannoedd i £10,000 i £15,000. Yr ydym yn disgwyl cael cynnydd sylweddol yn y ffigurau hynny, ond ar y math hwnnw o lefel, mae'n annhebygol iawn o gael effaith wrthanogol economaidd sylweddol ar y gweithredydd gwastraff.

[58] **Alun Cairns:** However, even under the operator and pollution risk appraisal scheme, whereby your charges for the Crymlyn Burrows example would have been, under the new system, £48,735, the actual costs to the agency were £275,000. What I am trying to get at is, if we charge £275,000 for that, would the Crymlyn Burrows scheme ever have developed and, had it not, would that have led to illegal dumping? It is a pretty straightforward question, I would have thought.

[58] **Alun Cairns:** Fodd bynnag, hyd yn oed dan y cynllun arfarnu risg gweithredwyr a llygredd, lle y byddai'r tâl a godid gennych yn achos Crymlyn Burrows wedi bod yn £48,735 o dan y system newydd, y costau gwirioneddol i'r asiantaeth oedd £275,000. Yr hyn yr wyf yn ceisio ei ddweud yw, os ydym yn codi £275,000 am hynny, a fyddai cynllun Crymlyn Burrows wedi datblygu o gwbl a phe na fyddai, a fyddai hynny wedi arwain at ddympio anghyfreithlon? Mae'n gwestiwn eithaf syml, fe dybiwn.

**Dr Phillips:** The £275,000 at Crymlyn Burrows related primarily to the extended public engagement because of concerns about the incineration and composting facility at the site. Under the current charging scheme, albeit, as I have mentioned, it is being reviewed, those costs are not charged, so we are not able to impose that cost on the applicant.

**Dr Phillips:** Yr oedd y £275,000 yn Crymlyn Burrows yn ymwneud yn bennaf â'r ymgysylltu estynedig â'r cyhoedd oherwydd pryderon am y cyfleuster llosgi a chompostio ar y safle. O dan y cynllun codi tâl ar hyn o bryd, er ei fod, fel y soniais, yn cael ei adolygu, nid oes codi tâl am y costau hynny, felly ni allwn roi baich y gost honno ar y sawl sy'n gwneud cais.

[59] **Alun Cairns:** In the review that is taking place, is it likely that that is going to be taken into account?

[59] **Alun Cairns:** Yn yr adolygiad sydd ar waith, a yw'n debygol y bydd hynny'n cael ei ystyried?

**Dr Phillips:** Absolutely. The longer-term review that I mentioned a few minutes

**Dr Phillips:** Yn sicr. Mae'r adolygiad tymor hwy y soniais amdano rai munudau

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ago is doing a number of things, and Nigel is very close to it and will be able to give you more detail. However, I think that the headlines are very much about defining, or redefining, the boundary between what is chargeable activity and activity that should be supported by grant and aid, and also extending the EP OPRA approach to the charges.

yn ôl yn gwneud nifer o bethau, ac mae Nigel yn ymwneud yn agos ag ef a gall roi rhagor o fanylion i chi. Fodd bynnag, credaf fod y prif bethau yn ymwneud i raddau helaeth â diffinio, neu ailddiffinio, y ffin rhwng gweithgarwch y dylid codi tâl amdano a gweithgarwch a ddylai gael ei gefnogi â grant a chymorth, a hefyd ehangu'r defnydd o'r EP OPRA mewn perthynas â'r taliadau a godir.

[60] **Alun Cairns:** I think that there is a clear message because, if there are frank and open consultations with the public, then there is the possibility of reducing the concerns that they have which have led to the costs of £275,000 in the Crymlyn Burrows example. I need to declare an interest in that I objected, so I want to be clear on the matter, as I will, no doubt, have contributed to that cost of £275,000. However, what is the Environment Agency doing to manage public perception of waste in examples such as that, or in examples that we can highlight elsewhere that have already come up in the conversation?

[60] **Alun Cairns:** Credaf fod neges glir oherwydd, os oes ymgynghoriadau didwyll ac agored gyda'r cyhoedd, yna mae'n bosibl lleddfu'r pryderon sydd ganddynt sydd wedi arwain at £275,000 o gostau yn achos Crymlyn Burrows. Mae angen i mi ddatgan buddiant gan i mi wrthwynebu, felly yr wyf am fod yn glir ar y mater hwnnw, gan fy mod, heb os, wedi cyfrannu at y gost honno o £275,000. Fodd bynnag, beth y mae Asiantaeth yr Amgylchedd yn ei wneud i reoli canfyddiad y cyhoedd o wastraff mewn enghreifftiau o'r fath, neu mewn enghreifftiau y gallwn dynnu sylw atynt yn rhywle arall sydd eisoes wedi eu crybwyll yn y drafodaeth?

**Dr Phillips:** I have a couple of points that I would like to make, and I am sure that Liz would also want to come in on this. Many of the concerns at sites such as that at Crymlyn Burrows are around health. Mr Andrews has already mentioned the Nantygwyddon example. We all learned from that the importance of really good dialogue with the community, because it has very real concerns. The agency has taken a number of actions on that front, including publishing a public position statement recently on health, and the extent to which we are working with health professionals to take advice, ensuring that we have the capacity and the technical expertise to act as an intelligent client for that advice, while trying not to be too nerdish, if I can describe it as such, in terms of the provision of

**Dr Phillips:** Mae gennyf un neu ddau o bwyntiau yr hoffwn eu gwneud, ac yr wyf yn siŵr y bydd Liz am gyfrannu yn y fan hon hefyd. Mae llawer o'r pryderon mewn safleoedd fel yr un yn Crymlyn Burrows yn ymwneud ag iechyd. Mae Mr Andrews eisoes wedi sôn am yr enghraifft yn Nantygwyddon. Bu i ni i gyd ddysgu oddi wrth hynny pa mor bwysig yw cyfathrebu'n dda â'r gymuned, oherwydd y mae ganddi bryderon gwirioneddol. Mae'r asiantaeth wedi cymryd nifer o gamau mewn perthynas â hynny, gan gynnwys cyhoeddi datganiad cyhoeddus ynglŷn â'r sefyllfa o ran iechyd yn ddiweddar, a'r graddau yr ydym yn gweithio gyda gweithwyr iechyd proffesiynol i gael cyngor, gan sicrhau bod gennym y gallu a'r arbenigedd technegol i fod yn glieient

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that information to the public. The public perception of risk is not often abated by us providing ever more fact and detail but by the fact that we have been able to get underneath and explain the issue. One of the recommendations of the Nantygwyddon report, was that we looked to use other people who are better placed than us to do that engagement with the community. The example that we can give you, for instance, is the use of the Environment Council tackling some of the odour issues at Trecatti. We have found the facilitation of that kind of third party, or neutral broker, very helpful. I do not think that I could describe it as modern regulation, as I do not think it is, but that kind of approach supports our modern regulation approach.

[61] **Alun Cairns:** That is useful. My final question is, will we ever get to a situation where the costs are fully recovered?

**Dr Phillips:** If we leave the contentious licence issues to one side, I am very hopeful that we will. I think that it is a good signal from the Treasury that it was content for us to go out to consultation on full cost recovery for waste management licensing this year. Over the last three to four years, we have been pinned back to very small increases. This will require a four-fold increase in waste management licensing. That is absolutely key. The other option is that we reduce the service level, and if we do so, it will pose an increased environmental risk. It will also place an even bigger burden on industry because, frankly, their applications will be stockpiled in our in-trays. As Nigel said, the cost is proportionate in terms of

deallus ar gyfer y cyngor hwnnw, tra ydym yn ceisio peidio â bod yn rhy dechnegol o ran darparu'r wybodaeth honno i'r cyhoedd. Yn aml, nid yw canfyddiad y cyhoedd o berygl yn cael ei leddfu wrth i ni ddarparu mwy a mwy o ffeithiau a manylion ond gan y ffaith ein bod wedi gallu mynd at graidd y mater a'i egluro. Un o argymhellion adroddiad Nantygwyddon, oedd y dylem geisio defnyddio pobl eraill sydd mewn gwell sefyllfa na ni i ymgysylltu yn y modd hwnnw â'r gymuned. Yr enghraifft y gallwn ei rhoi i chi, er enghraifft, yw defnyddio Cyngor yr Amgylchedd i fynd i'r afael â rhai o'r problemau aroglau yn Nhrecati. Yr ydym wedi canfod bod gwaith hwyluso y math hwnnw o drydydd parti, neu frocer niwtral, yn ddefnyddiol iawn. Ni chredaf y gallwn ei ddisgrifio fel rheoleiddio modern, oherwydd nid dyna ydyw yn fy marn i, ond mae'r math hwnnw o weithredu yn cefnogi ein gweithredu rheoleiddio modern.

[61] **Alun Cairns:** Mae hynny'n ddefnyddiol. Fy nghwestiwn olaf yw, a fyddwn byth mewn sefyllfa lle y caiff y costau eu hadennill yn llawn?

**Dr Phillips:** Os rhoddwn y materion dadleuol ynglŷn â'r drwydded o'r neilltu, yr wyf yn obeithiol iawn y byddwn. Credaf ei fod yn arwydd da gan y Trysorlys ei fod yn fodlon i ni ymgynghori ar adennill yr holl gostau ar gyfer trwyddedu rheoli gwastraff eleni. Yn ystod y tair neu bedair blynedd diwethaf, yr ydym wedi ein cyfyngu i gynnydd bach iawn. Bydd hyn yn peri bod angen i drwyddedu rheoli gwastraff gynyddu bedair gwaith. Mae hynny'n gwbl allweddol. Yr opsiwn arall yw ein bod yn gostwng lefel y gwasanaeth, ac os gwnawn hynny, bydd yn peri mwy o berygl i'r amgylchedd. Bydd hefyd yn gosod baich mwy byth ar ddiwydiant oherwydd, a bod yn onest, bydd eu

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the size, particularly when you consider the size of the waste management industry which is mentioned in the report. It is a big business.

ceisiadau'n pentyrru ar ein desgiau. Fel y dywedodd Nigel, mae'r gost yn gymesur o ran y maint, yn enwedig pan ydych yn ystyried maint y diwydiant rheoli gwastraff sy'n cael ei grybwyll yn yr adroddiad. Mae'n fusnes mawr.

[62] **Janet Davies:** Thank you. Val, you wanted to ask about health concerns?

[62] **Janet Davies:** Diolch. Val, yr oeddech am ofyn am bryderon ynglŷn ag iechyd?

[63] **Val Lloyd:** We touched slightly on health concerns during Alun's questions, and also in the second question this morning. I focus particularly on aspects raised in paragraphs 2.22 to 2.25. In the integrated pollution prevention and control permits, which you determine, you rely on local health boards for your health advice. Have you ever considered having your own in-house health expertise in waste management?

[63] **Val Lloyd:** Bu i ni sôn ychydig am bryderon ynghylch iechyd yn ystod cwestiynau Alun, a hefyd yn yr ail gwestiwn y bore yma. Yr wyf am ganolbwyntio'n arbennig ar rai agweddau a godir ym mharagraffau 2.22 i 2.25. Yn y trwyddedau atal a rheoli llygredd integredig, yr ydych yn eu pennu, yr ydych yn dibynnu ar fyrddau iechyd lleol am eich cyngor iechyd. A ydych erioed wedi ystyried cael eich arbenigwyr iechyd mewnol eich hun ar gyfer rheoli gwastraff?

**Dr Phillips:** We have that in two ways. We do not feel it is appropriate for us to duplicate the designated role of other public bodies and we would not seek to do so. Over the last three years, we have got a much better understanding between us and them, whether it is in the National Public Health Service or the local health boards, about our respective roles and responsibilities.

**Dr Phillips:** Mae'r arbenigedd hwnnw gennym mewn dwy ffordd. Ni chredwn ei bod yn briodol i ni gyflawni rôl sydd wedi ei dynodi i gyrff cyhoeddus eraill ac ni fyddem yn ceisio gwneud hynny. Yn ystod y tair blynedd diwethaf, yr ydym wedi meithrin dealltwriaeth lawer gwell rhyngom ni a hwy, boed yn y Gwasanaeth Iechyd Cyhoeddus Cenedlaethol neu'r byrddau iechyd lleol, ynghylch ein swyddogaethau a'n cyfrifoldebau priodol.

We have also skilled-up our own staff in terms of being intelligent clients for that information. That is possibly an Environment Agency term but it means what it says—that we can act sensibly on information provided. They give us advice on health impacts and we can relate that to environmental standards. We have also based our work much more

Yr ydym hefyd wedi uwchsgilio ein staff ein hunain o ran bod yn gleientiaid deallus ar gyfer y wybodaeth honno. Mae'n bosibl mai term Asiantaeth yr Amgylchedd yw hwnnw ond mae'n golygu'r hyn a ddywed—sef y gallwn weithredu'n synhwyrol ar wybodaeth a ddarperir. Maent yn rhoi cyngor i ni ar effeithiau o ran iechyd a gallwn gysylltu

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on health standards where they are available, and promoted a process where those health standards are not available so that we can increasingly have a bigger body of knowledge on which to make those decisions.

[64] **Val Lloyd:** So, am I right that you are saying ‘no’? You think that you should still use health professionals but you have up-skilled—and I use that very generally—your own background and knowledge to work with.

**Dr Phillips:** Precisely.

[65] **Val Lloyd:** Of course, that only applies to pollution prevention and control applications, does it not? With the vast majority of waste disposal activities you are not required to consult with health professionals and that could raise something in the public’s mind about safety. How can you reassure us and the public that those activities do not present a risk?

**Dr Phillips:** You are quite right that there is a distinction between PPC and waste management licensing. Under PPC, there is a requirement to undertake a health risk assessment and, if that gives either us or the local health board any cause for concern, we then require a health impact assessment, which is a more detailed level. That requirement does not exist in respect of waste management licensing, but, of course, it is available for us to do so. I did have a good example of that in my head earlier, but it temporarily escapes me. The other thing that I would

hynny â safonau amgylcheddol. Yr ydym hefyd wedi seilio ein gwaith i raddau helaethach ar safonau iechyd lle y maent ar gael, ac wedi hyrwyddo proses lle nad yw’r safonau iechyd hynny ar gael fel y gallwn fwyfwy gael corff mwy o wybodaeth a fydd yn sail i’r penderfyniadau hynny.

[64] **Val Lloyd:** Felly, a wyf yn gywir eich bod yn dweud ‘na’? Yr ydych o’r farn y dylech barhau i ddefnyddio gweithwyr iechyd proffesiynol ond eich bod wedi uwchsgilio—a defnyddiaf y term hwnnw’n gyffredinol iawn—eich cefndir a’ch gwybodaeth eich hun er mwyn eu defnyddio.

**Dr Phillips:** Yn union.

[65] **Val Lloyd:** Wrth gwrs, onid i fesurau atal a rheoli llygredd yn unig y mae hynny’n berthnasol? Yn achos y mwyafrif llethol o weithgareddau gwaredu gwastraff nid oes yn rhaid i chi ymgynghori â gweithwyr iechyd proffesiynol a gallai hynny godi amheuon ymysg y cyhoedd am ddiogelwch. Sut y gallwch roi sicrwydd i ni ac i’r cyhoedd nad yw’r gweithgareddau hynny’n gallu bod yn beryglus?

**Dr Phillips:** Yr ydych yn llygad eich lle bod gwahaniaeth rhwng PPC a thrwyddedu rheoli gwastraff. Yn achos PPC, mae’n ofynnol cynnal asesiad o’r perygl o ran iechyd ac, os yw hynny’n achosi unrhyw bryder i ni neu’r bwrdd iechyd lleol, yna mae’n ofynnol gennym fod asesiad o’r effaith ar iechyd, sy’n asesiad manylach, yn cael ei gynnal. Nid yw’r gofyniad hwnnw’n bodoli mewn perthynas â thrwyddedu rheoli gwastraff, ond, wrth gwrs, mae modd i ni wneud hynny. Yr oeddwn yn meddwl am enghraifft dda o hynny yn gynharach, ond

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say about waste management licensing is that we have done a lot of work with health professionals on the generics of this, for example, the Health Protection Agency, the Department of Health and the National Public Health Service for Wales. We have also talked to the Health and Safety Executive about waste management licensing issue in the round. I do not know if there is anything that you would want to add to that, Liz?

ni allaf ei chofio ar hyn o bryd. Y peth arall y byddwn yn ei ddweud am drwyddedu rheoli gwastraff yw ein bod wedi gwneud llawer o waith gyda gweithwyr iechyd proffesiynol ar yr elfennau generig ynglŷn â hyn, er enghraifft, yr Asiantaeth Diogelu Iechyd, yr Adran Iechyd a Gwasanaeth Iechyd Cyhoeddus Cenedlaethol Cymru. Yr ydym hefyd wedi siarad â'r Awdurdod Gweithredol Iechyd a Diogelwch ynglŷn â thrwyddedu rheoli gwastraff yn ei gyfanrwydd. Ni wn a oes rhywbeth yr hoffech ei ychwanegu at hynny, Liz?

**Ms Parkes:** Just to add a little bit of perspective, all the new landfill sites and incinerator applications are dealt with under the PPC regime. So, we are very confident that the most potentially risky applications are dealt with under that regime. Under the waste management licensing regime, I think that it would be fair to say that the activities that have given rise to most concern have been those at composting facilities, because they tend to take place in the open air. That, as Dr Phillips explained earlier, is why we have taken a precautionary approach since 2001 on composting with regards to applicants. There is a presumption against composting where there is a sensitive receptor within 250m, unless they can demonstrate, through a site-specific risk assessment, that all the risk can be overcome. So, we have taken a precautionary approach in relation to that one type of facility. The remainder of the new sites that fall to be regulated under waste management licensing involve much lower risk activities, such as transfer stations, where there is no evidence that there are health concerns associated with those. The ordinary control measures to prevent things like dust, odour, litter and flies, we consider and put in place the necessary measures to protect local amenities and health.

**Ms Parkes:** I roi rhywfaint o bersbectif, mae'r holl geisiadau am safleoedd tirlenwi a llosgyddion newydd yn cael eu trafod o dan y drefn PPC. Felly, yr ydym yn ffyddiog iawn bod y ceisiadau sydd â'r potensial mwyaf o achosi perygl yn cael eu trafod dan y drefn honno. Dan y drefn trwyddedu rheoli gwastraff, credaf y byddai'n deg dweud mai'r gweithgareddau sydd wedi achosi'r pryder mwyaf yw'r rhai mewn cyfleusterau compostio, oherwydd eu bod yn tueddu i ddigwydd yn yr awyr agored. Dyna pam, fel yr esboniodd Dr Phillips yn gynharach, yr ydym wedi gweithredu yn rhagofalus ers 2001 gyda chompostio mewn perthynas ag ymgeiswyr. Mae rhagdybiaeth yn erbyn compostio lle y mae derbynnydd sensitif o fewn 250m, oni bai eu bod yn gallu dangos, drwy asesiad risg ar y safle penodol, y gellir goresgyn yr holl risg. Felly, yr ydym wedi gweithredu yn rhagofalus mewn perthynas â'r math arbennig hwnnw o gyfleuster. Mae gweddill y safleoedd newydd sy'n cael eu rheoleiddio gan drwyddedu rheoli gwastraff yn ymwneud â gweithgareddau sydd â risg sy'n llawer is, megis safleoedd trosglwyddo, lle nad oes tystiolaeth bod pryderon ynglŷn ag iechyd yn gysylltiedig â'r rheini. Yr ydym yn ystyried y mesurau rheoli cyffredin i rwystro pethau fel llwch, aroglau, sbwriel a phryfed, ac yn rhoi'r mesurau angenrheidiol ar waith i

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ddiogelu iechyd ac amwynderau lleol.

**Dr Phillips:** Just to give you some figures around that, we have had 78 PPC permits issued in Wales, six of which were for waste activities. All those have had the appropriate consultation on health issues. Also, there are 43 new PPC applications in the pipeline.

