

Agenda – Petitions Committee

Meeting Venue:

Committee Room 1 – Senedd

Meeting date: 23 October 2018

Meeting time: 09.30

For further information contact:

Graeme Francis – Committee Clerk

Kath Thomas – Deputy Clerk

0300 200 6565

SeneddPetitions@assembly.wales

1 Introduction, apologies, substitutions and declarations of interest

(Pages 1 – 30)

2 New petitions

2.1 P-05-840 Fair Funding for Neath Port Talbot County Borough Council and all other Local Authorities

(Pages 31 – 40)

2.2 P-05-841 Include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran' in the formal assessment process

(Pages 41 – 48)

2.3 P-05-842 Give young people a voice when commissioning local services in Wales

(Pages 49 – 63)

2.4 P-05-843 More Third party rights in planning appeals

(Pages 64 – 74)

2.5 P-05-844 Immediate review of the Neath Port Talbot LDP

(Pages 75 – 83)

2.6 P-05-845 End Conflict of Interest in Local Authority Constitution

(Pages 84 – 94)

3 Updates to previous petitions

Health



Cynulliad
Cenedlaethol
Cymru

National
Assembly for
Wales

- 3.1 P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently
(Pages 95 – 114)

Environment

- 3.2 P-05-825 Protect children's lungs from harmful pollution whilst at school
(Pages 115 – 124)

Economy and Transport

- 3.3 P-05-824 Newtown Brimmon Oak Bypass
(Pages 125 – 130)

- 4 Motion under Standing Order 7.42 (ix) to resolve to exclude the public for item 5**

- 5 Discussion on the Committee's Forward Work Programme**
(Pages 131 – 133)

Document is Restricted

Agenda Item 2.1

P-05-840 Fair Funding for Neath Port Talbot County Borough Council and all other Local Authorities

This petition was submitted by Unison, having collected 225 signatures.

Text of Petition

The Welsh Government need to go through their budgets line by line and eliminate wasteful spending to ensure that they protect public services in across Wales. We use Neath Port Talbot as an example, throughout this petition, being residents and employees of NPTCBC, but with the understanding that every unitary authority in Wales is under extreme financial pressure.

We agree that every authority has a role to play in eliminating wasteful spending, but when considering service provision now, the only question in each authority is "Is it good enough?" rather than "Is it Best Practice?"; but Neath Port Talbot Council have eliminated any wasteful spending and is now at the position whereby it needs to consider closing non-statutory services such as parks and leisure, in direct contradiction of Welsh Government legislation such as the Future Generations and Social Services and Well-Being Acts, and we are now down to the bare bones.

The Welsh Government now need to spend smarter not spend less, without smart spending by Welsh Government our community will see key services scaled back or lost. Further budget cuts will devastate local jobs, services and communities. Neath Port Talbot County Borough Council are a major employer and any more reduction of funding will have a huge impact on the local economy as it will in each Local Authority in Wales.

Additional Information

Neath Port Talbot County Borough Council is one of the most deprived councils in Wales and requires additional funding to maintain the services provided to the most vulnerable within the Borough. Neath Port Talbot County Borough Council are the major employer in the area and any reduction in funding will have a detrimental impact on employment and the ability for these vital services to be sustainable and remain in-house. Budget cuts will result in more deprivation in our communities, compulsory redundancies with services gone forever.

Lack of funding to Neath Port Talbot County Borough Council results in disruptive, costly and poor quality service provision; the loss of employment opportunities, employees terms and conditions and most importantly the loss of democratic accountability if services are lost to the private or third sector and the depletion of reserve budgets. We agree with Welsh Government's vision that everybody in Wales should live in well-connected vibrant, viable and sustainable communities with a strong local economy and good quality of life. In order for this vision to succeed we must safeguard public services which will ensure the safety and wellbeing of our residents across Wales with better outcomes for all.

Wiser allocation of finances is essential to ensure a vibrant, integrative social care model fit for the 21st Century. Local Authorities in Wales require the transformational funding to be awarded to them in order that delayed transfers of care from hospital provisions is not the outcome for vulnerable and often frail residents. Welsh Government must come to the determination that unitary authorities should not be the poor relation when allocating the public purse nor should it be expected to implement expensive legislation without the appropriate funding being awarded.