**Dr Phillips:** I roi rhai ffigurau am hynny i chi, mae 78 trwydded PPC wedi eu rhoi yng Nghymru, chwech ohonynt ar gyfer gweithgareddau gwastraff. Mae'r rhain i gyd wedi cael yr ymgynghoriad priodol ar faterion iechyd. Hefyd, mae 43 cais PPC newydd ar droed.

[66] **Val Lloyd:** So, I think that you have just explained the difference between the two. I was wondering why there was the difference in the two applications in terms of health, but I think that you have clarified that. We touched on planning issues earlier on. Dr Milligan, the Assembly is considering the need for including health as a material consideration in a planning process. Can you tell me where we are with that please?

[66] **Val Lloyd:** Felly, credaf eich bod newydd esbonio'r gwahaniaeth rhwng y ddau. Yr oeddwn yn meddwl tybed pam yr oedd gwahaniaeth yn y ddau gais o ran iechyd, ond credaf eich bod wedi egluro hynny. Bu i ni sôn yn fyr am faterion cynllunio yn gynharach. Dr Milligan, mae'r Cynulliad yn ystyried yr angen i gynnwys iechyd fel ystyriaeth berthnasol mewn proses gynllunio. A allwch ddweud wrthyf lle yr ydym arni o ran hynny os gwelwch yn dda?

**Dr Milligan:** Yes. Under the existing planning policy for Wales, health can already be a material consideration. That is how it stands. There is a commitment in 'Wales: A Better Country' for this to be taken further and to be further examined. At the moment, the planning department here has a research project into planning and health underway. It is being funded, I think by around £100,000, and it is due to report early next year.

**Dr Milligan:** Gallaf. Dan bolisi cynllunio cyfredol Cymru, gall iechyd eisoes fod yn ystyriaeth berthnasol. Dyna'r sefyllfa. Mae ymrwymiad yn 'Cymru: Gwlad Well' i fynd â hyn ymhellach a'i archwilio'n fanylach. Ar hyn o bryd, mae gan yr adran gynllunio yma brosiect ar gynllunio ac iechyd ar waith. Mae'n cael oddeutu £100,000 o gyllid, fe gredaf, a disgwylir yr adroddiad ddechrau'r flwyddyn nesaf.

[67] **Val Lloyd:** The question that I asked was in general terms and not only in terms of waste management facilities. I wish to broaden that to health assessments as part of the planning process, for example, arising from a particular site in Nantygwyddon that Leighton referred to earlier on.

[67] **Val Lloyd:** Yr oedd y cwestiwn a ofynnais yn cyfeirio at y sefyllfa yn gyffredinol ac nid ynglŷn â chyfleusterau rheoli gwastraff yn unig. Hoffwn ehangu hynny i asesiadau iechyd fel rhan o'r broses gynllunio, er enghraifft, yn deillio o safle penodol yn Nantygwyddon y cyfeiriodd Leighton ato yn gynharach.

**Dr Milligan:** On the back of the

**Dr Milligan:** Yn sgîl yr ymchwiliad a'r



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Nantygwyddon investigation and report by the Assembly committee, there was, of course, the second report, which recommended further work to be done. One of the outcomes of that, which is specific to chemicals in the environment—it is not just specific to waste sites; it is specific to all chemical exposure in the environment whether acute or chronic—is that our chief medical officer has taken the initiative to put a project together, following those concerns and others. That involves professionals, obviously, and statutory agencies, but also independent and academic consideration. That began in February of this year and is the direct follow on through the chain of concerns. Those health impacts are under the CMO's project.

**Dr Phillips:** Going to back Ms Lloyd's earlier question about the Assembly's planning research and development, I do not sit on that working group, but I read the minutes of the meetings that have taken place quite avidly. Not wishing to burden you with a level of detail, I think that there is an important point about how this is going to be implemented. As you say, the report has yet to be published, but there have been discussions about whether there should be a technical advice note on taking account of health matters in the determination of planning matters, or whether it is possible to get a more cross-cutting approach in terms of looking across all of the TANs and the extent to which they need to reflect the health issue. I think that that is something that is going to need very careful consideration to make sure that we get the implementation vehicle.

[68] **Val Lloyd:** Thank you very much,

adroddiad gan bwyllgor y Cynulliad ynghylch Nantygwyddon, cafwyd, wrth gwrs, yr ail adroddiad, a oedd yn argymhell bod gwaith pellach yn cael ei wneud. Un o ganlyniadau hynny, sy'n ymwneud yn benodol â chemegau yn yr amgylchedd—nid yw'n ymwneud yn benodol â safleoedd gwastraff yn unig; mae'n berthnasol i unrhyw sefyllfa lle y mae cemegau'n bresennol yn yr amgylchedd boed yn aciwt neu'n gronig—yw bod ein prif swyddog meddygol wedi achub y blaen i roi prosiect ar waith, yn sgîl y pryderon hynny ac eraill. Mae'r prosiect yn cynnwys gweithwyr proffesiynol, yn amlwg, ac asiantaethau statudol, ond hefyd ystyriaeth annibynnol ac academaidd. Dechreuodd hwnnw ym mis Chwefror eleni ac mae'n ganlyniad uniongyrchol i'r gadwyn bryderon. Mae'r effeithiau iechyd hynny yn rhan o brosiect y Prif Swyddog Meddygol.

**Dr Phillips:** I fynd yn ôl at gwestiwn Ms Lloyd yn gynharach am waith ymchwil a datblygu'r Cynulliad ar gynllunio, nid wyf yn aelod o'r gweithgor hwnnw, ond darllenais gofnodion y cyfarfodydd sydd wedi eu cynnal yn eiddgar. Heb eich llethu â gormod o fanylion, credaf fod pwynt pwysig ynglŷn â sut y mae hyn yn mynd i gael ei weithredu. Fel y dywedwch, nid yw'r adroddiad wedi ei gyhoeddi eto, ond mae trafodaethau wedi eu cynnal ynghylch a ddylid cael nodyn cyngor technegol ar ystyried materion iechyd wrth benderfynu ar faterion cynllunio, neu a yw'n bosibl cael dull mwy trawsbynciol o ran edrych ar bob nodyn cyngor technegol ac i ba raddau y mae angen iddynt adlewyrchu'r mater iechyd. Credaf fod hynny'n rhywbeth y bydd angen ei ystyried yn ofalus iawn i sicrhau ein bod yn cael y cyfrwng i weithredu.

[68] **Val Lloyd:** Diolch yn fawr iawn, dyna'r cyfan yr oeddwn am ei ofyn am y

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that ends what I wanted to ask now.

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[69] **Janet Davies:** Thank you, Val. Mark?

[69] **Janet Davies:** Diolch, Val. Mark?

[70] **Jeff Cuthbert:** Chair, may I come in here?

[70] **Jeff Cuthbert:** Gadeirydd, a gaf fi ddweud rhywbeth?

[71] **Janet Davies:** Sorry, Mark. Jeff, you did ask if you could come in.

[71] **Janet Davies:** Mae'n ddrwg gen i, Mark. Fe wnaethoch ofyn a allech gyfrannu, Jeff.

[72] **Jeff Cuthbert:** Thank you, this relates to health matters, and I think that it is the right time to raise it. At the Penrhos tip in Caerphilly, which is being cleared at the moment—hopefully it is over, but I am not sure—much of the material was planted there back as far as the 1950s and 1960s and was unregulated, and some of it, undoubtedly, is hazardous. The local residents have experienced great difficulties with very strong smells and have complained. Many of them have had headaches and have been made physically sick to the extent that the local health board is considering setting up a health register, which I understand will monitor the health condition of people living in that area for two or three decades to come. Will the Environment Agency have any responsibilities for working with the local health board in terms of providing expertise about the causes of illnesses that may develop as a result of whatever it is that is being discharged into the atmosphere?

[72] **Jeff Cuthbert:** Diolch, mae hyn yn ymwneud â materion iechyd, a chredaf mai dyma'r amser priodol i'w grybwyll. Yn nhomen Penrhos yng Nghaerffili, sy'n cael ei chlririo ar hyn o bryd—gobeithio bod y gwaith ar ben, ond nid wyf yn siŵr—cafodd llawer o'r deunydd ei roi yno mor gynnar â'r 1950au a'r 1960au ac ni chafodd ei reoleiddio, ac nid oes amheuaeth fod peth ohono'n beryglus. Mae trigolion lleol wedi profi problemau mawr gydag arogleuon cryf ac maent wedi cwyno. Mae llawer ohonynt wedi dioddef cur pen ac wedi chwydu i'r graddau bod y bwrdd iechyd lleol yn ystyried sefydlu cofrestr iechyd, a fydd, yr wyf ar ddeall, yn monitro cyflwr iechyd y bobl sy'n byw yn yr ardal honno am y ddau neu dri degawd nesaf. A fydd gan Asiantaeth yr Amgylchedd unrhyw gyfrifoldebau dros weithio gyda'r bwrdd iechyd lleol o ran darparu arbenigedd am achosion afiechydon a allai ddatblygu o ganlyniad i beth bynnag sy'n cael ei ryddhau i'r atmosffer?

**Dr Phillips:** I am afraid that I cannot comment on the details of this particular site, but as a point of principle we would be more than willing to collaborate with health professionals on ensuring that the community around the site had access to all the information they needed.

**Dr Phillips:** Mae arnaf ofn na allaf wneud sylwadau am fanylion y safle penodol hwn, ond o ran egwyddor byddwn yn fwy na pharod i gydweithio â gweithwyr iechyd proffesiynol i sicrhau bod gan y gymuned o amgylch y safle fynediad i'r holl wybodaeth sydd ei

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hangen arnynt.

**Ms Parkes:** May I perhaps clarify that that would be the local authority's responsibility. We, as Helen said, will clearly assist it in that.

**Ms Parkes:** A gaf fi efallai egluro mai cyfrifoldeb yr awdurdod lleol fyddai hynny. Byddwn, fel y dywedodd Helen, yn amlwg yn cynorthwyo gyda'r gwaith hwnnw.

[73] **Jeff Cuthbert:** Right, thank you.

[73] **Jeff Cuthbert:** O'r gorau, diolch.

[74] **Mark Isherwood:** Paragraph 3.2 indicates the number of activities undertaken by the Environment Agency where the underlying risk to the environment may be relatively high. To what extent is this illustrative of a fundamental flaw in the regulatory regime, and what are the practical and operational consequences of that?

[74] **Mark Isherwood:** Mae paragraff 3.2 yn nodi nifer y gweithgareddau a gynhaliwyd gan Asiantaeth yr Amgylchedd lle gallai'r risg sylfaenol i'r amgylchedd fod yn gymharol uchel. I ba raddau y mae hyn yn enghraifft o ddiffyg sylfaenol yn y drefn reoleiddio, a beth yw canlyniadau ymarferol a gweithredol hynny?

**Dr Phillips:** You are talking about, for instance, exempt sites where we do not get a fee, and yet there is a potential risk to the environment. Is that the point?

**Dr Phillips:** Yr ydych yn sôn am, er enghraifft, safleoedd wedi eu heithrio lle nad ydym yn cael ffi, ond eto lle mae risg bosibl i'r amgylchedd. Ai dyna'r pwynt?

[75] **Mark Isherwood:** Yes. Paragraph 3.3 identifies four specific examples of unfunded activities.

[75] **Mark Isherwood:** Ie. Mae paragraff 3.3 yn nodi pedair enghraifft benodol o weithgareddau na chaiff eu hariannu.

**Dr Phillips:** And what is your concern? Sorry.

**Dr Phillips:** A beth sy'n eich poeni? Mae'n ddrwg gen i.

[76] **Mark Isherwood:** Does this indicate a flaw in the regulatory regime, and what operational impact does that have for you?

[76] **Mark Isherwood:** A yw hyn yn arwydd o ddiffyg yn y drefn reoleiddio, a beth yw effaith weithredol hynny arnoch?

**Dr Phillips:** Thank you. Apologies for needing to seek that clarification.

**Dr Phillips:** Diolch. Ymddiheuriadau am orfod gofyn am yr esboniad hwnnw.

This is a huge area of concern for us

Mae hwn yn byrder enfawr i ni

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because, obviously, we have two income streams: income from charges and we have income from grant in aid. Our real desire is to make sure that income from grant in aid is not supporting chargeable activities. There is a figure in the report that states that, at the moment, for instance, on waste management licensing, GIA is effectively subsidising that regime to the tune of £230,000 a year. In response to Mr Cairns's questions, we described how we are endeavouring to put that right and get full cost recovery around that. Within the GIA pot there are always going to be things that we are going to have to do, and a good example would be enforcement action.

Enforcement action is not something that you charge an operator for, but it is a legitimate cost for the public purse. I anticipate that you would expect environmental criminals to be treated in the same way as any other sort of criminal, in that justice should be brought to bear. You can imagine the degree of prioritisation that needs to go on within that GIA pot and there are areas, as we mentioned earlier, in terms of the charging review, where there are other ways in which they could be funded.

A good example, mentioned in paragraphs 3.2 and 3.3, is the exemption issue. We have nearly 4,000 exemptions in Wales, and the inspection of exemptions is not a fee-earning activity. We were very lucky to have £40,000 from the Assembly to do some additional work on it. There is a case study in the document, the chicken feather case study, and, on the surface of it, you could say that that is a great example—where the Assembly has given £40,000 and the Environment Agency has managed to track down sham exemptions. However, when you look at it a bit more closely, you will see that had it not been for the additional £75,000 that the Assembly

oherwydd, yn amlwg, mae gennym ddwy ffynhonnell incwm: incwm o daliadau a godir a chawn incwm gan gymorth grant. Ein gwir ddyhead yw sicrhau nad yw incwm gan gymorth grant yn ariannu gweithgareddau y codir tâl amdanynt. Mae ffigur yn yr adroddiad sy'n datgan, er enghraifft, yn achos trwyddedau rheoli gwastraff, bod cymorth grant i bob pwrpas yn cymorthdalau'r drefn honno rhyw £230,000 y flwyddyn ar hyn o bryd. Wrth ymateb i gwestiynau Mr Cairns, bu i ni ddisgrifio sut yr ydym yn ymdrechu i unioni hynny a sicrhau bod costau'n cael eu hadennill yn llawn mewn perthynas â hynny. O fewn y gronfa cymorth grant mae bob amser pethau y bydd yn rhaid i ni eu gwneud, ac enghraifft dda fyddai camau gorfodi. Nid yw camau gorfodi yn rhywbeth yr ydych yn codi tâl ar y gweithredwr amdano, ond mae'n gost ddilys i'r pwrs cyhoeddus. Tybiaf y byddech yn disgwyl i droseddwy'r amgylcheddol gael eu trin yn yr un modd ag unrhyw fath arall o droseddwy'r, hynny yw y dylai cyfiawnder yn cael ei weinyddu. Gallwch ddychmygu i ba raddau y mae'n rhaid blaenoriaethu o fewn y gronfa cymorth grant honno ac mae meysydd, fel y soniasom yn gynharach, o ran yr adolygiad codi tâl, lle mae ffyrdd eraill y gellid eu hariannu.

Enghraifft dda, sy'n cael ei chrybwyll ym mharagraffau 3.2 a 3.3, yw'r mater eithrio. Mae gennym bron 4,000 o eithriadau yng Nghymru, ac nid yw arolygu eithriadau yn weithgarwch y codir ffi amdano. Buom yn ffodus iawn i gael £40,000 gan y Cynulliad i wneud gwaith ychwanegol arno. Mae astudiaeth achos yn y ddogfen, yr astudiaeth achos plu ieir, ac, ar yr olwg gyntaf, gallech ddweud bod honno'n enghraifft wych—lle mae'r Cynulliad wedi rhoi £40,000 ac mae Asiantaeth yr Amgylchedd wedi llwyddo i ganfod eithriadau ffug. Fodd bynnag, pan yr ydych yn edrych arni'n fanylach, gwelwch na fyddem, i bob pwrpas, wedi canfod yr achos heb y

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gave us for landspreading work, we, in effect, would not have tracked this down. It really does take money to ensure that exemptions are properly managed. We spoke earlier about modern regulatory approaches, and exemptions are an important part of that, because we want to be applying proportionate regulation. We are in discussion at the moment with DEFRA and the Welsh Assembly Government about, for instance, as part of the exemptions review, the agency having more discretion to say where the boundary of exemptible activities is. Does that answer your question?

[77] **Mark Isherwood:** So, effectively, there is a fundamental flaw that needs to be addressed?

**Dr Phillips:** There is.

[78] **Mark Isherwood:** And there could be environmental consequences?

**Dr Phillips:** There is a fundamental flaw, and I think I had better give you some comfort about what has been done so far.

[79] **Mark Isherwood:** Good.

**Dr Phillips:** Yes, it would be good. A number of things are happening. The permitting review is a collaboration between the Environment Agency, the Welsh Assembly Government and DEFRA, and its purpose is to see what are the appropriate sorts of regulatory tools. Unfortunately, this review has been put on hold, largely because of pressure on DEFRA lawyers in the implementation of the WEEE directive

£75,000 ychwanegol a gawsom gan y Cynulliad ar gyfer gwaith gwasgaru ar dir. Mae arian yn angenrheidiol i sicrhau bod eithriadau'n cael eu rheoli'n briodol. Buom yn siarad yn gynharach am ddulliau rheoleiddio modern, ac mae eithriadau'n rhan bwysig o hynny, oherwydd ein bod am sicrhau rheoleiddio cymesur. Yr ydym yn cynnal trafodaethau gyda DEFRA a Llywodraeth Cynulliad Cymru ar hyn o bryd am, er enghraifft, yn rhan o'r adolygiad o eithriadau, yr asiantaeth yn cael mwy o hawl i bennu lle mae ffin gweithgareddau y gellir eu heithrio. A yw hynny'n ateb eich cwestiwn?

[77] **Mark Isherwood:** Felly, mewn gwirionedd, mae diffyg sylfaenol y mae angen mynd i'r afael ag ef?

**Dr Phillips:** Oes.

[78] **Mark Isherwood:** Ac mae canlyniadau amgylcheddol yn bosibl?

**Dr Phillips:** Mae diffyg sylfaenol, a chredaf fod angen i mi eich sicrhau ynglŷn â'r hyn sydd wedi ei wneud hyd yma.

[79] **Mark Isherwood:** O'r gorau.

**Dr Phillips:** Iawn, byddai'n ddefnyddiol. Mae nifer o bethau'n digwydd. Mae'r adolygiad o ganiatáu yn cael ei gynnal ar y cyd gan Asiantaeth yr Amgylchedd, Llywodraeth Cynulliad Cymru a DEFRA, a'i bwrpas yw gweld beth yw'r mathau priodol o ddulliau rheoleiddio. Yn anffodus, mae'r adolygiad hwn wedi ei roi o'r neilltu am y tro, yn bennaf oherwydd pwysau ar gyfreithwyr DEFRA i weithredu'r gyfarwyddeb cyfarpar

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and other new duties. If we are to have modern regulation, we must have modern regulatory tools, and the permitting review will be the means by which we do that. The permitting review also has an exemptions review running alongside it, which looks specifically at the issue of exemptions. We hope that this review will report early next year. Underpinning all of this is the issue of the charging review, because, if we are reviewing, for instance, the boundary between a chargeable activity and a GIA activity, there is no point working out what its costs are if you are costing out what an old regime looks like rather than what a modern regime looks like. Therefore, there are things in train, and not all of them are going as fast as we would like, but we recognise why that is the case.

trydanol ac electronig gwastraff a dyletswyddau newydd eraill. I sicrhau bod gennym reoleiddio modern, rhaid i ni gael dulliau rheoleiddio modern, a'r adolygiad o ganiatáu fydd y ffordd y byddwn yn gwneud hynny. Ochr yn ochr â'r adolygiad o ganiatáu, mae adolygiad o eithriadau yn cael ei gynnal hefyd, sy'n edrych yn benodol ar y mater o eithriadau. Gobeithiwn y bydd adroddiad yr adolygiad hwn yn cael ei gyhoeddi ddechrau'r flwyddyn nesaf. Yn sail i hyn oll mae mater yr adolygiad o godi tâl, oherwydd, os ydym yn adolygu, er enghraifft, y ffin rhwng gweithgarwch y codir tâl amdano a gweithgarwch cymorth grant, nid oes diben cyfrifo beth mae'n ei gostio os ydych yn cyfrifo yn ôl yr hen drefn yn hytrach nag yn ôl y drefn newydd. Felly, mae pethau ar waith, ac nid yw popeth yn digwydd mor gyflym ag y byddem yn dymuno, ond yr ydym yn cydnabod pam mai felly y mae.

[80] **Mark Isherwood:** Thank you. I turn to paragraph 3.5, which explains the division of responsibility over fly-tipping between the Environment Agency and local authorities. Does this division work in practice, who decides whether an incident is 'big, bad, or nasty', and what happens when there is a dispute between yourselves and the local authority over this?

[80] **Mark Isherwood:** Diolch. Trof yn awr at baragraff 3.5, sy'n esbonio'r rhannu cyfrifoldeb dros dipio anghyfreithlon rhwng Asiantaeth yr Amgylchedd ac awdurdodau lleol. A yw'r rhannu hwn yn gweithio yn ymarferol, pwy sy'n penderfynu a yw digwyddiad yn 'fawr, drwg, neu ffaidd', a beth sy'n digwydd pan fo anghydfod rhyngoch chi a'r awdurdod lleol ynglŷn â hyn?

**Dr Phillips:** As the report mentions, we have a protocol in place between ourselves and the WLGA. Not wishing to be biased, but the protocol between Environment Agency Wales and the WLGA works a lot better than the protocol we have in place with the LGA in England. In fact, we had an addendum to the Welsh protocol some time ago which not only extended the definition of 'big, bad, or nasty', but gave us an opportunity to get clarity on what 'big, bad, or nasty' looks like. The report

**Dr Phillips:** Fel y sonia'r adroddiad, mae gennym brotocol ar waith rhyngom ni a CLILC. Nid wyf am fod yn unochrog, ond mae'r protocol rhwng Asiantaeth yr Amgylchedd Cymru a CLILC yn gweithio'n llawer gwell na'r protocol sydd gennym ar waith gyda CLIL Lloegr. A dweud y gwir, cawsom atodiad i'r protocol yng Nghymru beth amser yn ôl a wnaeth nid yn unig ehangu'r diffiniad o 'mawr, drwg, neu ffaidd', ond a roddodd i ni gyfle i gael eglurder am ystyr 'mawr, drwg, neu ffaidd'. Dywed yr adroddiad

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mentions the fact that the protocol in England is now being revised to effectively update it to reflect the arrangements in Wales. This works quite well. The kind of underpinning story in all of this is that it has to work quite well because, as you are aware, there has been an 80 per cent increase in fly-tipping over the last couple of years and, in respect of 'big, bad, or nasty', it is 40 per cent over the last couple of years.

fod y protocol yn Lloegr bellach yn cael ei adolygu i'w ddiweddarau i bob pwrpas i adlewyrchu'r trefniadau yng Nghymru. Mae hyn yn gweithio'n eithaf da. Y math o beth sydd wrth wraidd hyn oll yw bod yn rhaid iddo weithio'n eithaf da oherwydd, fel yr ydych yn ymwybodol, mae tipio anghyfreithlon wedi cynyddu 80 y cant yn ystod yr ychydig flynyddoedd diwethaf, ac mae 'mawr, drwg, neu ffiaidd' wedi cynyddu 40 y cant yn ystod yr ychydig flynyddoedd diwethaf.

[81] **Mark Isherwood:** Notwithstanding that fact, what risk remains of incidents falling between yourselves and local government and not being tackled?

[81] **Mark Isherwood:** Er gwaethaf hynny, pa risg sy'n parhau y bydd digwyddiadau yn cwmpo rhwng eich cyfrifoldebau chi a chyfrifoldebau llywodraeth leol ac y bydd neb yn mynd i'r afael â hwy?

**Dr Phillips:** If I really trawled through the recesses of my brain, I could probably find a couple of examples from the very early days of the protocol. I could not give you an example from the last two or three years because it is actually working quite well.

**Dr Phillips:** Pe bawn yn crafu fy mhen go iawn, mae'n siŵr y gallwn feddwl am rai enghreifftiau o ddyddiau cynnar oll y protocol. Ni allwn roi enghraifft i chi o'r ddwy neu dair blynedd diwethaf oherwydd ei fod yn gweithio'n eithaf da mewn gwirionedd.

[82] **Mark Isherwood:** Good. Thank you. Paragraph 3.7 reports an 80 per cent increase in fly-tipping since 2001. Why has there been such an increase?

[82] **Mark Isherwood:** Da iawn. Diolch. Mae paragraff 3.7 yn adrodd cynnydd o 80 y cant mewn tipio anghyfreithlon ers 2001. Pam y bu cymaint o gynnydd?

**Dr Phillips:** I think that there are two things behind this increase. The first is a better awareness and an intolerance of fly-tipping. People do not want to have this sort of impact on their quality of life, therefore they report it and do something about it. So, I think that there has been an increase in reporting. I think that it is also due to the issue that we touched on earlier, namely tighter regulation and increased cost, which can incentivise illegal activity, but we must not let it

**Dr Phillips:** Credaf fod dau beth wrth wraidd y cynnydd hwn. Y cyntaf yw ymwybyddiaeth well ac anoddefiad o dipio anghyfreithlon. Nid yw pobl eisiau'r math hwn o effaith ar ansawdd eu bywydau, felly maent yn eu hadrodd ac yn gwneud rhywbeth yn ei gylch. Felly, credaf y bu cynnydd mewn adrodd. Credaf ei fod hefyd yn gysylltiedig â'r mater y soniasom yn fyr amdano yn gynharach, sef rheoleiddio tynnach a chost uwch, sy'n gallu annog

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overly temper our drive towards sustainable waste management solutions.

gweithgarwch anghyfreithlon, ond rhaid i ni beidio â'i adael i leihau'n ormodol ein hymdrech i sicrhau ffyrdd cynaliadwy o reoli gwastraff.

[83] **Mark Isherwood:** Do you have any idea of what proportion of this increase may reflect better monitoring by yourselves and by local authorities?

[83] **Mark Isherwood:** A oes gennych unrhyw syniad pa gyfran o'r cynnydd hwn sydd o bosibl yn adlewyrchu monitro gwell gennych chi a chan awdurdodau lleol?

**Dr Phillips:** Of course, Flycapture is super, and it is the first time that we have had really reliable information about fly-tipping. We now have reports for six months. Unfortunately only half of the local authorities at this stage are reporting, but if you extrapolate it for a full year and assume that the other local authorities are more or less on a par, we are looking at 35,000 incidences of fly-tipping in Wales, at a clean-up cost of about £2 million. While, on the surface of it, that is all quite depressing, at least we have this information, and it means that we are in a much better position to work collaboratively with local authorities to target our efforts. Within the context of the emerging Assembly fly-tipping strategy, we are looking to see how we can get some more sustainable approaches to fly-tipping.

**Dr Phillips:** Wrth gwrs, mae Flycapture yn wych, a dyma'r tro cyntaf i ni gael gwybodaeth wirioneddol ddibynadwy am dipio anghyfreithlon. Mae gennym adroddiadau am chwe mis bellach. Yn anffodus, dim ond hanner yr awdurdodau sy'n cyflwyno adroddiadau ar hyn o bryd, ond os ydych yn ei gyffredinoli ar gyfer blwyddyn gyfan ac yn tybio bod yr awdurdodau lleol eraill mewn sefyllfa gyffelyb i raddau helaeth, yr ydym yn edrych ar 35,000 o ddigwyddiadau tipio anghyfreithlon yng Nghymru, gyda chost lanhau o ryw £2 miliwn. Er bod hynny yn eithaf siomedig ar yr olwg gyntaf, o leiaf mae gennym y wybodaeth hon, ac mae'n golygu ein bod mewn sefyllfa lawer gwell i gydweithio gydag awdurdodau lleol i dargedu ein hymdrechion. Yng nghyd-destun strategaeth tipio anghyfreithlon newydd y Cynulliad, yr ydym yn ystyried sut gallwn gael rhai dulliau mwy cynaliadwy o ddelio â thipio anghyfreithlon.

There is a wonderful example in the report about Pride in our Communities, and that is doing wonders in south-west Wales. It is about making that Wales-wide and much more sustained, which is not about the Environment Agency going in to do Superman; it is about capacity building with partners, particularly local authorities, and sharing with them some of the tools and techniques available to us. For instance, we have an environmental crime unit that has very sophisticated surveillance techniques,

Mae enghraifft wych yn yr adroddiad am Balchder yn ein Cymunedau, ac mae hynny'n gwneud gwyrthiau yn y De-orllewin. Y dasg yw ehangu hyn ledled Cymru a'i wneud yn llawer mwy cynaliadwy, ac nid yw hyn yn gyfystyr ag Asiantaeth yr Amgylchedd yn mynd ati i geisio achub y byd; mae'n golygu cynyddu gallu gyda phartneriaid, yn enwedig awdurdodau lleol, a rhannu peth o'r offer a rhai o'r technegau sydd ar gael i ni gyda nhw. Er enghraifft, mae gennym uned troseddau amgylcheddol sydd â



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targeted enforcement techniques and wonderful collaborative working with the police; so it is about making that available to a bigger group of people who can help us to tackle this.

thechnegau gwyliadwriaeth datblygedig, technegau gorfodaeth wedi'u targedu ac mae'n cydweithio'n rhagorol gyda'r heddlu; felly mae'n ymwneud â galluogi grŵp mwy o bobl a all ein helpu i fynd i'r afael â hyn.

[84] **Denise Idris Jones:** Paragraphs 3.9 to 3.10 inform us of the waste duty of care system being an important tool for tackling illegal waste management. However it is rather disturbing that so few enterprises in Wales are aware of the duty of care system—they do not even know that it exists. So, what action are you taking to publicise it more?

[84] **Denise Idris Jones:** Dywed paragraffau 3.9 i 3.10 wrthym fod y system dyletswydd gofal gwastraff yn offeryn pwysig i fynd i'r afael â rheoli gwastraff anghyfreithlon. Fodd bynnag, mae braidd yn arswydus fod cyn lleied o fentrau yng Nghymru yn ymwybodol o'r system dyletswydd gofal—ni wyddant ei bod yn bodoli hyd yn oed. Felly, beth yr ydych yn ei wneud i geisio rhoi mwy o gyhoeddusrwydd iddi?

**Dr Phillips:** I would not like to steal my Assembly colleagues' thunder, so perhaps I had better pass the first bit of this to June.

**Dr Phillips:** Nid wyf am gymryd y clod oddi wrth fy nghydweithwyr yn y Cynulliad, felly efallai ei bod yn well i mi ofyn i June ateb rhan gyntaf y cwestiwn hwn.

**Dr Milligan:** I will explain the action that the Assembly has taken, if I may. As a result of the Anti-social Behaviour Act 2003 coming in, it was possible to give further powers to local authorities so that they could require proof of proper waste handling. They now have powers to stop and search and require that evidence. To support the implementation of that in Wales, we published some leaflets explaining exactly what the duty of care system was. We initially published 4,000 and distributed them through the local authorities. They have been so popular that we are reprinting them. So, there is a reprint run at the moment for another 11,000, and they will be going out now. However, I have to say that, looking at the evidence in this report, we saw that there was still a very large number of businesses unaware of it. There are some reasons for that because some very small businesses may rely on waste-handling

**Dr Milligan:** Hoffwn egluro'r camau gweithredu a gymerwyd gan y Cynulliad, os caf fi. O ganlyniad i gyflwyno Deddf Ymddygiad Anghymdeithasol 2003, bu'n bosibl rhoi pwerau pellach i awdurdodau lleol fel eu bod yn gallu gofyn am brawf bod gwastraff yn cael ei drafod yn briodol. Bellach mae ganddynt bwerau i stopio a chwilio a mynnu'r dystiolaeth honno. I gefnogi'r gwaith o weithredu hynny yng Nghymru, bu i ni gyhoeddi taflenni yn egluro beth yn union oedd y system dyletswydd gofal. Bu i ni gyhoeddi 4,000 yn y lle cyntaf a'u dosbarthu drwy'r awdurdodau lleol. Maent wedi bod mor boblogaidd fel ein bod yn eu hailargraffu. Felly, mae 11,000 arall yn cael eu hargraffu ar hyn o bryd, a byddant yn cael eu dosbarthu yn awr. Fodd bynnag, rhaid i mi ddweud, o edrych ar y dystiolaeth yn yr adroddiad hwn, gwelasom nad oedd nifer fawr iawn o fusnesau yn ymwybodol ohono o hyd.

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arrangements with companies, and sometimes companies will put the notes in place on their behalf. It might not be quite what it seems, but, even so, there is still a low level of awareness, so we are thinking, having seen the report, about the adequacy of those 11,000 leaflets. However, we will see. We will talk to local authorities and see whether they think that that will help. That is the current requirement, and we are doing it again.

[85] **Denise Idris Jones:** Thank you. I was going to come on to the leaflet, but you have already mentioned it.

**Dr Phillips:** I will just add, if I may, that, in terms of the duty of care and what we are doing, the duty of care system is intended to be self-regulatory, and the agency, under our enforcement and prosecution policy, has no presumption in favour of prosecuting for these offences. A new mechanism is now available to us in the Clean Neighbourhoods Bill, which is about fixed-penalty notices. This extension of powers has been granted to us and to local authorities. There is a difference, however, in that local authorities get to keep the remittance—if I can call it that—from the fixed-penalty notice, whereas the Treasury has decided that it would be inappropriate for the Environment Agency to do so.

In response to an earlier question where we talked about the pressure on GIA, I think that it is very important that we think about all the mechanisms that are open to us, which include, not only this issue that I raised with you about a fixed-penalty notice under duty of care, but also whether or not it is possible to keep fines

Mae rhai rhesymau dros hynny oherwydd efallai fod rhai busnesau bach iawn yn dibynnu ar drefniadau trafod gwastraff gyda chwmnïau, ac weithiau bydd cwmnïau'n rhoi'r nodiadau ar waith ar eu rhan. Efallai nad yw'n ddarlun cywir, ond, serch hynny, mae lefel isel o ymwybyddiaeth o hyd, felly yr ydym yn amau, ar ôl gweld yr adroddiad, a yw 11,000 o daflenni'n ddigon. Fodd bynnag, cawn weld. Byddwn yn siarad ag awdurdodau lleol ac yn gweld a ydynt o'r farn y bydd hynny o gymorth. Dyna'r gofyniad cyfredol, ac yr ydym yn ei wneud unwaith yn rhagor.

[85] **Denise Idris Jones:** Diolch. Yr oeddwn yn mynd i ddod at y daflen, ond yr ydych eisoed wedi sôn amdani.

**Dr Phillips:** Hoffwn ychwanegu, os caf fi, o ran y ddyletswydd gofal a'r hyn a wnawn, mai'r bwriad yw i'r system dyletswydd gofal fod yn hunanreoleiddiol, ac nad oes gan yr asiantaeth, yn ein polisi gorfodi ac erlyn, ragdybiaeth o blaid erlyn am y troseddau hyn. Mae mecanwaith newydd ar gael i ni bellach yn y Mesur Cymdogaethau Glân, sy'n ymwneud â rhybuddion cosb benodedig. Rhoddwyd y pwerau estynedig hyn i ni ac i awdurdodau lleol. Mae gwahaniaeth, fodd bynnag, sef bod awdurdodau lleol yn cael cadw'r taliadau—os gallaf eu galw'n hynny—o'r rhybudd cosb benodedig, tra bod y Trysorlys wedi penderfynu y byddai'n amhriodol i Asiantaeth yr Amgylchedd wneud hynny.

I ateb cwestiwn cynharach lle soniasom am bwysau ar gymorth grant, credaf ei bod yn bwysig iawn i ni feddwl am yr holl fecanweithiau sydd ar gael i ni, sy'n cynnwys, nid yn unig y mater hwn y bu i mi ei grybwyll i chi am rybudd cosb benodedig dan ddyletswydd gofal, ond hefyd a yw'n bosibl ai peidio cadw

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where we do prosecute. The other rather spurious position in which we find ourselves, in terms of waste management licensing, is that we cannot do cost of incident recovery, in the way that we can under the water legislation. So, there is another little package of issues on the duty of care there.

[86] **Denise Idris Jones:** Thank you for that. We have already discussed the monetary aspects of disposing waste illegally, but obviously, much of this is a cultural thing, and what we need to do is change people's attitudes. As I make my journey from south to north Wales, I see many cars dumped on the side of the roads. How can the Assembly and the agency change people's attitudes?

**Dr Milligan:** At present, a sub-group of the Wales waste forum is developing a fly-tipping strategy specifically on those issues, which will have, as a part of it, communications and awareness raising. You are right that that is an important element of it, although, as Helen says, the evidence is, certainly in response to the hotline that the Environment Agency has set up, which is probably reflected in those figures, that once people become aware—and awareness in a sense is growing—people clamour for a response, which is what we are facing now. We must do something and do it quickly and we recognise that as a burden on the agency. We have also, separately, made some moves towards abandoned car notice periods and removal, which is a similar issue, but not quite the same. The fly-tipping strategy has communication and awareness in its sights.

dirwyon lle yr ydym yn erlyn. Y sefyllfa arall eithaf ffug y cawn ein hunain ynddi, o ran trwyddedu rheoli gwastraff, yw na allwn adennill costau'r digwyddiad, fel y gallwn dan y ddeddfwriaeth ddŵr. Felly, mae pecyn bach arall o faterion ar ddyletswydd gofal yn y fan honno.

[86] **Denise Idris Jones:** Diolch am hynna. Yr ydym eisoes wedi trafod agweddau ariannol gwaredu gwastraff yn anghyfreithlon, ond yn amlwg, rhywbeth diwylliannol yw llawer ohono, a'r hyn sydd angen i ni ei wneud yw newid agweddau pobl. Ar fy nhaith o dde i ogledd Cymru, gwelaf lawer o geir wedi eu gadael ar ochrau'r ffyrdd. Sut gall y Cynulliad a'r asiantaeth newid agweddau pobl?

**Dr Milligan:** Ar hyn o bryd, mae is-grŵp o fforwm gwastraff Cymru yn datblygu strategaeth tipio anghyfreithlon ar y materion hynny yn benodol, a bydd cyfathrebu a chodi ymwybyddiaeth yn rhan ohoni. Yr ydych yn llygad eich lle bod hyn yn elfen bwysig ohono, er, fel y dywed Helen, mae'r dystiolaeth yn dangos, yn sicr yn yr ymateb i'r llinell gymorth y mae Asiantaeth yr Amgylchedd wedi ei sefydlu, sy'n cael ei adlewyrchu yn y ffigurau hynny yn ôl pob tebyg, unwaith y daw pobl yn ymwybodol—ac mae ymwybyddiaeth ar ryw ystyr ar gynnydd—mae pobl yn gweiddi am ymateb, sef yr hyn yr ydym yn ei wynebu yn awr. Rhaid i ni wneud rhywbeth a hynny'n gyflym ac ystyriwn hynny'n faich ar yr asiantaeth. Yr ydym hefyd, yn annibynnol ar hyn, wedi cymryd rhai camau at roi cyfnodau rhybudd yn achos ceir sydd wedi eu gadael a'u symud, sy'n fater tebyg, ond nid yn union yr un fath. Mae'r strategaeth tipio anghyfreithlon yn canolbwyntio ar gyfathrebu ac ymwybyddiaeth.