Assembly Constituency and Region

- Aberavon
- South Wales West

Petition: Fair Funding for Neath Port Talbot County Borough Council and all other Local Authorities.

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Research Briefing:

Petition Number: P-05-840

Petition title: Fair Funding for Neath Port Talbot County Borough Council and all other Local Authorities.

Text of petition:

The Welsh Government need to go through their budgets line by line and eliminate wasteful spending to ensure that they protect public services in across Wales. We use Neath Port Talbot as an example, throughout this petition, being residents and employees of NPTCBC, but with the understanding that every unitary authority in Wales is under extreme financial pressure.

We agree that every authority has a role to play in eliminating wasteful spending, but when considering service provision now, the only question in each authority is "Is it good enough?" rather than "Is it Best Practice?"; but Neath Port Talbot Council have eliminated any wasteful spending and is now at the position whereby it needs to consider closing non-statutory services such as parks and leisure, in direct contradiction of Welsh Government legislation such as the Future Generations and Social Services and Well-Being Acts, and we are now down to the bare bones.

The Welsh Government now need to spend smarter not spend less, without smart spending by Welsh Government our community will see key services scaled back or lost. Further budget cuts will devastate local jobs, services and communities. Neath Port Talbot County Borough Council are a major employer and any more reduction of funding will have a huge impact on the local economy as it will in each Local Authority in Wales.

Neath Port Talbot County Borough Council is one of the most deprived councils in Wales and requires additional funding to maintain the services provided to the most vulnerable within the Borough. Neath Port Talbot County Borough Council are the major employer in the area and any reduction in funding will have a detrimental impact on employment and the ability for these vital services to be sustainable and remain in-house. Budget cuts will result in more deprivation in our communities, compulsory redundancies with services gone forever.

Lack of funding to Neath Port Talbot County Borough Council results in disruptive, costly and poor quality service provision; the loss of employment opportunities, employees terms and conditions and most importantly the loss of democratic accountability if services are lost to the private or third sector and the depletion of reserve budgets. We agree with Welsh Government's vision that everybody in Wales should live in well-connected vibrant, viable and sustainable communities with a strong local economy and good quality of life. In order for this vision to succeed we must safeguard public services which will ensure the safety and wellbeing of our residents across Wales with better outcomes for all.

Wiser allocation of finances is essential to ensure a vibrant, integrative social care model fit for the 21st Century. Local Authorities in Wales require the transformational funding to be awarded to them in order that delayed transfers of care from hospital provisions is not the outcome for vulnerable and often frail residents. Welsh Government must come to the determination that unitary authorities should not be the poor relation when allocating the public purse nor should it be expected to implement expensive legislation without the appropriate funding being awarded.

Background

The majority of the general revenue funding for local authorities in Wales is provided directly by the Welsh Government through the **Revenue Support Grant (RSG)** and through redistributed business rates. This equates to **around 75% of a local authority's budget**. The remainder is collected via council tax and other fees and income streams. Unitary authorities can also access grants from a variety of sources, as well as from their reserves.

The provisional local government settlement for 2019–20 shows that Aggregate External Finance (AEF), which is the general revenue funding available to local authorities, **will reduce by 0.3% compared to 2018–19** (adjusted).

Total AEF for 2019–20 is expected to be £4.2 billion, a reduction of £12.3 million. AEF is made up of Revenue Support Grant (RSG) and Redistributed Non-Domestic Rates (NDR) (also known

as business rates), and whilst there is an overall reduction, NDR is due to increase slightly from £997.5 million to £1.0 billion.