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**Dr Phillips:** At the risk of looking like I have come with a shopping list, I point out that the Assembly has made a massive investment in the delivery of ‘Wise About Waste’—about £80 million. Over the period of the strategy, the agency has had an increase in aid, and we have had a part of that £80 million, to the tune of £2 million, which is super. However, looking at going forward and how the agency can best support the Assembly in the delivery of this emerging fly-tipping strategy, I would put that before you as an area for increased investment.

[87] **Denise Idris Jones:** Right, I will bear that in mind. Thank you. You have already spoken about the Flycapture system, which is an important tool in the management of illegal waste. However, only 18 of the 22 local authorities are registered. So, why has it taken so long for some local authorities to register and use the Flycapture system?

**Dr Milligan:** I think that that is a question for me. It is a question of whether it is in fact ‘so long’. The Anti-social Behaviour Act 2003 came into force on 31 March this year, and under that, the Assembly had powers to serve a notice requiring local authorities to prepare data and then to submit it in this new form, so that we could again have a standardised collection across Wales. That notice was served on local authorities in June. I suppose one could say that we are now only at the beginning of November, and we already have 18 authorities participating. So, what we are saying is that we would hope that the fly-tipping strategy, which has been worked up in association with the WLGA and all the partners, should be considered at the year end for 100 per cent participation. I think that that is the point at which we will review it. At that point, if those

**Dr Phillips:** Rhag i mi edrych fel bod gennyf restr siopa, pwysleisiaf fod y Cynulliad wedi buddsoddi’n enfawr yn y gwaith o gyflwyno ‘Yn Gall gyda Gwastraff’—tua £80 miliwn. Dros gyfnod y strategaeth, mae’r asiantaeth wedi cael cynnydd mewn cymorth, ac yr ydym wedi cael rhan o’r £80 miliwn hwnnw, sef £2 miliwn, sy’n wych. Fodd bynnag, gan edrych i’r dyfodol a sut gall yr asiantaeth gefnogi’r Cynulliad orau yn y gwaith o weithredu’r strategaeth tipio anghyfreithlon newydd hon, byddwn yn rhoi hynny ger eich bron fel maes sydd angen mwy o fuddsoddiad.

[87] **Denise Idris Jones:** Iawn, cadwaf hynny mewn cof. Diolch. Yr ydych eisoes wedi sôn am y system Flycapture, sy’n offeryn pwysig yn y gwaith o reoli gwastraff anghyfreithlon. Fodd bynnag, dim ond 18 o’r 22 awdurdod lleol sydd wedi eu cofrestru. Felly, pam y mae wedi cymryd cyhyd i rai awdurdodau lleol gofrestru a defnyddio’r system Flycapture?

**Dr Milligan:** Credaf mai cwestiwn i mi yw hwnnw. Mae’n gwestiwn o a ydynt wedi cymryd ‘cyhyd’ mewn gwirionedd. Daeth Deddf Ymddygiad Anghymdeithasol 2003 i rym ar 31 Mawrth eleni, ac yn sgil hynny, yr oedd gan y Cynulliad bwerau i roi hysbysiad yn ei gwneud yn ofynnol i awdurdodau lleol baratoi data ac yna’i gyflwyno ar y ffurf newydd hwn, fel y gallem gael casgliad safonol eto ledled Cymru. Rhoddwyd yr hysbysiad hwnnw i awdurdodau lleol ym mis Mehefin. Tybiaf y gallwn ddweud mai dim ond dechrau mis Tachwedd yw hi yn awr, ac eisoes mae gennym 18 awdurdod lleol yn cymryd rhan. Felly, yr hyn yr ydym yn ei ddweud yw y byddem yn gobeithio y dylid ystyried y bydd cyfranogiad yn y strategaeth tipio anghyfreithlon, sydd wedi ei llunio ar y cyd â CLILC a’r holl bartneriaid, yn 100 y cant erbyn diwedd y

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authorities are still not on board, we will get alongside them and see whether there are any structural issues, possibly to do with data collection, that we can identify as barriers. However, we think that that is a pretty good success story so far.

flwyddyn. Credaf mai dyna pryd y byddwn yn ei hadolygu. Bryd hynny, os nad yw'r awdurdodau hynny wedi ymuno o hyd, byddwn yn gweithio gyda nhw i weld a oes unrhyw faterion strwythurol, yn ymwneud â chasglu data o bosibl, y gallwn eu nodi fel rhwystrau. Fodd bynnag, credaf fod hyn wedi bod yn eithaf llwyddiannus hyd yn hyn.

[88] **Janet Davies:** Thank you, Denise. Mick, we are going to get back to hazardous waste now.

[88] **Janet Davies:** Diolch, Denise. Mick, yr ydym am fynd yn ôl at wastraff peryglus yn awr.

[89] **Mick Bates:** Thank you, Chair. I am sure that we are all looking forward to this bit.

[89] **Mick Bates:** Diolch, Gadeirydd. Yr wyf yn siŵr ein bod ni i gyd yn edrych ymlaen at hyn.

As the Chair said, I want to move on to examine the section on the management of hazardous waste, as described in paragraph 3.12 to 3.18. As you can see from the information, we do not have any facilities capable of accepting hazardous waste in Wales. Why has this situation arisen for the Assembly and the agency?

Fel y dywedodd y Cadeirydd, yr wyf am symud ymlaen i edrych ar y rhan ar reoli gwastraff peryglus, fel y'i disgrifir ym mharagraff 3.12 i 3.18. Fel y gallwch weld o'r wybodaeth, nid oes gennym gyfleusterau sy'n gallu derbyn gwastraff peryglus yng Nghymru. Pam mae'r sefyllfa hon wedi codi i'r Cynulliad a'r asiantaeth?

**Dr Milligan:** I will start, if I may. I suppose that I should say first that it is not a surprise that it has arisen. Back when the Wales waste strategy was published, and indeed when the technical advice note was prepared for local authorities, it was recognised, and stated in those documents, that what we were preparing for was a situation where there would be few or no hazardous waste facilities. So, we knew way back in 1999, which was reflected in the early strategic documents, that that was going to be the case. We were engaged at a UK level, as soon as the waste acceptance criteria had been prepared at the European level, with some DEFRA research working groups and subsequently hazardous waste

**Dr Milligan:** Dechreuaf, os caf fi. Mae'n debyg y dylwn ddweud yn gyntaf nad yw'n syndod bod y sefyllfa hon wedi codi. Pan gyhoeddwyd strategaeth wastraff Cymru, ac yn wir pan gafodd y nodyn cyngor technegol ei baratoi ar gyfer awdurdodau lleol, cydnabuwyd, a datganwyd yn y dogfennau hynny, mai'r hyn yr oeddem yn paratoi ar ei gyfer oedd sefyllfa lle byddai prinder cyfleusterau gwastraff peryglus neu ddim o gwbl. Felly, gwyddom yn ôl yn 1999, a adlewyrchwyd yn y dogfennau strategol cynnar, mai dyna fyddai'r sefyllfa. Yr oeddem yn ymwneud â'r gwaith ar lefel y DU, cyn gynted ag y cafodd y meini prawf derbyn gwastraff eu paratoi ar lefel Ewropeaidd, gyda rhywfaint o ymchwil

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working groups at UK level in planning for that.

DEFRA gweithgorau ac yna gweithgorau gwastraff peryglus ar lefel y DU yn y gwaith o gynllunio ar gyfer hynny.

Action, as it were, moved to Wales with the publication of the Wales waste strategy, because annex 9 of the technical annexes—which is quite a thick document that sits alongside the Wales waste strategy—is the Welsh hazardous waste plan; so that is in place. On the back of that—although as I explained earlier in terms of this sort of complexity of powers, we do not have devolved powers in relation to that co-disposal issue—the Assembly hazardous waste group agreed that there should be communication to the industry on what was coming.

Dechreuodd yr olwynion droi yng Nghymru, fel petai, gyda chyhoeddi strategaeth wastraff Cymru, gan mai atodiad 9 yr atodiadau technegol—sef dogfen eithaf swmpus sy'n mynd law yn llaw â strategaeth wastraff Cymru—yw cynllun gwastraff peryglus Cymru; felly mae hwnnw ar waith. Yn sgil hynny—er fel yr eglurais yn gynharach o ran y math hwn o gymhlethdod pwerau, nid oes gennym bwerau datganoledig mewn perthynas â'r mater cyd-waredu hwnnw—cytunodd grŵp gwastraff peryglus y Cynulliad y dylid hysbysu'r diwydiant am yr hyn a oedd ar droed.

Helen has referred to some of these actions already because they were done on a collaborative basis. Leaflets were prepared and 100,000 were distributed, the majority of which went out with the business rates to all businesses in Wales. A second leaflet went out to all business advisers, which alerted the industry, if it had not picked up on it already. The directive had been around since 1999, there had been six consultations on regulations leading up to regulations, so a lot of businesses were already prepared for it, but we were trying essentially to pick up those who were not and to try to make them aware of what was coming. So, it was not a surprise in terms of the strategic planning. We took action to try to ensure that it was not a surprise in terms of individual businesses and I know that the agency was actually working with businesses and discussing with them because they were very close to those who are using and providing the facilities. In terms of specific waste streams, there was quite a lot of action on particular waste streams where we perceived that there was going to be a

Mae Helen wedi cyfeirio at rai o'r camau hyn eisoes oherwydd iddynt gael eu gwneud ar y cyd. Paratowyd taflenni a dosbarthwyd 100,000, a chafodd y mwyafrif ohonynt eu hanfon gyda'r ardrethi busnes i bob busnes yng Nghymru. Anfonwyd ail daflen at bob cynghorydd busnes, a hysbysodd y diwydiant, os nad oedd yn ymwybodol ohono eisoes. Mae'r gyfarwyddeb wedi bod mewn bodolaeth ers 1999, cafwyd chwe ymgynghoriad ar reoliadau yn arwain i fyny at y rheoliadau, felly yr oedd llawer o fusnesau eisoes yn barod ar ei gyfer, ond yn y bôn yr oeddem yn ceisio dod o hyd i'r rhai nad oeddynt ac yn ceisio eu gwneud yn ymwybodol o'r hyn a oedd ar droed. Felly, nid oedd yn syndod o ran y cynllunio strategol. Aethom ati i geisio sicrhau nad oedd yn syndod o ran busnesau unigol a gwn i'r asiantaeth fynd ati i weithio gyda busnesau a thrafod gyda nhw oherwydd yr oeddynt yn agos iawn at y rheini sy'n defnyddio ac yn darparu'r cyfleusterau. O ran ffrydiau gwastraff penodol, bu tipyn o weithredu mewn perthynas â ffrydiau gwastraff arbennig lle yr oeddem yn

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difficulty.

[90] **Mick Bates:** I am a little confused, because you are saying that people knew about this in 1999 and the report says that the select committee drew attention to this in 1990. You are saying that it is no surprise that we do not have facilities. Let us look at the other side of the coin—is it not a surprise that there is such complacency that, during this planning process, no-one said that we must get some hazardous waste facilities in Wales rather than export it?

**Dr Milligan:** No, if I can explain what the Wales waste strategy was saying and what was reflected in the technical advice note—that hazardous waste and the nature of hazardous waste means that it will not always be disposed of in respect of the proximity principle. Because you actually need to gather it together for treatment and/or disposal, it will not always be done locally. So, it is a sort of exception to the normal principle of sustainable waste management, which is that the community that generates the waste arising should be looking after it. That was reflected in the Wales waste strategy as an exception. It was pointed out there that it would probably not be the case that facilities would be required. I think that just under half of the hazardous waste produced in Wales before the co-disposal ban was actually treated or disposed of elsewhere. So, waste travels, particularly hazardous waste, which has always travelled.

So the planning basis was, in a sense, to identify—and the regional waste groups have taken this forward—where there would be a need for it, but not actually to prepare the ground for hazardous waste

rhagweld llawer o broblemau.

[90] **Mick Bates:** Yr wyf wedi drysu mymryn, oherwydd yr ydych yn dweud bod pobl yn gwybod am hyn yn 1999 a dywed yr adroddiad i'r pwyllgor dethol dynnu sylw at hyn yn 1990. Yr hyn a ddywedwch yw nad yw'n syndod nad oes gennym gyfleusterau. Gadewch i ni edrych ar ochr arall y geiniog—onid yw'n syndod bod cymaint o hunanfodddhad fel na wnaeth unrhyw un ddweud, yn ystod y broses gynllunio hon, bod yn rhaid i ni gael cyfleusterau gwastraff peryglus yng Nghymru yn hytrach na'i allforio?

**Dr Milligan:** Na, os caf egluro'r hyn yr oedd strategaeth wastraff Cymru yn ei ddweud a'r hyn a adlewyrchwyd yn y nodyn cyngor technegol—sef bod gwastraff peryglus a natur gwastraff peryglus yn golygu na fydd o reidrwydd yn cael ei waredu ar sail yr egwyddor agosrwydd. Oherwydd bod yn rhaid i chi ei gasglu at ei gilydd i'w drin a/neu ei waredu, ni fydd bob amser yn cael ei wneud yn lleol. Felly, mae'n rhyw fath o eithriad i'r egwyddor arferol o reoli gwastraff yn gynaliadwy, sef y dylai'r gymuned sy'n creu'r gwastraff ofalu amdano. Adlewyrchwyd hynny fel eithriad yn strategaeth wastraff Cymru. Nodwyd na fyddai'n debygol y byddai angen cyfleusterau. Credaf i bron i hanner y gwastraff peryglus a gynhyrchwyd yng Nghymru cyn y gwaharddiad ar gyd-waredu gael ei drin neu ei waredu yn rhywle arall a dweud y gwir. Felly, mae gwastraff yn teithio, yn enwedig gwastraff peryglus, sydd wedi teithio erioed.

Felly'r sail cynllunio, ar ryw ystyr, oedd nodi—ac mae'r grwpiau gwastraff rhanbarthol wedi gwneud hyn—ble fyddai ei angen, ond nid mynd ati i baratoi'r ffordd ar gyfer gwaredu

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disposal. We are doing some work with the Welsh European Funding Office to stimulate the business interest in market opportunities for hazardous waste treatments. But, of course, it is consistent with the overall approach to move away from landfill as a preferred form of disposal that we should be working to restrict capacity.

**Dr Phillips:** If I could add to that, DEFRA, the Welsh Assembly Government and the Environment Agency are still meeting weekly on hazardous waste in order to monitor the situation and to take forward solutions for the future. Liz leads on those meetings for the agency and I would like to bring her in, in a moment. Just before I do, if I could return to the chestnut of waste management planning, because June referred earlier to the letter that the Assembly has sent to local authorities requiring us all to redouble our efforts on this issue. In that letter, which is in support, really, of TAN 21, I think that a certain degree of compromise is available to local authorities in terms of the extent to which they identify facilities, and it is largely that B2-type land designation can be almost a proxy for the identification of appropriate sorts of locations. However, that option is not available in respect of provision for landfill or hazardous waste. So there is further work being done. In addition to annex 9 of the strategy, as June says, further work is being required now of local authorities in terms of this issue. Perhaps I could ask Liz to tell us more.

**Ms Parkes:** Just to put this briefly within an England and Wales context, prior to July this year there were over 200 landfills that were capable of taking hazardous waste of some type; not all

gwastraff peryglus. Yr ydym yn gwneud rhywfaint o waith gyda Swyddfa Cyllid Ewropeaidd Cymru i ysgogi diddordeb busnes mewn cyfleoedd marchnata ar gyfer trin gwastraff peryglus. Ond, wrth gwrs, mae'r ffaith y dylem fod yn gweithio i leihau gallu yn cyd-fynd â'r ymagwedd gyffredinol o symud i ffwrdd oddi wrth dirlenwi fel y ffordd fwyaf poblogaidd o waredu gwastraff.

**Dr Phillips:** Pe gallwn ychwanegu at hynny, mae DEFRA, Llywodraeth Cynulliad Cymru ac Asiantaeth yr Amgylchedd yn parhau i gyfarfod yn wythnosol i drafod gwastraff peryglus er mwyn monitro'r sefyllfa a datblygu atebion ar gyfer y dyfodol. Mae Liz yn cynrychioli'r asiantaeth yn y cyfarfodydd hynny, a hoffwn alw arni, mewn munud. Cyn i mi wneud hynny, pe gallwn ddychwelyd at y mater o gynllunio rheoli gwastraff, oherwydd cyfeiriodd June yn gynharach at y llythyr y mae'r Cynulliad wedi ei anfon at awdurdodau lleol yn gofyn i ni i gyd ddyblu ein hymdrechion ar y mater hwn. Yn y llythyr hwnnw, sy'n cefnogi nodyn cyngor technegol 21, mewn gwirionedd, credaf y gall awdurdodau lleol gyfaddawdu i ryw raddau o ran i ba raddau y maent yn nodi cyfleusterau, ac i raddau helaeth, gall dynodi tir math B2 fod yn brocsi bron i nodi mathau priodol o leoliadau. Fodd bynnag, nid yw'r opsiwn hwnnw ar gael mewn perthynas â thirlenwi neu wastraff peryglus. Felly mae gwaith pellach yn cael ei wneud. Yn ogystal ag atodiad 9 y strategaeth, fel y dywed June, mae angen i awdurdodau lleol gyflawni gwaith pellach yn awr mewn perthynas â'r mater hwn. Efallai y gallwn ofyn i June ddweud mwy wrthym.

**Ms Parkes:** I roi hyn mewn cyd-destun Lloegr a Chymru yn fyr, cyn mis Gorffennaf eleni, yr oedd dros 200 o safleoedd tirlenwi a oedd yn gallu derbyn gwastraff peryglus o ryw fath; nid



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were taking it. That situation has now changed to less than a dozen. You can see that that is not a lot for the whole of England and Wales. It is important to note that the landfill directive is about reducing reliance on landfill, as has been said, and at no time have we been looking for the capacity available pre-16 July to be matched by the capacity post-16 July. That would defeat the objective of the landfill directive.

Half of all the hazardous waste arisings are contaminated soil and there is evidence—indeed there was evidence pre-16 July—that a lot of that waste was not hazardous, but was being consigned as hazardous as a precautionary approach. There was a huge increase in hazardous waste leading up to 16 July; there was something like a threefold increase in the preceding three months of contaminated soil. However, we think that we are starting to see better characterisation of the waste at source, separating out and identification of the truly hazardous components, treatment on site, and then looking after of the waste that is truly hazardous. Our understanding is that we are in a kind of two-year cycle. We have this July's changes, and we have changes next July when full waste acceptance criteria come in.

The Environment Agency has been talking up this issue for a number of years, and we make no apology for that, because we think that it is important that everyone was prepared and looking ahead and thinking about the impacts of these changes, and what the producing industry needed to do as a result. We have not seen increases in illegal waste management since July 16, which is very pleasing, but that is not to say that we are not still concerned that there may not be

oeddynt i gyd yn ei gymryd. Mae'r sefyllfa honno bellach wedi newid i lai na dwsin. Gallwch weld nad yw'n llawer ar gyfer Cymru a Lloegr i gyd. Mae'n bwysig nodi mai nod y gyfarwyddeb tirlenwi yw lleihau'r ddibyniaeth ar dirlenwi, fel y dywedwyd, ac nad ydym ar unrhyw adeg wedi bod yn ceisio sicrhau bod y gallu ar ôl 16 Gorffennaf yr un fath ag yr oedd cyn 16 Gorffennaf. Byddai hynny'n mynd yn groes i amcan y gyfarwyddeb tirlenwi.

Pridd wedi ei halogi yw hanner yr holl wastraff peryglus ac mae tystiolaeth—yn wir yr oedd tystiolaeth cyn 16 Gorffennaf—nad oedd llawer o'r gwastraff hwnnw yn beryglus, ond ei fod yn cael ei ddsbarthu'n beryglus i fod yn rhagofalus. Bu cynnydd enfawr mewn gwastraff peryglus yn arwain i fyny at 16 Gorffennaf; bu rhywbeth fel cynnydd triphlyg mewn pridd wedi ei halogi yn y tri mis blaenorol. Fodd bynnag, credwn ein bod yn dechrau gweld gwastraff yn cael ei ddsbarthu'n well yn ei ffynhonnell, gan wahanu a nodi'r cydrannau gwirioneddol beryglus, trin ar y safle, ac yna gofalu am y gwastraff sy'n wirioneddol beryglus. Yr ydym ar ddeall ein bod mewn rhyw fath o gylch dwy flynedd. Mae gennym newidiadau'r mis Gorffennaf yma, ac mae gennym newidiadau mis Gorffennaf nesaf pan ddaw meini prawf derbyn gwastraff llawn i rym.

Mae Asiantaeth yr Amgylchedd wedi bod yn pwysleisio'r mater hwn am nifer o flynyddoedd, ac ni ymddiheurwn am hynny, oherwydd credwn ei bod yn bwysig fod pawb wedi eu paratoi a'u bod yn edrych i'r dyfodol ac yn meddwl am effeithiau'r newidiadau hyn, a'r hyn y mae'n rhaid i'r diwydiant cynhyrchu ei wneud o ganlyniad. Nid ydym wedi gweld cynnydd mewn rheoli gwastraff anghyfreithlon ers 16 Gorffennaf, sy'n rhoi boddhad mawr, ond nid yw hynny i

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issues with contaminated soil in particular, when we see increases in redevelopment. As you will know, that is a cyclical operation and we are working closely with other partner organisations, including English partnerships, counterparts in Wales, and the Office of the Deputy Prime Minister, to make sure that we are keeping our eye on this collective ball.

Ultimately, it is up to the market to provide. Some interesting information from the market is that although there are these 12 sites capable of taking hazardous waste, the waste management industry itself thinks there is overcapacity for hazardous waste landfill. I am not hearing, in any sense, from England and Wales that people are looking for more landfill capacity. Indeed, those that are in the business of providing capacity say this is a short-term measure. That is not to say that we do not need to make sure that we have suitable routes identified for those waste streams that do exist, but it is one of these difficult areas to get a handle on what is likely to be produced over the next few years. That is why we are continuing to work on a weekly basis with the Assembly Government, DEFRA and the industry to try to predict and make sure that provision is there.

[91] **Mick Bates:** There may be overcapacity, but there is none in Wales, and that is the issue I want to address. It is quite interesting that you said that the Environment Agency have been flagging this up for many years. In that case, why are we so late in doing anything about it from the Government side?

**Ms Parkes:** We have been raising this issue through various select committees and calling for greater debate about hazardous waste. As a result, the

ddweud nad ydym yn parhau i bryderu nad oes problemau gyda phridd wedi ei halogi yn arbennig, pan welwn gynnydd mewn ailddatblygu. Fel y gwyddoch, gweithred gylchol yw honno ac yr ydym yn gweithio'n agos gyda sefydliadau partner eraill, gan gynnwys partneriaethau yn Lloegr, cymheiriaid yng Nghymru a Swyddfa'r Dirprwy Brif Weinidog, i sicrhau ein bod yn cadw llygad ar hyn i gyd.

Yn y pen draw, cyfrifoldeb y farchnad yw darparu. Peth gwybodaeth ddiddorol a gafwyd o'r farchnad yw bod y diwydiant rheoli gwastraff ei hun o'r farn bod gormod o allu i dirlenwi gwastraff peryglus er bod y 12 safle hyn yn gallu cymryd gwastraff peryglus. Ni chlywaf, ar unrhyw ystyr, yng Nghymru a Lloegr, bod pobl yn galw am fwy o allu tirlenwi. Yn wir, mesur tymor byr yw hwn yn ôl y rheini sy'n darparu gallu. Nid yw hynny i ddweud nad oes angen i ni sicrhau ein bod wedi nodi llwybrau priodol ar gyfer y ffrydiau gwastraff hynny sy'n bodoli, ond mae'n un o'r meysydd hyn lle mae'n anodd ceisio rhagweld yr hyn sy'n debygol o gael ei gynhyrchu dros yr ychydig flynyddoedd nesaf. Dyna pam ein bod yn parhau i weithio'n wythnosol gyda Llywodraeth y Cynulliad, DEFRA a'r diwydiant i geisio rhagweld a sicrhau bod y ddarpariaeth yno.

[91] **Mick Bates:** Efallai fod gormod o gapasiti, ond nid dyna'r achos yng Nghymru, a dyna'r mater yr hoffwn ei drafod. Mae'n eithaf diddorol i chi ddweud bod Asiantaeth yr Amgylchedd wedi bod yn pwysleisio hyn am flynyddoedd lawer. Os felly, pam mae'r Llywodraeth wedi cymryd cyhyd i wneud rhywbeth yn ei gylch?

**Ms Parkes:** Yr ydym wedi bod yn codi'r mater hwn drwy bwyllgorau dethol amrywiol ac wedi galw am fwy o drafod am wastraff peryglus. O ganlyniad,

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Government set up the hazardous waste forum and the group in Wales, which we have taken an active part in. This is not an ideal position for the UK waste management industry collectively to be in. Our message to the industry now is to make sure that we are looking ahead to the changes, not just next July, but to the water framework directive and ground water framework directive that is going to further tighten up what can go into landfill and where landfills can be. There are a number of these changes, and no-one should be complacent about what they mean.

sefydlodd y Llywodraeth y fforwm gwastraff peryglus a'r grŵp yng Nghymru, ac yr ydym wedi bod yn weithgar ynddynt. Nid yw hon yn sefyllfa ddelfrydol i holl ddiwydiant rheoli gwastraff y DU fod ynddi. Ein neges i'r diwydiant yn awr yw sicrhau ein bod yn edrych ymlaen at y newidiadau, nid yn unig fis Gorffennaf nesaf, ond at y gyfarwyddeb fframwaith dŵr a'r gyfarwyddeb fframwaith dŵr daear a fydd yn cyfyngu ymhellach ar beth y gellir ei waredu mewn safleoedd tirlenwi a lleoliad y safleoedd hyn. Mae llawer o'r newidiadau hyn, ac ni ddylai unrhyw un orffwys ar ei rwyfau o ran yr hyn y maent yn ei olygu.

[92] **Mick Bates:** We are moving to that position, but we do not have any landfill disposal of hazardous waste in Wales, therefore I am assuming it is being transported much greater distances to wherever it is going. Surely this raises some serious problems about public health and the risk to the public in general? Where is the waste going and what is that risk factor? Has it increased because we do not have any landfill hazardous waste sites in Wales?

[92] **Mick Bates:** Yr ydym yn agosáu at y sefyllfa honno, ond nid ydym yn gwaredu gwastraff peryglus mewn safleoedd tirlenwi yng Nghymru, felly tybiaf y caiff ei gludo yn llawer pellach i ble bynnag yr aiff. Siawns bod hyn yn peri problemau difrifol o ran iechyd cyhoeddus a risg i'r cyhoedd yn gyffredinol? I ble aiff y gwastraff a beth yw'r ffactor risg hwnnw? A yw wedi cynyddu oherwydd nad oes gennym safleoedd tirlenwi gwastraff peryglus yng Nghymru?

**Dr Phillips:** The comment that I would make in respect of that echoes June's remarks about the extent to which the proximity principle is appropriate in respect of hazardous waste management. My concern would not be not so much about health, but about the impact on the competitiveness of businesses in Wales, because if that transportation cost is adding a considerable burden, that could have an impact. However, we are not having serious concerns being flagged up with us by the Confederation of British Industry or the Federation of Small Businesses or others at this point in time.

**Dr Phillips:** Mae'r sylw y byddwn yn ei wneud am hynny yn adleisio sylwadau June am i ba raddau y mae'r egwyddor agosrwydd yn briodol mewn perthynas â rheoli gwastraff peryglus. Ni fyddwn yn pryderu cymaint am iechyd, ond am yr effaith ar allu busnesau Cymru i gystadlu, oherwydd os yw'r gost cludo honno yn ychwanegu baich sylweddol, gallai hynny gael effaith. Fodd bynnag, nid oes pryderon difrifol yn cael eu mynegi i ni gan y Cydffederasiwn Diwydiant Prydain neu'r Ffederasiwn Busnesau Bach neu eraill ar hyn o bryd.

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[93] **Mick Bates:** Just as a point of information, where is this hazardous waste going to landfill then?

[93] **Mick Bates:** Er gwybodaeth, ble bydd y gwastraff peryglus hwn yn cael ei dirlenwi felly?

**Ms Parkes:** Some of the waste from Wales will be going to sites in England. As we have said, it is also about those companies minimising the waste that they have previously produced. We are seeing very good examples of that operated, both on the contaminated land side, but also, importantly, on the chemical producing companies, the oil treatment, we are seeing that these companies are taking measures to minimise the amount of waste that they produce. So there are some very good examples around. However, I would urge that we not be complacent, because we need to keep watching this situation over the next couple of years to make sure that, if it is being disposed of illegally—we have no evidence of that, but we are working with the industry to make sure, if there are any concerns from the legitimate industry, that we can then target our enforcement activities. We are doing that at the moment, and going to look and see if there are concerns that we have not picked up on.

**Ms Parkes:** Bydd peth o'r gwastraff o Gymru yn mynd i safleoedd yn Lloegr. Fel yr ydym wedi ei ddweud, mae hefyd yn ymwneud â'r cwmnïau hynny'n lleihau cymaint â phosib y gwastraff yr oeddynt yn ei gynhyrchu'n flaenorol. Gwelwn enghreifftiau da iawn o hynny ar waith, a hynny ar dir wedi ei halogi, ond hefyd, yn bwysig, yn y cwmnïau sy'n cynhyrchu cemegau, y gwaith trin olew, gwelwn fod y cwmnïau hyn yn mynd ati i leihau'r gwastraff a gynhyrchant. Felly mae rhai enghreifftiau da iawn o gwmpas. Fodd bynnag, byddwn yn pwysu arnom i beidio â gorffwys ar ein rhwyfau, oherwydd mae'n rhaid i ni gadw llygad ar y sefyllfa hon am y flwyddyn neu ddwy nesaf i sicrhau, os yw'n cael ei waredu'n anghyfreithlon—nid oes gennym dystiolaeth o hynny, ond yr ydym yn gweithio gyda'r diwydiant i sicrhau, os oes unrhyw bryderon gan y diwydiant cyfreithlon, ein bod wedyn yn gallu targedu ein gweithgareddau gorfodi. Yr ydym yn gwneud hynny ar hyn o bryd, ac yn mynd i edrych a oes pryderon nad ydym wedi eu nodi.

**Dr Phillips:** Your lines of questioning do raise another important point though. I have a comment really, more than anything, about the way in which the waste management market is managed. If you think of municipal waste, there is a market maker there, and the market maker is the local authorities—they charge you a council tax, they collect it up and they find people to take it away, and, by and large, they do a pretty good job. Then, when you think about what happens to other waste streams, which, as we have said earlier today, account for 90-odd per cent plus of waste, where is the market maker there?

**Dr Phillips:** Mae eich cwestiynau'n codi pwynt arall pwysig fodd bynnag. Mae gennyf sylw mewn gwirionedd, yn fwy nag unrhyw beth, am y modd y rheolir y farchnad rheoli gwastraff. Os ystyriwch wastraff dinesig, mae gwneuthurwr marchnad yno, a'r gwneuthurwr marchnad yw'r awdurdodau lleol—maent yn codi treth gyngor arnoch, maent yn casglu'r gwastraff ac yn canfod pobl i'w gludo i ffwrdd ac, ar y cyfan, maent yn gwneud hyn yn eithaf da. Yna, pan feddylwch am yr hyn sy'n digwydd i ffrydiau gwastraff eraill, sydd, fel y dywedasom yn gynharach heddiw, yn cyfrif am tua 90 y cant o wastraff, ble mae'r gwneuthurwr marchnad yn y

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ffrydiau hynny?

June spoke earlier about that responsibility being on the market, and the steps that the Assembly Government has taken through Objective 1 to stimulate the market. However, waste is a bit of a peculiarity. Compare it, for example, with the water industry—you have an entirely different model there. In the water industry, you have an economic regulator, and the reason an economic regulator works is because it is, effectively, a monopoly situation. However, when we talk about waste we always talk about trying to improve the mechanisms that are currently at our disposal, and, consequently, the extent of the discussion that we have had this morning about waste planning. However, you do have to pause for thought from time to time and ask, are there more radical options, perhaps, in terms of how we manage and support that market?

**Dr Milligan:** May I just say something briefly? I know that time is pressing, but this is an issue of public concern, and rightly so. I just wanted to say what we were doing in terms of risk management, as it were, of that transition that we have been talking about, which is through the situation where capacity gets tighter to one where more sustainable practices have kicked in. We have already mentioned the work that has been done by the Welsh European Funding Office, and it is at the stage now where tenders are coming in from people who are interested in support for a business that would be about treatment of hazardous waste, and that is happening in Wales at WEFO's initiative.

I would just like to quickly mention two other measures that we have in place in terms of risk management. One is participation with DEFRA, the

Bu i June sôn yn gynharach mai cyfrifoldeb y farchnad yw hwnnw, ac am y camau y mae Llywodraeth y Cynulliad wedi eu cymryd drwy Amcan 1 i ysgogi'r farchnad. Fodd bynnag, mae gwastraff yn fater eithaf hynod. Cymharwch ef, er enghraifft, â'r diwydiant dŵr—mae gennych fodel tra gwahanol yno. Yn y diwydiant dŵr, mae gennych reolydd economaidd, a'r rheswm y mae rheolydd economaidd yn gweithio yw oherwydd ei fod, i bob pwrpas, yn sefyllfa monopoli. Fodd bynnag, pan siaradwn am wastraff, yr ydym bob amser yn siarad am geisio gwella'r dulliau sydd gennym i'w harfer, ac, o ganlyniad, a dyna yw hyd a lled y drafodaeth yr ydym wedi ei chael y bore yma am gynllunio gwastraff. Fodd bynnag, rhaid i chi oedi i feddwl o bryd i'w gilydd a gofyn, a oes opsiynau mwy radical, o bosibl, o ran sut yr ydym yn rheoli ac yn cefnogi'r farchnad?

**Dr Milligan:** A gaf fi ddweud rhywbeth yn fyr? Gwn fod amser yn brin, ond mae hwn yn fater o bryder i'r cyhoedd, a hynny'n gywir. Yr oeddwn am ddweud beth yr oeddem yn ei wneud o ran rheoli risg, fel petai, y newid hwnnw yr ydym wedi bod yn sôn amdano, o'r sefyllfa lle mae gallu'n cael ei gyfyngu i sefyllfa lle mae arferion mwy cynaliadwy wedi eu rhoi ar waith. Yr ydym eisoes wedi crybwyll y gwaith a wnaed gan Swyddfa Cyllid Ewropeaidd Cymru, ac mae wedi cyrraedd yr adeg erbyn hyn lle mae tendrau'n cael eu cyflwyno gan bobl sydd â diddordeb mewn cymorth i fusnes a fyddai'n ymwneud â thrin gwastraff peryglus, ac mae hynny'n digwydd yng Nghymru diolch i WEFO.

Hoffwn sôn yn fyr am ddau fesur arall sydd gennym ar waith o ran rheoli risg. Un yw cymryd rhan gyda DEFRA, Asiantaeth yr Amgylchedd ac eraill

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Environment Agency and others in a landfill and hazardous waste implementation team, which is meeting fortnightly and is looking at capacity, permitting, and market conditions around hazardous waste. So we are keeping a really close eye on it—we are not just letting it lie, as it were. The third one is to say that, in Wales, we have moved ahead of England in amending the licensing regulations so that use can be made of mobile plant. Mobile plant is used to clean up contaminated soil, which, as Liz said, contributes a lot to hazardous waste, and that is happening on some quite big sites. It is happening on the LG site, and on some Corus sites, and that is about taking contaminated soil out of the waste stream. So those are the things that we have in place in terms of managing the transition.

mewn tîm gweithredu tirlenwi a gwastraff peryglus, sy'n cyfarfod bob pythefnos ac yn edrych ar allu, caniatáu, ac amodau'r farchnad mewn perthynas â gwastraff peryglus. Felly yr ydym yn cadw llygad barcud arno—nid ydym yn ei anwybyddu, fel petai. Y trydydd un yw dweud ein bod, yng Nghymru, wedi achub y blaen ar Loegr o ran diwygio'r rheoliadau trwyddedu fel y gellir defnyddio offer symudol. Defnyddir offer symudol i lanhau pridd wedi ei halogi sydd, fel y dywedodd Liz, yn cyfrannu llawer at wastraff peryglus, ac mae hynny'n digwydd ar nifer o safleoedd mawr. Mae'n digwydd ar safle LG, ac ar rai o safleoedd Corus, ac mae hynny'n ymwneud â chymryd pridd wedi'i halogi o'r llif gwastraff. Felly dyna'r pethau sydd gennym ar waith o ran rheoli'r newid.

[94] **Mick Bates:** Thank you very much for those answers. However, again, there are two things that puzzle me. One is that, if all this was known, why was hazardous waste left out of the first regional waste plans? Secondly, if you are encouraging people to put in commercial hazardous waste plants, why is there not a budget within the Assembly Government's environment, planning and countryside budget?

[94] **Mick Bates:** Diolch yn fawr iawn i chi am yr atebion hynny. Fodd bynnag, eto mae dau beth sy'n fy nrysus. Un yw, os oedd hyn oll yn hysbys, pam gafodd gwastraff peryglus ei hepgor o'r cynlluniau gwastraff rhanbarthol cyntaf? Yn ail, os ydych yn annog pobl i osod gweithfeydd gwastraff peryglus masnachol, pam nad oes cyllideb o fewn cyllideb amgylchedd, cynllunio a chefn gwlad Llywodraeth y Cynulliad?

**Dr Milligan:** On the first one, I do not think that I know why it was not in. I think that it was in—Robert might know the answer to that.

**Dr Milligan:** Yn achos y cyntaf, ni chredaf fy mod yn gwybod pam na chafodd ei gynnwys. Credaf iddo gael ei gynnwys—efallai fod Robert yn gwybod yr ateb i hynny.

[95] **Mick Bates:** It clearly was not in.

[95] **Mick Bates:** Yn amlwg nid oedd wedi ei gynnwys.

**Dr Milligan:** What we have asked them to do is to do more work. Specifically, the extra work that is being done is on

**Dr Milligan:** Yr hyn yr ydym wedi gofyn iddynt ei wneud yw gwneud mwy o waith. Yn benodol, mae'r gwaith

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regional level facilities because, from what we have said about the way the strategy has treated things such as hazardous waste, there will not be a requirement for something in every local authority. So, what we have asked the regional waste plans to do more generally where that is the case, not just on hazardous waste, is to look again so that it is not just a matter of them specifying what is required for the whole area that will then be taken forward in individual local development plans, but of them applying themselves to addressing this issue of, if they only needed one such facility in the region, how would they sort that out among themselves? So it is taking it one stage forward, and hazardous waste is part of that work programme. Sorry, the second part of your question was?

[96] **Mick Bates:** The second part was another curiosity about the budget. Does the Government have a budget line to assist this development that was mentioned earlier on in Objective 1?

**Dr Milligan:** No, it is Objective 1 funding. You will be aware that the programme partnerships that exist in Wales to look after Objective 1 are able to, as it were, spot gaps where the programme document has not been satisfied. One of the gaps that was spotted in, I think, priority 6 of the Objective 1 programme, related to the provision of waste facilities. What WEFO has done is to draw up a tender specification and invited businesses to show an interest because it wants to stimulate the use of the market opportunity.