Out of the 22 local authorities, **7 will receive a (cash) increase in 2019–20**, with Cardiff receiving the highest increase of 0.4%. The remaining 15 local authorities will see a reduction in funding. Of those 15 authorities, **5 are receiving top-up funding** (referred to as “floor-funding”) to ensure funding does not reduce more than 1%. **In real terms, all local authorities will receive a cut in funding.**

Welsh Government priorities

In his letter to the Chair of the Petitions Committee, the Cabinet Secretary for Finance, Mark Drakeford, states that the Welsh Government has, and will continue, to do all it can to protect frontline services from the worst impact of austerity. He goes on to note that the **Welsh budget will be 5% lower in real terms in 2019–20** (on a like-for-like basis), than it was in 2010–11. This is equivalent to £800m less to spend on public services in Wales. The Cabinet Secretary states that if spending had kept pace with the growth in GDP since 2010–11, the Welsh Government would have an additional £4bn to spend on public services in 2019–20, more than 20% extra compared to the Welsh Government’s actual budget.

Mr Drakeford notes that in setting indicative plans for 2019–10 when they were published last year, the Welsh Government acknowledged that this represented a **cash cut for local government at a time when authorities are facing pressures due to an ageing population, pay and other inflationary pressures**. It was against this backdrop that the Cabinet secretary states that the Welsh Government allocated an additional £60m over two years to local government in the final Budget 2018–19.

The Welsh Government’s outline draft budget was published on 2 October, while the local government settlement was published on 9 October. The detailed spending plans will be published on 23 October.

In the [Outline Draft Budget Narrative](#), the Finance Secretary in his Foreword notes:

During the first half of this Assembly term, I have taken a rigorous approach towards budget planning, using the new Wales Reserve to carry forward as much revenue as possible, in a bid to offset further austerity cuts. As well as using some of this Wales Reserve funding this year, we will once again **invest in our priority areas** – in the **Welsh NHS; in local government; in education and in social services**.

Three of the four priority areas are specific to local government services. The Finance Secretary goes on to note:

Through our collective investments, this is a **better settlement than expected** for local government reflecting our priority to **protect frontline services** against the worst impacts of austerity.

Alun Davies, Cabinet Secretary for Local Government and Public Services in a [letter to the Leaders of Local Authorities in Wales](#) explains that Welsh Government recognise the pressures facing authorities, and that the Welsh Government will:

Continue to do all that we can to shield them from the worst effects of austerity. Following the UK Autumn Budget on 29 October, Local Government is the Government's priority for additional funding in the event of additional resources being made available to the Welsh Government.

Local Government perspective

The Welsh Local Government Association has warned of the increasing challenges and pressures on their services, and have been subject to significant reductions in their budgets over the last few years.

In their most recent press release on the Welsh Government's provisional settlement for local authorities in Wales, the WLGA note that funding from the Welsh Government to local authorities has contracted by over £1 billion since austerity, and now warn of 'severe consequences for school budgets' which could equate to significant loss of school teachers and assistants. They continue by noting that the settlement '**simply does not provide enough resources to fund local services**, particularly when compared to areas which the Welsh Government directly control'.

The WLGA recently conducted a survey with leaders of local authorities relating to their finances. The evidence, they note shows that the 'core service infrastructure of some of the poorest communities in Wales is threatened as never before'. One return noted areas in terms of the decisions the authority might have to make in the following year to reconcile its budget. These included among others:

- Severely reducing the support for those with additional learning needs in education.
- Closing most libraries.
- Closing civic amenity centres and recycling centres.
- Severely reducing street cleaning activity.
- Implementing severe reductions on assistance to the elderly.
- Significantly constraining services to those with severe learning disabilities.

These themes are apparently common throughout the survey responses according to the WLGA.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.



Ein cyf/Our ref MD/00474/18

David Rowlands AM
Chair
Petitions Committee
National Assembly for Wales
Cardiff Bay
CF99 1NA

SeneddPetitions@assembly.wales

27 September 2018

Dear David,

Thank you for your letter on 10 September, seeking my views about a petition from NPT Unison about local government funding and the forthcoming Welsh Government budget.

The Welsh Government has, and will continue, to do all it can to protect frontline services from the worst impact of austerity. But the challenge is becoming harder as we enter the ninth year of austerity and face rising costs and pressures. The Welsh budget will be 5% lower in real terms in 2019-20, on a like-for-like basis, than it was in 2010-11 – this is equivalent to £800m less to spend on public services in Wales.