[97] **Mick Bates:** Thank you very much, but I still do not understand this. We have

ychwanegol a wneir yn digwydd ar gyfleusterau rhanbarthol oherwydd, o'r hyn yr ydym wedi ei ddweud am y ffordd y mae'r strategaeth wedi trin pethau fel gwastraff peryglus, ni fydd gofyn am rywbeth ym mhob awdurdod lleol. Felly, yr hyn yr ydym wedi gofyn i gynlluniau gwastraff rhanbarthol ei wneud yn fwy cyffredinol mewn achosion o'r fath, nid dim ond yn achos gwastraff peryglus, yw edrych eto fel nad yw'n unig yn fater ohonynt yn nodi'r hyn sydd ei angen ar gyfer yr ardal gyfan a fydd wedyn yn cael ei ddatblygu mewn cynlluniau datblygu lleol unigol, ond eu bod nhw'n mynd ati i fynd i'r afael â'r mater o sut byddent yn mynd ati i drefnu ymysg eu hunain os mai dim ond un cyfleuster o'r fath sydd ei angen yn y rhanbarth? Felly mae'n ymwneud â'i symud un cam ymlaen, ac mae gwastraff peryglus yn rhan o'r rhaglen waith honno. Mae'n ddrwg gen i, beth oedd ail ran eich cwestiwn?

[96] **Mick Bates:** Yr ail ran oedd chwilfrydedd arall sydd gennyf am y gyllideb. A oes gan y Llywodraeth linell gyllideb i gynorthwyo'r datblygiad hwn a gafodd ei grybwyll yn gynharach yn Amcan 1?

**Dr Milligan:** Na, cyllid Amcan 1 ydyw. Byddwch yn ymwybodol bod y partneriaethau rhaglen sy'n bodoli yng Nghymru i ofalu am Amcan 1 yn gallu, fel petai, nodi bylchau lle nad yw dogfen y rhaglen wedi ei bodloni. Yr oedd un o'r bylchau a nodwyd, credaf, ym mlaenoriaeth 6 rhaglen Amcan 1, yn ymwneud â darparu cyfleusterau gwastraff. Yr hyn y mae WEFO wedi ei wneud yw llunio manyleb tendr a gwahodd busnesau i fynegi diddordeb oherwydd ei bod am ysgogi'r defnydd o'r cyfle marchnad.

[97] **Mick Bates:** Diolch yn fawr iawn, ond nid wyf yn deall hyn o hyd. Yr ydym

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known about this for all this time, as I said, and yet the stimulation is occurring now when, since 1990 and 1999, we have known about the problem with hazardous waste. Will this be part of the planning process from now on? Will regional waste management plans have hazardous waste in them?

**Dr Milligan:** That is the work that is taking place now. As I say, that is only part of a much bigger risk management approach that we now have in place to take us through the transition from where we have been to where we are going.

[98] **Mick Bates:** Thank you, Chair.

[99] **Janet Davies:** Thank you, Mick. Three Members want to come in on that, and I will limit you to one question each. I also want to make the point that, from 2002 onwards, I have a list of the number of times that this issue came up in Plenary. It is a two-page list. It was raised over and again, and I can remember raising it between 2000 and 2003 in the then Environment, Planning and Transport Committee. All that time, it did not seem to be a matter of great concern. Also, I have a letter from a major contractor in waste management, who says that:

‘The current situation is resulting in an enormous amount of confusion throughout the waste management industry and for hazardous waste producers.’

Clearly, therefore, there have been major problems here that, I have say, I do not feel were addressed soon enough. I now turn to the three Members who wish to

wedi gwybod am hyn ers yr holl amser hwn, fel y dywedais, ac eto mae'r ysgogi yn digwydd yn awr pan yr ydym wedi bod yn ymwybodol o'r broblem gyda gwastraff peryglus ers 1990 ac 1999. A fydd hwn yn rhan o'r broses gynllunio o hyn ymlaen? A fydd gwastraff peryglus wedi ei gynnwys mewn cynlluniau rheoli gwastraff rhanbarthol?

**Dr Milligan:** Dyna'r gwaith sy'n digwydd yn awr. Fel y dywedaf, dim ond rhan ydyw o ddull rheoli risg llawer mwy sydd gennym ar waith bellach i'n tywys drwy'r newid o ble yr oeddem i ble yr ydym yn mynd.

[98] **Mick Bates:** Diolch, Gadeirydd.

[99] **Janet Davies:** Diolch, Mick. Mae tri aelod am holi am hynny, ac yr wyf yn eich cyfyngu i un cwestiwn yr un. Yr wyf hefyd am ddweud, o 2002 ymlaen, bod gennyf restr o'r nifer o weithiau mae'r mater hwn wedi codi mewn Cyfarfod Llawn. Mae'n rhestr o ddwy dudalen. Cafodd ei godi dro ar ôl tro, a gallaf gofio ei godi rhwng 2000 a 2003 yn y Pwyllgor Amgylchedd, Cynllunio a Thrafnidiaeth fel yr oedd bryd hynny. Drwy gydol yr amser hwnnw, nid oedd yn ymddangos yn fater o bwys mawr. Hefyd, mae gennyf lythyr gan contractwr blaenllaw ym maes rheoli gwastraff sy'n dweud:

‘Mae'r sefyllfa bresennol yn arwain at ddryswch enfawr ledled y diwydiant rheoli gwastraff ac i gynhyrchwyr gwastraff peryglus.’

Yn amlwg, felly, bu problemau mawr yn y maes hwn, rhaid i mi ei ddweud, na aethpwyd i'r afael â nhw yn ddigon buan yn fy marn i. Trof yn awr at y tri Aelod



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contribute. Jeff?

sydd am gyfrannu. Jeff?

[100] **Jeff Cuthbert:** Thank you, Chair. On this matter, earlier, when you were asked questions about hazardous waste, you referred to transfrontier transportation, and I assume that we can take that as meaning transport from Wales into England.

[100] **Jeff Cuthbert:** Diolch, Gadeirydd. Ar y pwnc hwn, yn gynharach, pan ofynnwyd cwestiynau i chi am wastraff peryglus, bu i chi gyfeirio at gludo ar longau trawsffiniol, a thybiaf y gallwn gymryd bod hwnnw'n golygu cludiant o Gymru i Loegr.

**Dr Phillips:** Wales to China, for example.

**Dr Phillips:** Cymru i Tsieina, er enghraifft.

[101] **Jeff Cuthbert:** Oh. In any case, it is travelling some distance; let us put it like that. Again, with regard to the Penrhos tip that I referred to earlier, much of that material was being taken to Trecatti up until the middle of July, and I believe that it is now being transported quite a distance down the M4. I am not sure of its precise destination, but I know that local residents have, apart from complaining about the smells, complained about the quality of the vehicles and the appropriateness of the vehicles that are carrying that waste. What sort of monitoring do you undertake of the vehicles?

[101] **Jeff Cuthbert:** O. Beth bynnag, mae'n teithio cryn bellter; gadewch i ni ei roi felly. Eto, mewn perthynas â thomen Penrhos y cyfeiriais ati yn gynharach, yr oedd llawer o'r deunydd hwnnw yn cael ei gludo i Drecati tan ganol mis Gorffennaf, a chredaf ei fod bellach yn cael ei gludo cryn bellter i lawr yr M4. Nid wyf yn siŵr o'i union gyrchfan, ond gwn fod trigolion lleol, ar wahân i gwyno am arogleuon, wedi cwyno am ansawdd y cerbydau a natur briodol y cerbydau sy'n cludo'r gwastraff hwnnw. Pa fath o fonitro a wnewch mewn perthynas â'r cerbydau?

**Dr Phillips:** That is done under our special waste tracking system. I referred earlier to the fact that, through that system, we tracked in the last year 680,000 tonnes. I do not know whether Liz would like to say more.

**Dr Phillips:** Gwneir hynny dan ein system olrhain gwastraff arbennig. Cyfeiriais yn gynharach at y ffaith i ni olrhain 680,000 tonnell yn y flwyddyn ddiwethaf drwy'r system honno. Ni wn a hoffai Liz ddweud mwy.

**Ms Parkes:** Just to explain that the special system is about tracking the movements—you are right—from cradle to grave. The actual transportation of hazardous waste is not a matter for the agency; there are separate regulations that are administered by, I assume, the Department of Transport. No, it is the

**Ms Parkes:** Dim ond egluro bod y system arbennig yn ymwneud ag olrhain y symudiadau—yr ydych yn gywir—o'r crud i'r bedd. Nid yw cludo gwastraff peryglus yn fater i'r asiantaeth; mae rheoliadau ar wahân a weinyddir gan, fe dybiaf, yr Adran Drafnidiaeth. Na, yr Awdurdod Gweithredol Iechyd a

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HSE.

Diogelwch.

[102] **Jeff Cuthbert:** I see. Thank you.

[102] **Jeff Cuthbert:** Gwelaf i. Diolch.

**Ms Parkes:** We would be able to take action if there were a breach of the duty of care and if waste escaped from the vehicle, and, indeed, we do. We will pursue actions in that way and we will provide advice, but we do not have powers to take action specifically on the carriage, handling, packaging, and labelling of hazardous materials.

**Ms Parkes:** Byddem yn gallu gweithredu pe bai'r ddyletswydd gofal yn cael ei dorri a phe bai gwastraff yn gollwng o'r cerbyd, ac, yn wir, gwnawn hynny. Byddwn yn dilyn achosion fel hynny a byddwn yn darparu cyngor, ond nid oes gennym bwerau i weithredu'n benodol ar gludo, trafod, pecynnu, a labelu deunyddiau peryglus.

[103] **Jeff Cuthbert:** Thank you.

[103] **Jeff Cuthbert:** Diolch.

[104] **Janet Davies:** Before we go on to Mark, are the witnesses able to stay slightly longer? I understand that you were expecting to leave by 12 p.m. I can see that that is okay. Mark?

[104] **Janet Davies:** Cyn i ni fynd ymlaen Mark, a all y tystion aros ychydig yn hwy? Deallaf eich bod yn disgwyl gadael erbyn hanner dydd. Gallaf weld bod hyn yn iawn. Mark?

[105] **Mark Isherwood:** To what extent have anti-incineration campaigns frustrated the original plans for dealing with hazardous waste, and caused the impasse to which Mick has referred? It has been alleged by anti-incineration campaigners that if all the incinerators and co-incinerators originally planned had been built, we might have even become net importers of hazardous waste. In consequence, is it not accurate that—I believe at the Assembly Government's initiative—a number of roadshows or regional meetings were held with commercial waste operators around November 2003? At those meetings, and particularly in north Wales, the lead planning authority—in the case of north Wales, I think that it was Denbighshire—stated that even if licences were applied for now, it would take at least three years for planning approval because of the likely protests from local residents. Following a meeting I had with the

[105] **Mark Isherwood:** I ba raddau y mae ymgyrchoedd yn erbyn llosgyddion wedi llesteirio'r cynlluniau gwreiddiol ar gyfer delio â gwastraff peryglus, ac achosi'r oedi y cyfeiriodd Mick ato? Mae ymgyrchwyr yn erbyn llosgyddion wedi honni pe bai'r holl losgyddion a chyd-losgyddion a gynlluniwyd yn wreiddiol wedi eu hadeiladu, efallai y byddem hyd yn oed wedi dod yn fewnforwyr net o wastraff peryglus. O ganlyniad, onid yw'n gywir i nifer o sioeau teithiol neu gyfarfodydd rhanbarthol gael eu cynnal gyda gweithredwyr gwastraff masnachol—ar ysgogiad Llywodraeth y Cynulliad—tua mis Tachwedd 2003? Yn y cyfarfodydd hynny, ac yn enwedig yng ngogledd Cymru, nododd yr awdurdod cynllunio arweiniol—credaf mai Sir Ddinbych ydoedd yn achos y Gogledd—hyd yn oed pe gwnaed ceisiadau am drwyddedau yn awr, byddai'n cymryd o leiaf dair blynedd i gael cymeradwyaeth cynllunio oherwydd y protestiadau

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Environment Agency before the summer recess, I understand that the consequence of all this will be more hazardous waste illegal dumping, breaches of biosecurity because of the longer distances travelled by hazardous waste, and a requirement on commercial operators, including many small companies who have expressed concerns to me, to store the hazardous waste on their premises until alternatives are available to them.

**Dr Phillips:** Incineration is not popular. It is slightly more popular when you call it energy from waste. I was at a presentation that Andy Rees made a few weeks ago where, in terms of the consultation on the Wales waste strategy and some of the ways forward, it was surprisingly popular in Wales. However, I think that it was surprisingly popular at a philosophical level rather than at a neighbourhood level. When you look at the diagram in the beginning of the document about the extent of reliance on landfill, incineration, composting or recycling across Europe, we need to face the fact that incineration is part of the solution. We are minimising waste streams and we are recycling, but waste is growing and in Wales it is currently growing at a rate of 2 per cent per year and we have to find something to do with it. Incineration is part of that package of measures. This goes back to a point that I mentioned earlier, and, I think, the fundamental concern of communities about incineration and health. There is a much bigger and more prestigious body of evidence emerging now, which I think will help to allay those concerns: it is allaying fine scientists' concerns. The key, as I said in my response to Mr Cairns's question, is about how we now explain that adequately to the public, so that they can consider this as part of the waste management solution.

tebygol gan drigolion lleol. Yn dilyn cyfarfod a gefais gydag Asiantaeth yr Amgylchedd cyn toriad yr haf, deallaf mai canlyniad hyn oll fydd mwy o wastraff peryglus yn cael ei ddympio'n anghyfreithlon, rheolau bioddiogelwch yn cael eu torri oherwydd bod gwastraff peryglus yn teithio ymhellach, a gofyniad ar weithredwyr masnachol, gan gynnwys llawer o gwmnïau bach sydd wedi mynegi pryderon i mi, i storio gwastraff peryglus ar eu safleoedd tan fod ffyrdd eraill ar gael iddynt.

**Dr Phillips:** Nid yw llosgi'n boblogaidd. Mae fymryn yn fwy poblogaidd pan alwch ef yn ynni o wastraff. Yr oeddwn mewn cyflwyniad a roddwyd gan Andy Rees ychydig wythnosau yn ôl lle, o ran yr ymgynghoriad ar strategaeth wastraff Cymru a rhai o'r ffyrdd ymlaen, yr oedd yn syndod o boblogaidd yng Nghymru. Fodd bynnag, credaf iddo fod yn syndod o boblogaidd ar lefel athronyddol yn hytrach na lefel gymdogaeth. Pan edrychwch ar y diagram ar ddechrau'r ddogfen am WW y graddau y dibynnir ar dirlenwi, llosgi, compostio neu ailgylchu ledled Ewrop, rhaid i ni wynebu'r ffaith bod llosgi yn rhan o'r ateb. Yr ydym yn lleihau ffrydiau gwastraff cymaint â phosib ac yr ydym yn ailgylchu, ond mae gwastraff ar gynydd ac yng Nghymru mae'n cynyddu ar gyfradd o 2 y cant y flwyddyn ar hyn o bryd ac mae'n rhaid i ni ganfod rhywbeth i'w wneud ag ef. Mae llosgi'n rhan o'r pecyn hwnnw o fesurau. Mae hyn yn mynd yn ôl at bwynt ysoniaid amdano yn gynharach, ac, yn fy marn i, pryder sylfaenol cymunedau am losgi ac iechyd. Mae corff tystiolaeth llawer mwy ac uwch ei barch yn ymddangos erbyn hyn, a fydd o gymorth i leddfu'r pryderon hynny yn fy marn i: mae'n lleddfu pryderon gwyddonwyr da. Yr allwedd, fel y dywedais yn fy ateb i gwestiwn Mr Cairns, yw sut yr ydym yn egluro hynny'n ddigonol i'r cyhoedd yn awr, fel y gallant ystyried hyn yn rhan o'r ateb rheoli gwastraff.

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[106] **Alun Cairns:** My question goes back to the issue you raised, Chair, about the number of times that hazardous waste has been highlighted in the Chamber. It was even raised with the Minister yesterday in the Chamber, and we simply had the response that it is a non-devolved matter, and that was it. Bearing in mind the weekly meetings that take place and many of the actions that you have highlighted that need to take place, it seems clear that there are a lot of responsibilities and obligations on the Welsh Assembly Government and on the Environment Agency, whether it is devolved or not. Therefore, it does not seem that we had a full and frank answer at that time.

**Dr Phillips:** While June perhaps ponders that one, I will just say that I think that it is important just to be clear about what is and what is not a devolved matter. As I explained earlier, hazardous waste is quite complex. When we say that it is not a devolved matter, I believe that what is meant by that is that a lot of hazardous waste is being tackled through the landfill directive, and the regulatory instrument that the Environment Agency uses in respect of the landfill directive is the Pollution Prevention and Control Act 1999, which is not currently devolved. However, there are other hazardous waste regulations that are devolved. That may not be helpful, but it was intended to be.

[107] **Alun Cairns:** That is a better answer but, clearly, there are many responsibilities and obligations on the Welsh Assembly Government in implementing many of those activities and, in addition, that would seem to

[106] **Alun Cairns:** Mae fy nghwestiwn yn mynd yn ôl at y mater y bu i chi ei grybwyll, Gadeirydd, ynglŷn â'r nifer o weithiau y mae gwastraff peryglus wedi ei grybwyll yn y Siambr. Cafodd hyd yn oed ei grybwyll i'r Gweinidog ddoe yn y Siambr, a'r cyfan a gawsom oedd ateb nad yw'r mater hwn wedi ei ddatganoli, a dyna ddiwedd arni. Gan gofio'r cyfarfodydd wythnosol a gynhelir a llawer o'r camau gweithredu yr ydych wedi eu nodi sydd angen eu cymryd, mae'n ymddangos yn glir bod llawer o gyfrifoldebau a goblygiadau ar Lywodraeth Cynulliad Cymru ac ar Asiantaeth yr Amgylchedd, waeth a ydyw wedi ei ddatganoli ai peidio. Felly, nid yw'n ymddangos i ni gael ateb llawn a didwyll bryd hynny.

**Dr Phillips:** Tra bod June o bosibl yn ystyried hynny, yr wyf am ddweud fy mod o'r farn ei bod yn bwysig deall yr hyn sydd yn fater datganoledig a'r hyn nad yw'n fater datganoledig. Fel yr eglurais yn gynharach, mae gwastraff peryglus yn eithaf cymhleth. Pan ddywedwn nad yw'n fater datganoledig, credaf mai'r hyn a olygir gan hynny yw bod y gyfarwyddeb tirlenwi yn mynd i'r afael â llawer o wastraff peryglus, a'r offeryn rheoleiddio y defnyddia Asiantaeth yr Amgylchedd mewn perthynas â'r gyfarwyddeb tirlenwi yw Deddf Atal a Rheoli Llygredd 1999, nad yw wedi ei datganoli ar hyn o bryd. Fodd bynnag, mae rheoliadau gwastraff peryglus eraill sydd wedi eu datganoli. Efallai nad yw hynny o gymorth, ond dyna oedd y bwriad.

[107] **Alun Cairns:** Mae hwnnw'n ateb gwell ond, yn amlwg, mae llawer o gyfrifoldebau a rhywmedigaethau ar Lywodraeth Cynulliad Cymru i weithredu llawer o'r gweithgareddau hynny ac, yn ogystal, byddai'n ymddangos bod

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suggest that there is a little more priority on it than the answer 'it is a non-devolved matter' might suggest in the first instance. I do not expect a reply to that, Chair; that is fine.

[108] **Janet Davies:** Okay, thank you. Jeff?

[109] **Jeff Cuthbert:** I refer to paragraphs 3.19 and 3.21 on the issue of exempt sites. Your report shows that there are over 3,700 exempt sites in Wales. Some of them pose a risk to the environment. We also read that you spend just 5 per cent of your waste management resource on exemptions. In view of case study H about the spreading of chicken feathers, do you think that that is adequate?

**Dr Phillips:** I think that exemptions is a really important issue, as I have said in earlier responses. We have almost 4,000 exemptions. It would not be consistent with our modern regulatory approach to be providing the same level of scrutiny across all of these. Inevitably, we must focus on the higher-risk activities. I mentioned earlier the fact that we had £40,000 from the Assembly. This was very important and valuable. However, even though we delivered 405 visits with that £40,000, which is pretty rapid going, considering that most of them take half a day, I do not believe that we would have picked up the sham exemption that is given in this case study were it not for the additional funding of £75,000. So, the answer is, you cannot run a good exemptions system on a shoestring. If exemptions are going to be a sensible way forward in terms of limiting the burden on the public purse and on industry, it is important that we put it on a better footing. We are very hopeful that when the exemptions review reports we will have the ability to do that and,

hynny'n awgrymu bod ychydig mwy o flaenoriaeth yn cael ei roi iddo nag y byddai'r ateb 'nid yw'r mater hwn wedi ei ddatganoli yn ei awgrymu yn y lle cyntaf. Nid wyf yn disgwyl ateb i hynny, Gadeirydd; mae hynny'n iawn.

[108] **Janet Davies:** O'r gorau, diolch. Jeff?

[109] **Jeff Cuthbert:** Cyfeiriai at baragraffau 3.19 a 3.21 ar y mater o safleoedd wedi eu heithrio. Dengys eich adroddiad fod dros 3,700 o safleoedd wedi eu heithrio yng Nghymru. Mae rhai ohonynt yn peryglu'r amgylchedd. Darllenwn hefyd mai dim ond 5 y cant o'ch adnoddau rheoli gwastraff yr ydych yn ei wario ar eithriadau. Yn sgil astudiaeth achos H am ledaenu plu ieir, a yw hynny'n ddigonol yn eich barn chi?

**Dr Phillips:** Credaf fod eithriadau yn fater hynod bwysig, fel y dywedais mewn atebion cynharach. Mae gennym bron i 4,000 o eithriadau. Ni fyddai'n gyson â'n dull rheoleiddio modern i archwilio'r rhain i gyd i'r un graddau. Mae'n anochel bod yn rhaid i ni ganolbwyntio ar y gweithgareddau risg uwch. Soniais yn gynharach am y ffaith i ni gael £40,000 gan y Cynulliad. Yr oedd yn bwysig ac yn werthfawr iawn. Fodd bynnag, er i ni gynnal 405 o ymweliadau gyda'r £40,000 hwnnw, sydd wedi eu cyflawni'n eithaf cyflym, o ystyried bod y rhan fwyaf ohonynt yn cymryd hanner diwrnod, ni chredaf y byddem wedi dod o hyd i'r eithriad ffug a roddir yn yr astudiaeth achos hon oni bai am y cyllid ychwanegol o £75,000. Felly, yr ateb yw, ni allwch gynnal system eithriadau dda am geiniog a dimai. Os yw eithriadau yn mynd i fod yn ffordd synhwyrol ymlaen o ran cyfyngu'r baich ar y pwrs cyhoeddus ac ar ddiwydiant, mae'n bwysig ein bod yn cael sylfaen well. Yr ydym yn mawr obeithio pan fydd adroddiad yr adolygiad eithriadau yn cael ei gyhoeddi, y bydd

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indeed, the flexibility for us to exercise more discretion in terms of when we use them.

[110] **Jeff Cuthbert:** Thank you very much for that answer. I ask the Assembly representative, bearing in mind that this particular case study was picked up because of additional funds provided, is it the intention to provide more money in future years to allow this type of monitoring to continue?

**Dr Milligan:** Yes, the money that Helen referred to is money that we are giving to the agency year on year to increase the level of inspection of exempt sites. So, that will continue, because we are very aware of the concerns. The issue is about, essentially, illegal activity, and people hiding behind an exemption, when what they are actually undertaking is not the low-risk activity that the derogation under the directive and the exemptions were intended to facilitate, but is in fact something quite different. So, a certain level of monitoring is necessary to pick that up.

Paragraph 3.21 of the report does, however, pick up that there is a tightening of exemption regulations coming along. That is being taken forward by ourselves and DEFRA, and they are responsive to agency concerns about the balance of risk there. So, those regulations will be coming in next year, which will tighten it.

**Dr Phillips:** It is also underpinned by, or inextricably linked to, the charging review that we spoke about earlier. I think that the only thing that I would say about the exemptions review and the charging review is that I think that it provides a medium-term solution. I think that there is probably even more that we could do on a short-term basis, particularly around reviewing the

gennym y gallu i wneud hynny ac, yn wir, yr hyblygrwydd i ni ddefnyddio mwy o ddisgresiwn o ran pryd yr ydym yn eu defnyddio.

[110] **Jeff Cuthbert:** Diolch yn fawr iawn am yr ateb hwnnw. Gofynnaf i gynrychiolydd y Cynulliad, o gofio i'r astudiaeth achos arbennig hon gael ei darganfod oherwydd yr arian ychwanegol a ddarparwyd, a yw'n fwriad darparu mwy o arian yn y blynnyddoedd i ddod i alluogi'r math hwn o fonitro i barhau?

**Dr Milligan:** Ydy, mae'r arian y cyfeiriodd Helen ato yn arian yr ydym yn ei roi i'r asiantaeth flwyddyn ar ôl blwyddyn i gynyddu lefel y gwaith o arolygu safleoedd wedi eu heithrio. Felly, bydd hynny'n parhau, oherwydd yr ydym yn ymwybodol iawn o'r pryderon. Mater o weithgarwch anghyfreithlon yw hwn, yn y bôn, a phobl yn cuddio y tu ôl i eithriad, pan nad y gweithgarwch risg isel y bwriadwyd i'r rhanddirymiad o dan y gyfarwyddeb a'r eithriadau ei hwyluso yw'r hyn y maent yn ei gyflawni mewn gwirionedd, ond rhywbeth eithaf gwahanol. Felly, mae angen rhyw lefel o fonitro i ganfod hynny.

Fodd bynnag, mae paragraff 3.21 yr adroddiad yn nodi bod rheoliadau eithrio llymach ar droed. Mae hynny'n cael ei gyflawni gennym ni a DEFRA, ac maent yn ymatebol i bryderon yr asiantaeth am y cydbwysedd risg yno. Felly, bydd y rheoliadau hynny'n cael eu cyflwyno y flwyddyn nesaf, a fydd yn ei dynhau.

**Dr Phillips:** Mae'r adolygiad codi tâl y buom yn sôn amdano'n gynharach hefyd wrth wraidd hyn, neu'n annatod i hyn. Credaf mai'r unig beth y byddwn yn ei ddweud am yr adolygiad eithriadau a'r adolygiad codi tâl yw fy mod o'r farn ei fod yn darparu ateb tymor canolig. Credaf fod hyd yn oed mwy y gallem ei wneud yn y tymor byr yn ôl pob tebyg, yn enwedig o ran adolygu'r cofrestru a

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registers and making sure that those registers are clean, because there are a lot of people on the registers and it is important that we have good mechanisms to make sure that they are not redundantly on those registers. I think that that will be an important kind of preparatory step for whatever we see coming out of the exemptions review.

[111] **Jeff Cuthbert:** Thank you for those answers. Linked to that, I note that it says that you are required to carry out appropriate periodic inspections at the moment. What do you mean by periodic?

**Dr Phillips:** It is a lovely line in the legislation that means that you do not have to go to all of them all the time. As I have said, it is important that, given the limited funding available to do this, we really target our efforts on the higher-risk sites. That is what we have done. I do not know whether you want to add to that, Liz?

**Ms Parkes:** I will just add, if I may, that the draft regulations that DEFRA has consulted on would introduce tighter controls and charging for the six highest risk activities that basically involve applying waste to land. We are proposing that we would visit those six activities on a frequency ranging from something like twice a year to once every four years, or as required to in response to concerns. As Helen said, it is not one size fits all. Many of the 45 exemptions are very low-risk activities, including things like bottle banks. Clearly, we do not want to be turning up to sites like that every year, or even every four years: that does not seem to be a good use of public money. We want to focus on those activities that are most at risk of abuse. We look forward to having the regulations that will allow us to recover our costs in doing that.

sicrhau bod y cofrestri hynny'n lân, oherwydd mae llawer o bobl ar y cofrestri ac mae'n bwysig bod gennym systemau da i sicrhau nad ydynt ar y cofrestri hynny yn ddiangen. Credaf y bydd hwnnw'n fath pwysig o gam paratoadol at beth bynnag a ddaw yn sgîl yr adolygiad o'r eithriadau.

[111] **Jeff Cuthbert:** Diolch am yr atebion hynny. Yn gysylltiedig â hynny, nodaf ei fod yn dweud ei bod yn ofynnol i chi gynnal arolygiadau cyfnodol priodol ar hyn o bryd. Beth a olygwch gan gyfnodol?

**Dr Phillips:** Mae'n llinell hyfryd yn y ddeddfwriaeth sy'n golygu nad oes rhaid i chi ymweld â nhw i gyd drwy'r amser. Fel y dywedais, o gofio'r cyllid cyfyngedig sydd ar gael i ni, mae'n bwysig ein bod yn targedu ein hymdrechion mewn gwirionedd at y safleoedd risg uwch. Dyna'r hyn yr ydym wedi ei wneud. Ni wn a hoffech ychwanegu at hynny, Liz?

**Ms Parkes:** Hoffwn ychwanegu, os caf, y byddai'r rheoliadau drafft y mae DEFRA wedi ymgynghori yn eu cylch yn cyflwyno mesurau rheoli tynnach ac yn codi tâl am y chwe gweithgarwch â'r risg uchaf sef gweithgarwch lle rhoddir gwastraff ar y tir yn y bôn. Yr ydym yn cynnig y byddem yn ymweld â'r chwe gweithgarwch hynny ar amllder yn amrywio o rywbeth fel dwywaith y flwyddyn i unwaith bob pedair blynedd, neu yn ôl yr angen mewn ymateb i bryderon. Fel y dywedodd Helen, nid yw un drefn yn gweddu i bawb. Mae llawer o'r 45 eithriad yn weithgareddau risg isel iawn, gan gynnwys pethau fel banciau poteli. Yn amlwg, nid ydym am ymweld â safleoedd o'r fath bob blwyddyn, neu hyd yn oed bob pedair blynedd: nid yw hynny'n ymddangos yn ddefnydd da o arian cyhoeddus. Yr ydym am ganolbwyntio ar y gweithgareddau hynny sydd yn y perygl mwyaf o gael eu camddefnyddio. Edrychwn ymlaen at gael y rheoliadau a fydd yn ein caniatáu i

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adennill ein costau wrth wneud hynny.

[112] **Jeff Cuthbert:** In terms of paragraph 3.21, you say there that the review of the waste management exemptions started in 1998 and is not yet complete. Why has it taken so long and what has been the impact of this delay on the environment as a whole?

**Dr Phillips:** I think that that may be more appropriate for June to answer.

**Dr Milligan:** I am not sure that we know the answer to that. People are prompting me to say 'DEFRA delays'; I think that that, perhaps, is not the explanation that you deserve. I am sorry, I do not think that we know the answer to why it has taken so long. However, you will have picked up that some of these reviews—the permitting review and the charging review, and probably this review as well—are quite complex, because the agency still has in place arrangements that it inherited from when it was the National Rivers Authority and local authorities. So there is a wide range of activities which have to be brought together. So, they are quite big exercises; they are not small exercises.

[113] **Jeff Cuthbert:** Would you be able to perhaps send us a note?

**Dr Milligan:** Of course.

[114] **Jeff Cuthbert:** Linked to that, it is due to be completed next year. Do you think that you will make that target?

**Dr Milligan:** It is not devolved. We are working with DEFRA, but the responsibility is with DEFRA. Yes. It is already out to consultation, so that should

[112] **Jeff Cuthbert:** O ran paragraff 3.21, dywedwch yn y fan honno i'r adolygiad o'r eithriadau rheoli gwastraff ddechrau yn 1998 ac nad yw wedi ei gwblhau hyd yn hyn. Pam ei fod wedi cymryd cyhyd a beth fu effaith yr oedi hwn ar yr amgylchedd yn ei gyfanrwydd?

**Dr Phillips:** Credaf fod y cwestiwn hwnnw'n fwy priodol i June ei ateb.

**Dr Milligan:** Nid wyf yn siŵr ein bod yn gwybod yr ateb i hwnnw. Mae pobl yn fy annog i ddweud 'oedi ar ran DEFRA'; credaf nad hwnnw, o bosibl, yw'r esboniad yr ydych yn ei haeddu. Mae'n ddrwg gennyf, ni chredaf ein bod yn gwybod yr ateb i pam y mae wedi cymryd cyhyd. Fodd bynnag, byddwch wedi sylwi bod rhai o'r adolygiadau hyn—yr adolygiad caniatáu a'r adolygiad codi tâl, a'r adolygiad hwn hefyd yn ôl pob tebyg—yn eithaf cymhleth, oherwydd bod yr asiantaeth yn parhau i ddefnyddio trefniadau yr etifeddodd o pan yr oedd yn Awdurdod Afonydd Cenedlaethol ac awdurdodau lleol. Felly mae amrywiaeth eang o weithgareddau sydd angen eu cyfuno. Felly, maent yn ymarferion eithaf mawr; nid ymarferion bach mohonynt.

[113] **Jeff Cuthbert:** A fyddai modd i chi anfon nodyn atom efallai?

**Dr Milligan:** Wrth gwrs.

[114] **Jeff Cuthbert:** Yn gysylltiedig â hynny, mae disgwyl iddo gael ei gwblhau y flwyddyn nesaf. A ydych o'r farn y byddwch yn cyflawni'r targed hwnnw?

**Dr Milligan:** Nid yw wedi ei ddatganoli. Yr ydym yn gweithio gyda DEFRA, ond cyfrifoldeb DEFRA ydyw. Ydw. Mae'r ymgynghori eisoes wedi dechrau, felly



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be made. I am sorry, I do not have the answer to hand on that. We will provide an explanation.

[115] **Janet Davies:** It is fine if you can send us a note.

[116] **Alun Cairns:** I will be as brief as I can, as time is pressing. I want to refer to the prosecution costs of £253,000. We only recovered £185,000 from the courts. Why is this the case, and what can be done to improve it?

**Dr Phillips:** Loads of things can be done to improve it. We have recovered 73 per cent of our costs. It is a matter entirely at the discretion of the judge or magistrate who happens to be sitting. We are working really hard with them to make them better disposed to us and less disposed to environmental criminals. We have been raising awareness with them—there is reference in the report to the ‘Costing the Earth’ toolkit. We are working with the Home Office in trying to get the sentencing guidelines reviewed because, of course, magistrates, for natural reasons, feel very constrained within the guidelines, and we are attending court user groups. However, all this is competing with magistrates’ other requirements and priorities for training and what have you. It would be splendid if we could keep the fines—not only get better awarding of course, but also keep fines.

The other thing that would help is alternative sentencing. There is a brief mention in the report of alternative sentencing. If we are looking at modern regulatory approaches, the end of that—the enforcement and prosecution end of it—has to mirror that approach. The sort of things that we would like to see there are, perhaps, administrative penalties so that, rather than initiating a formal prosecution for less serious crime, that would be a way forward. Civil penalties

dylid cyrraedd y targed. Mae’n ddrwg gennyf, nid oes gennyf ateb wrth law ar gyfer y cwestiwn hwnnw. Byddwn yn darparu esboniad.

[115] **Janet Davies:** Popeth yn iawn os gallwch anfon nodyn atom.

[116] **Alun Cairns:** Byddaf mor fyr ag y gallaf, gan fod yr amser yn dod i ben. Hoffwn gyfeirio at y costau erlyn o £253,000. Dim ond £185,000 y bu i ni ei adennill yn y llysoedd. Pam felly, a beth y gellir ei wneud i’w wella?

**Dr Phillips:** Gellir gwneud llawer o bethau i’w wella. Yr ydym wedi adennill 73 y cant o’n costau. Mae’n fater sy’n llwyr yn nwylo’r barnwr neu ynad sy’n digwydd bod ar y fainc. Yr ydym yn gweithio’n galed iawn gyda nhw i’w gwneud yn fwy ffafriol i ni ac yn llai ffafriol i droseddwr amgylcheddol. Yr ydym wedi bod yn codi ymwybyddiaeth—mae cyfeiriad yn yr adroddiad at y pecyn cymorth ‘Costio’r Ddaear’. Yr ydym yn gweithio gyda’r Swyddfa Gartref i geisio adolygu’r canllawiau dedfrydu oherwydd, wrth gwrs, mae ynadon, yn naturiol, yn teimlo eu bod wedi eu ffrwyno o fewn y canllawiau, ac yr ydym yn mynychu grwpiau defnyddwyr llys. Fodd bynnag, mae hyn oll yn cystadlu â gofynion a blaenoriaethau hyfforddiant ac ati eraill sydd gan ynadon. Byddai’n wych pe gallem gadw’r dirwyon—nid yn unig cael dyfarniadau gwell wrth gwrs, ond hefyd gadw dirwyon.

Y peth arall a fyddai o gymorth yw dedfrydau amgen. Mae’r adroddiad yn sôn yn fyr am ddedfrydau amgen. Os ydym yn edrych ar ddulliau rheoleiddio modern, mae’n rhaid i ben draw hwnnw—yr agwedd gorfodi ac erlyn—adlewyrchu’r dull hwnnw. Y math o bethau yr hoffem eu gweld yw, o bosibl, cosbau gweinyddol felly, yn hytrach na dwyn achos ffurfiol ar gyfer trosedd llai difrifol, byddai honno’n ffordd ymlaen. Byddai cosbau sifil o gymorth hefyd, fel

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would also help, so that criminal courts could be reserved for offenders who are deliberately, wilfully and recklessly failing to meet the requirements of the legislation. There are also references in the report to this where you have people of limited means. There are some things that we must do more of in such cases, one of which is to encourage community projects as an opportunity for them to make a contribution to the community.

Also, the work that we are doing with the Assets Recovery Agency is very important. We have just put a memorandum of understanding in place with the Assets Recovery Agency in Wales. That means that once you have gone through the judicial system and you have been given whatever costs you are given, and whatever fine has been imposed, there is a further mechanism for you to go after the assets of individuals. A good example is the one that you have on page 35 of the report, case study I, which is Gilbert Gardens—I do not know whether I am allowed to say that. They have not had a tough time; they have given us a tough time, they have made a lot of money out of this and they are still sitting on their assets. Where we can bring the Assets Recovery Agency in, which has powers that we do not have, while it does not plug our funding gap, it certainly makes environmental crime less attractive.

[117] **Alun Cairns:** That covered my second question, in relation to prosecutions. Average fines are about £2,500, but, bearing in mind example I, organised crime—let us be frank, as that is referred to in paragraph 3.23—has made potential savings of more than £400,000. However, fines to date have been a little over £1,000. That clearly demonstrates the problem. I do not know where responsibility lies in terms of influencing the judiciary, Cadeirydd, but we should include a strong recommendation in the report.

y gellid neilltuo llysoedd cyfiawnder ar gyfer troseddwy'r sy'n methu â bodloni gofynion y ddeddfwriaeth yn fwiadol, yn wirfoddol ac yn fyrbwyll. Mae hefyd gyfeiriadau yn yr adroddiad at hyn lle mae gennych bobl heb fawr o arian. Mae rhai pethau y mae'n rhaid i ni wneud mwy ohonynt yn y fath achosion, ac un ohonynt yw annog prosiectau cymunedol fel cyfle iddynt gyfrannu i'r gymuned.