However, if spending had kept pace with the growth in GDP since 2010-11, we would have had an extra £4bn to spend on public services in 2019-20 – more than 20% extra than our actual budget.

In setting indicative plans for 2019-20 when we published them last year, we acknowledged this represented a cash cut for local government at a time when authorities are facing real pressures as a result of an ageing population, pay and other inflationary pressures. It was against this backdrop that we allocated an additional £60m over two years to local government in the final Budget 2018-19.

In preparing the 2019-20 Budget, I have given very careful consideration to the range of important services, which are provided by local government and which are used by hundreds of thousands of people every day across Wales.

I will be setting out the Welsh Government's outline draft Budget next week on 2 October; the local government settlement will be published a week later and the detailed spending plans will be published on 23 October.

The draft Budget will be scrutinised by the National Assembly's Finance Committee in the normal way and the detailed spending plans by the National Assembly's scrutiny committees.

I would be happy to provide further information about the implications of the draft Budget for local government once the detailed spending plans have been published on 23 October, if the Petitions Committee would find that helpful.

Yours sincerely,
Mark

Mark Drakeford AM/AC
Ysgrifennydd y Cabinet dros Gyllid
Cabinet Secretary for Finance

P-05-840 Fair Funding for Neath Port Talbot County Borough Council – Correspondence from the Petitioner to the Committee – 15.10.18

The comment is that Welsh Government claim to be investing in Early intervention & Prevention, Health & Social Care integration and all sorts of partnerships. Clearly, they are **NOT** doing so. NPT for one, Are not prepared to be part of this fiction and they have been rumbled anyway by the likes of the Future Generations Commissioner who has challenged the budget on this basis.

Instead, they are investing the overwhelming bulk of the extra money in hospitals and the treatment of sickness. All bar £30m of the extra Health & Social Care has gone to the NHS and even that 30 has major strings attached as Hywel says below.

At this rate, we will reach a point where the Health Board will be on their own because we will not have the community care capacity to help them with bed blocking when the ambulances start to stack up outside Morriston's A&E Department at the end of January, if not before.

Just to confirm that the £30m you mention for Social Care is the total amount of additional monies for the whole of Wales. WG have not yet announced their specific grants and detailed budget allocations – they are due to be published on 23 October 2018. When they are announced we need to understand the grant conditions and purpose for these monies and how they can be bid for/received. Our share of this £30m would normally be circa 5% or £1.5m.

The Provisional Settlement announcement mentioned some extra monies in the settlement including for Teachers pay £13.7m, Education £15m, School meals £7m, Social Services £20m. However, given that the all Wales average was a cut of -0.3% and all of these extra monies are included in that cut this represents a significant reduction to the funding of Local Authorities. In addition the announcement made no reference to funding the increased costs for Teachers pensions which in Wales amounts to £41m next year and £71m in a full year. What we really needed for a standstill budget was an increase of circa 5% and hence the settlement fell way short of that at -0.3%. The First Minister in his radio interview earlier this week said that Local Government would be a priority for additional funds should they become available following the Chancellor's Budget of 29 October 2018.

Regards
Mark Fisher
Branch Chair / Cadeirydd Cangen

Further Correspondence – petitioner to the Committee, 16.10.18

Good afternoon,

Please see below part of our submission for the above petition.

Kind regards,

Mark Fisher
Branch Chair
UNISON Neath Port Talbot Branch

Question:

Will the Cabinet Secretary for Finance confirm that the £30m of additional funding for Social Care identified in the draft budget will be provided through the Revenue Support Grant to local authorities?

Supplementary

Will the Cabinet Secretary for Finance confirm whether it is the current intention to provide the additional £30m for Social Care via a specific grant and, if so, who will be the recipient: local authorities or local health boards, recognising that regional partnership boards are not able to be grant recipients in their own right?

Agenda Item 2.2

P-05-841 Include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran' in the formal assessment process

This petition was submitted by Benji Poulton, having collected 278 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to formally consider the alternative proposal for the 3rd Menai Crossing known as 'Pont Bendigeidfran' (as described in the video found here <https://www.youtube.com/watch?v=Ty2q-ctJZKM>).