Yn ogystal, mae'r gwaith yr ydym yn ei wneud gyda'r Asiantaeth Adennill Asedau yn bwysig iawn. Yr ydym newydd roi memorandwm cydddealltwriaeth ar waith gyda'r Asiantaeth Adennill Asedau yng Nghymru. Mae hynny'n golygu unwaith yr ydych wedi mynd drwy'r system farnwrol a'ch bod wedi cael pa bynnag gostau a roddir i chi, a pha bynnag ddirwy a roddwyd, mae system bellach i chi allu hawlio asedau unigolion. Enghraifft dda yw'r un sydd gennych ar dudalen 35 yr adroddiad, astudiaeth achos I, sef Gilbert Gardens—ni wn a oes hawl gennyf ddweud hynny. Nid ydynt wedi cael amser caled; maent wedi rhoi amser caled i ni, maent wedi gwneud llawer o arian o hyn ac maent wedi dal gafael ar eu hasedau. Lle bynnag y gallwn alw ar yr Asiantaeth Adennill Asedau, sydd â phwerau nad oes gennym ni, er nad yw'n llenwi ein bwloch cyllid, mae'n sicr yn gwneud troseddau amgylcheddol yn llai deniadol.

[117] **Alun Cairns:** Atebodd hynny fy ail gwestiwn, mewn perthynas ag erlyniadau. Tua £2,500 yw dirywon ar gyfartaledd, ond, o gofio enghraifft I, mae troseddu cyfundrefnol—gadewch i ni ddweud yn ddi-flewyn ar dafod, fel y cyfeirir at hwnnw ym mharagraff 3.23—wedi gwneud arbedion posibl o dros £400,000. Fodd bynnag, ychydig dros £1,000 fu'r dirwyon hyd yn hyn. Mae hynny'n dangos y broblem yn glir. Ni wn gan bwy mae'r cyfrifoldeb o ran dylanwadu ar y farnwriaeth, Gadeirydd, ond dylem gynnwys argymhelliad cryf yn yr adroddiad.

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[118] **Janet Davies:** We have come to the end, but before I bring this part of the agenda to a close, I want to say that I will write to the Permanent Secretary to ask for the relevant information on the planning issues that came up today. Also, on the point about technical advice notes, taking up the health issues to do with waste, it is important that we get that.

All that remains is for me to thank all the witnesses, and to point out that you will be sent a copy of the verbatim report before it is published, so that you are happy that it is accurate. Thank you for being willing to stay on for an extra 15 minutes.

[118] **Janet Davies:** Yr ydym wedi dod at y diwedd, ond cyn i mi gloi'r rhan hon o'r agenda, hoffwn ddweud y byddaf yn ysgrifennu at yr Ysgrifennydd Parhaol i ofyn am y wybodaeth berthnasol am y materion cynllunio a gafodd eu crybwyll heddiw. Hefyd, yn achos y pwynt am nodiadau cyngor technegol, gan roi sylw i'r materion iechyd sy'n ymwneud â gwastraff, mae'n bwysig i ni gael y wybodaeth honno.

Y cyfan sy'n weddill i mi ei wneud yw diolch i'r tystion i gyd, a nodi y bydd copi o'r adroddiad gair am air yn cael ei anfon atoch cyn ei gyhoeddi, fel eich bod yn fodlon ei fod yn gywir. Diolch am gytuno i aros am 15 munud ychwanegol.

*Daeth y sesiwn tystiolaeth i ben am 12.15 p.m.  
The evidence-taking session ended at 12.15 p.m.*



Cynulliad National  
Cenedlaethol Assembly for  
Cymru Wales

**Y Pwyllgor Archwilio  
Audit Committee**

Bae Caerdydd / Cardiff Bay  
Caerdydd / Cardiff CF99 1NA

Sir Jon Shortridge  
Permanent Secretary  
National Assembly for  
Wales  
Cathays Park  
Cardiff  
CF10 3NQ

15 November 2004

*Sear Sir Jon,*

**AUDIT COMMITTEE INVESTIGATION INTO WASTE MANAGEMENT**

I am writing to seek further, written, evidence in relation to the Auditor General for Wales' report *Environment Agency Wales: regulation of waste management*.

On 4 November, the Audit Committee took evidence from officials on the basis of the Auditor General's report. However, there were a couple of areas where the Welsh Assembly Government witnesses, Dr June Milligan and Robert Williams, were not best placed to answer some of our questions, as they related to matters outside their areas of responsibility. At the end of the evidence session I undertook to write to seek written evidence on two issues - planning and health considerations - as outlined below.

***Planning***

- Why was the Wales Spatial Plan produced after the Regional Waste Plans and Unitary Development Plans? Would it not have been more helpful and effective to produce the national spatial plan first, so that it could inform the development of local plans?
- Why have local authorities been so slow at developing their Unitary Development Plans (with only one adopted so far)?
- Do the emerging Unitary Development Plans identify potential sites for waste management facilities?
- What sanctions does the Assembly have if Unitary Development Plans fail to provide the necessary information?



**Health**

- Does the Assembly plan to include health as a material consideration in the planning process?
- If so, how will this be implemented?

Your response will be considered by the Committee in concluding its examination of this topic and included in the Committee's own report.

On a point of protocol, the Committee has generally taken evidence from the Assembly's Principal Accounting Officer and other Accounting Officers, supported by other officials who may join in giving the evidence. It was interesting that on this occasion an Accounting Officer was not present. This did not cause any difficulties, and was agreed in advance with the Committee Clerk. But I have subsequently reflected on the precedent this might set. I know how seriously you take your responsibilities as Accounting Officer, and the Committee values your attendance, and that of other Accounting Officers, when evidence is taken on relevant reports by the Auditor General. I hope that Accounting Officer attendance will remain the norm, save in exceptional circumstances.

I look forward to hearing from you in due course.

*Yours sincerely,*

*Janet Davies*

**Janet Davies AM**  
**CHAIR – AUDIT COMMITTEE**



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

24 November 2004

Siwan Davies  
Clerk to the Audit Committee  
The National Assembly for  
Wales  
Cardiff Bay

*Deu Siwan,*

At the session of the Audit Committee on 4 November 2004, taking evidence into the NAO report Environment Agency Wales: Regulation of Waste Management, I undertook to supplement my oral evidence with two further pieces of information.

I am now pleased to attach for the Committee's attention:

- The Regional Waste Plans' breakdown of the number of waste management facilities required in Wales for 2013, by type of facility, capacity and region.
- A letter providing DEFRA's explanation of the delay in implementing the review of exemptions under the Waste Management Licensing Regulations. The Assembly has been consulted by DEFRA as the preparation of these Regulations has been progressed.

I am sending copies of this letter to Sir John Bourn at the National Audit Office and to Sir Jon Shortridge here.

*Ys eiddo,*  
*June*

June E Milligan

Parc Cathays  
Caerdydd  
CF10 3NQ

Cathays Park  
Cardiff  
CF10 3NQ

Ffôn • Tel: 02920 823256





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Date: 23 November 2004

Dear June,

Waste Management Licensing (Amendment) Regulations 2005

Thank you for your letter of 11 November asking for an explanation for the delay in revising the reviewed exemptions to the waste management licensing regime.

There have been a number of delays to the finalisation of these regulations. Most recently, a greater number of consultation responses were received to the consultation which closed in September 2003. As part of the post consultation process, Defra officials have met with a variety of different industry representatives, representing business areas where the revised legislation will have effect.

This discussion has led to various changes to the regulations which have taken time to investigate and draft. The most recent delay to the Regulations has come from a last minute change to the Paragraph 12 exemption for small scale composting.

The change to this exemption has resulted from stakeholder concerns and has meant re-thinking the structure of the exemption to allow for charging bands to ensure that smaller scale, less risky sites are not priced out of business. This latest change has delayed laying the regulations further.

We are now expecting to submit the final draft of the regulations to Ministers for approval very shortly and expect to lay them in January 2005. Provided no further delays arise, we intend them to come into force in Spring 2005.

Yours,

S. G. Ellis.

**Sue Ellis**

**Identification in the three Regional Waste Plans of the capacity requirements for waste management facilities in Wales for 2013**

TYPE OF FACILITY	ASSUMED SIZE OF FACILITY (TONNES P.A.)		NUMBERS OF FACILITIES REQUIRED			
	USED IN SOUTH WEST PLANS	USED IN SOUTH EAST PLAN	NORTH WALES	SOUTH WEST WALES	SOUTH EAST WALES	TOTAL WALES
Material recovery facility for primary source segregation	15,000	15,000	25.6	38.8	127.2	191.6
Open windrow composting <sup>1</sup>	7,500	5,000	6.9	12.9	20.3	40.1
In-vessel composting plant <sup>1</sup>	10,000	10,000	20.6	38.8	40.7	100.1
Mechanical biological treatment plant	60,000	60,000	7.2	9.2	9.4	25.8
Energy from waste plant	60,000	60,000	2.9	0.6	0.1	3.6
Facility for reprocessing of inert waste	30,000	30,000	48.6	79.3	66.0	193.9
Landfill	75,000	100,000	6.0	5.1	2.9	14.0
Treatment	15,000 – 60,000	21,000	1.7	3.7	5.2	10.6
Civic amenity site	20,000	5,000	2.1	5.4	21.0	28.5
Other transfer facilities	40,000	60,000	4.9	8.3	7.9	21.1
Overall total no of facilities required			126.5	202.1	300.7	629.3

Footnote:

1 “Open windrow composting” involves managing compostable materials in piles. The piles are monitored for oxygen and moisture content and heat to ensure the degradation of the contents and are turned to ensure that all the material passes through the centre where degradation is maximised. This approach is suitable for green or garden waste.

Animal By Products Regulations require food waste to be composted in vessel to prevent the risk of the transmission of animal diseases from meat wastes. Special attention has to be paid to avoiding cross-contamination between batches of compost and to monitoring to ensure that all the material reaches minimum heat levels. The in vessel requirement prevents wild animals or birds accessing the material. “In vessel” may take several forms, including containers or vertical composters.

Explanation of Terms:

A *material recovery facility* (MRF) may be either “dirty” or “clean”. A “dirty” MRS receives mixed waste and separates the recyclates by a variety of mechanical means and/or hand sorting. As the recyclates are contaminated they are unlikely to be of high value. A “clean” MRS takes recyclates which have been collected at the kerbside separate from the residual waste and separates them eg into paper, glass, metals, again by a variety of means. The value of this separately collected recycle is higher.

*Other transfer facilities* might include areas for the bulking of waste for onward transmission to specialist treatment or disposal facilities, eg paper for recycling at Shotton. Bulking allows more efficient use of transport and fewer journeys by eg specialist collection vehicles which are not designed to travel long distances.



## Annex D

**Extract from e-mail dated 25 November 2004 from Dr June Milligan, Head of Environment Division, Welsh Assembly Government to Siwan Davies, then Clerk to Audit Committee, National Assembly for Wales.**

Essentially, the local authorities in developing the Regional Waste Plans did not start on the basis of an audit of what they have and estimate the requirement. Rather they started with a clean sheet of paper and did a lot of technical work on waste streams, modelling of different means of disposal etc, from which they produced an estimate of the number of sites which might be needed in 2013 to deliver a more sustainable pattern of waste management for all waste streams. It is a calculation based on assumptions including average capacity.

It therefore has to stand on its own merits as the researched planning basis, because even if they or we had comprehensive capacity data on existing sites and even if we knew how many sites might go out of existence between now and then - you could not simply deduct a real world number of sites from the theoretical planning projection.

There is ongoing work to match what we know of existing capacity (including, as we also explained, enhancing the data flow to improve what we know) to this detailed work on requirements, but nothing yet to present as finished product.

Sir Jon Shortridge KCB  
Ysgrifennydd Parhaol  
Permanent SecretaryJanet Davies AM  
Chair  
Audit Committee  
National Assembly for Wales  
Cardiff Bay  
Cardiff  
CF99 1NA

14 DEC 2004

10 December 2004

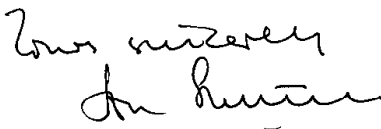
Dear Janet

**AUDIT COMMITTEE INVESTIGATION INTO WASTE MANAGEMENT**

Thank you for your letter of 15 November requesting further written evidence in relation to the Auditor General for Wales' report *Environment Agency Wales: regulation of waste management*. This is attached.

With regard to my attendance at future Audit Committee hearings, I can assure you and members of the Committee that I shall continue always to be present where the Committee – or I – deem this to be necessary.

With regard to the Committee's evidence session on the Auditor General for Wales' Report *Environment Agency Wales: regulation of waste management*, the principal witness was Helen Phillips, the Accounting Officer of the Environment Agency Wales. I took the view that an Assembly witness with a depth of knowledge of the detailed issues that might arise from the discussion, particularly in relation to the Wales Waste Strategy, would be more beneficial to the Committee. As you say in your letter this was agreed in advance of the meeting with the Committee Clerk.

**JON SHORTRIDGE**Parc Cathays  
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# AUDIT COMMITTEE INVESTIGATION INTO WASTE MANAGEMENT

## Further Written Evidence

1. Why was the Wales Spatial Plan produced after the Regional Waste Plans and Unitary Development Plans? Would it not have been more helpful and effective to produce the national spatial plan first, so that it could inform the development of local plans?

The requirement to prepare a Wales Spatial Plan was made statutory in the Planning and Compulsory Purchase Act 2004 (PCPA), although it has formed part of the Assembly Government's commitments from 2000 onwards. The Wales Spatial Plan (WSP) is a strategic context within which the planning system will make its determinations and has been developed through extensive research and consultation. This interactive process has involved wide ranging debate, enabling the Spatial Plan to take on board the views of organisations and communities across Wales. There is no one model for the content of a spatial plan, nor a single process for developing it. What has now been accepted by the Assembly reflects our needs and traditions. The Assembly has been kept informed of progress throughout. Preparation of Unitary Development Plans (UDPs) started before the advent of the WSP. However the WSP will inform Local Development Plans (LDPs).

The new development plan system will commence in autumn 2005; LDPs will be statutorily required to "have regard to" the Wales Spatial Plan. Some authorities have already begun initial preparation work. Each LDP will be prepared within a time-scale set out in a Delivery Agreement, prepared at the outset by the local planning authority. A 4 year time-scale is envisaged from initial preparatory stages to formal adoption by the local planning authority. Emerging LDPs will gain in status at each statutory stage, with most expected to have been adopted by the end of 2009. At adoption, the LDP will supercede all previous adopted development plans for the area. Thereafter, decisions on planning applications and appeals should be made in accordance with the adopted LDP unless material considerations dictate otherwise.

The production of Regional Waste Plans was first introduced in TAN 21: Waste (November 2001); this required Regional Waste Plans (RWPs) to be prepared within 2 years. RWPs are essential to help implement the Wales Waste Strategy and help meet the obligations in EU Waste Directives. All 3 RWPs were published early in 2004.

2. Why have local authorities been so slow at developing their Unitary Development Plans (with only one adopted so far)?

There are a variety of reasons for the delay in UDP progress:

- A large increase in planning applications and the need to use development planners to meet the demands of the development cycle;

- The difficulty in recruiting planners with appropriate skills;
- The demand by the authority for strategic planning skills for other tasks such as community and other strategies;
- The lengthy process for preparing and adopting UDPs;
- The tendency for private sector and local community engagement to occur at the end of the UDP preparation process slowing down adoption; and
- The expense of the Inquiry process in monetary and staff resources.

These were some of the reasons underpinning the Assembly Government's decision to replace UDPs with Local Development Plans (LDPs) as part of the "*Planning: delivering for Wales*" programme. They are being taken into account in framing LDP policy and regulations.

It will be for each local planning authority to decide whether to proceed with work on their UDP to adoption, or to ask for Assembly Government agreement to starting work on their LDP. However, the requirements of the Strategic Environmental Assessment (SEA) Directive mean that any UDP being progressed without an SEA must be adopted by 21 July 2006, so that date is the effective deadline for those UDPs. For local planning authorities progressing an SEA with their UDP, there is no deadline set in interim transitional guidance.

### 3. Do the emerging Unitary Development Plans identify potential sites for waste management facilities?

Development plans are required to accord with national waste planning policies as currently set out in Planning Policy Wales and Technical Advice Note 21: Waste. TAN 21 states that development plans should explain how the policies and proposals in the plan help to facilitate implementation of the Regional Waste Plan for the area. A letter to all local authorities in May 2004 set out the minimum policies that would be acceptable to the Assembly Government. These policies should include details of the types of sites and locations that may be suitable for different waste facilities, such as industrial estates for most built waste development and agricultural locations for others, including open composting proposals. This does not prevent local authorities from identifying specific sites for new facilities if they so wish. Development plans must however demonstrate that there is adequate provision for waste facilities to meet targets in EU Waste Directives although there is no requirement in national policy for development plans to identify potential sites for waste management facilities.

The requirement for UDPs to accord with national waste planning policies, in line with national planning policy set out in Planning Policy Wales 2002 and TAN 21 Waste, will also apply to LDPs.

4. What sanctions does the Assembly have if Unitary Development Plans fail to provide the necessary information?

The Assembly, as a statutory consultee, monitors plan content through the statutory stages and makes formal objections. If not resolved, these objections go forward to the Development Plan Inquiry led by an independent Planning Inspector for consideration. Ultimately, the Assembly has the power to direct local authorities to modify their plans before they are adopted, or to call in all, or part of, a UDP to be finalised by the Assembly.

5. Does the Assembly plan to include health as a material consideration in the planning process?

Health is already a material consideration in the planning process. Planning Policy Wales, published in 2002, which provides the overall framework for the planning system in Wales, refers to health issues in the context of planning policies and proposals (ie development plans, and decisions on planning applications and appeals). Specifically it states: "Planning policies and proposals should.....contribute to the protection and, where possible, the improvement of people's health and well-being as a core component of sustainable development. Consideration of the possible impacts of developments - positive and/or negative - on people's health at an early stage will help to clarify the relevance of health and the extent to which it needs to be taken into account." (Para 2.3.2). In terms of a specific development, the weight accorded to health issues is for the decision-maker to determine along with other material considerations. Ultimately, of course, whether or not these issues are material in a particular case will be a matter for the courts. Health issues and planning are also identified in the subject specific Technical Advice Note 21 on Waste (para 3.23-25).

National planning policy, including technical advice, provides a framework for preparation of development plans (UDPs and LDPs), and Regional Waste Plans, as well as for planning decisions. TAN 21 Waste specifically requires Regional Waste Plans to include a Health Impact Assessment (Para 2.14). Health impact assessment featured in the Wales Waste Strategy, and the South East Wales Regional Waste Strategy reflected health by undertaking an assessment, including a public survey.

6. If so, how will this be implemented?

Advice on integration of consideration of health impact into Sustainability Appraisal for LDPs is in preparation and is due to issue in late 2005.

A research project has been commissioned which examines health issues in relation to the planning system, including reviewing systems currently in place, and identifying options for improvements. The findings of this research are currently being considered and will contribute to developing guidance during 2005, which will take account of the Assembly Government's publication

"Improving Health and Reducing Inequalities: A practical guide to Health Impact Assessments" (September 2004).



Llywodraeth Cynulliad Cymru  
Welsh Assembly Government

13 December, 2004

Siwan Davies  
Committee Clerk  
Audit Committee  
National Assembly for Wales

*Dee Siwan,*

You raised with me the adequacy of the DEFRA response to a question put in the 4 November evidence session, and in particular that it did not precisely offer any explanation of the early stages of a delay in taking forward a process commenced in 1998.

I wonder whether reference to the relevant PAC Report where this issue was first raised would help: 25<sup>th</sup> Report – Protecting the Public from Waste: 23 June 2003 JC352. Paragraph 11 of that report records the evidence session where these matters were put directly to the DEFRA Permanent Secretary. The DEFRA Permanent Secretary's formal response related to prioritisation of resources.

I hope this further reference is helpful.

I am copying this letter to the Permanent Secretary and Sir John Bourn of the National Audit Office.

Yours sincerely,

*June Milligan*

June Milligan  
Head of Environment