This proposal provides increased benefits in terms of whole life cost, its ability to enhance the spectacular landscape, traffic benefits (both traffic flows and network resilience), environmental mitigation, promoting tourism, promoting Welsh culture, and is a better fit in terms of current legislation, for example the Wellbeing of Future Generations Act. This proposal appears to be achievable from an engineering perspective, and will be a more fitting addition to the two world famous bridges already present at this location.

We therefore call for this alternative proposal to be fully assessed alongside the original options presented in the recent Welsh Government 3rd Menai Crossing Public Consultation.

Assembly Constituency and Region

- Arfon
- North Wales

Petition: Include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran' in the formal assessment process.

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Research Briefing:

Petition Number: P-05-841

Petition title: Include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran' in the formal assessment process.

Text of petition:

We call on the National Assembly for Wales to urge the Welsh Government to formally consider the alternative proposal for the 3rd Menai Crossing known as 'Pont Bendigeidfran' (as described in the video found here <https://www.youtube.com/watch?v=Ty2q-ctJZKM>).

This proposal provides increased benefits in terms of whole life cost, its ability to enhance the spectacular landscape, traffic benefits (both traffic flows and network resilience), environmental mitigation, promoting tourism, promoting Welsh culture, and is a better fit in terms of current legislation, for example the Wellbeing of Future Generations Act. This proposal appears to be achievable from an engineering perspective, and will be a more fitting addition to the two world famous bridges already present at this location.

We therefore call for this alternative proposal to be fully assessed alongside the original options presented in the recent Welsh Government 3rd Menai Crossing Public Consultation.

Background

The Welsh Government is the highway authority for the Welsh trunk road and motorway network in Wales and is responsible for maintenance and improvement of the network, including the A55.

The A55 [Britannia Bridge](#) over the Menai Strait provides a link between the mainland and Anglesey. The bridge carries both rail and road traffic and is the only section of the A55 route which is single carriageway. The [Menai Suspension Bridge](#) provides another link between the mainland and Anglesey along the A55 route.

The [Welsh Government states that](#):

The A55 is important locally, nationally and internationally. It provides the main economic artery for North Wales and forms part of the route Euro 22 on the Trans European Road network. [The] Britannia Bridge is the only section within the UK that is not [a] dual carriageway.

This results in congestion at the crossing and the Welsh Government now plans to build a third Menai crossing.

Third Menai crossing

The Welsh Government's [National Transport Finance Plan 2015](#) (the NTFP) sets out how the Welsh Government proposes to deliver the outcomes identified in the [Wales Transport Strategy](#) between April 2015 to March 2020 (short term) and beyond (medium term). The Plan provides timescales for the financing and delivery of schemes to be undertaken by the Welsh Government. The 2015 plan listed 'improvements to the A55 crossing of the Menai' as one of the Welsh Government's new road infrastructure schemes.

The [Welsh Government states](#) that a:

...study concluded that improving capacity on the existing Britannia Bridge did not meet the required safety standards.

A strategic outline business case was therefore completed in Spring 2016 which confirmed the need for a third Menai Crossing. This was reflected in the [2017 NTFP update](#) which included the 'third Menai bridge crossing' as a new scheme.

Route proposals

The Welsh Government appointed consultants to undertake a route selection study with a view to selecting a preferred route for the crossing, and [consulted on a number of options](#) between December 2017 and March 2018.

Each option has been appraised using the [Welsh Transport Planning and Appraisal Guidance](#) (WelTAG) and the results of this appraisal for each route were [included in the consultation document](#) (PDF, 36.4MB). Along with suggesting new routes, the consultation outlines different options for the structure and design of a new bridge.

'Pont Bendigeidfran' proposal

The petition provides an alternative option to those set out in the Welsh Government's consultation and calls for this to be fully assessed alongside the other options.

The petitioner's option is [set out in this video](#) and suggests that a new bridge is designed to depict Bendigeidfran, from the [Mabinogion tales](#) holding up the bridge. The proposal outlines a suggested design for the bridge which would use the 'purple route' as set out in [the consultation document](#) (PDF,36.4MB). The petitioner suggests that the bridge should be named 'Pont Bendigeidfran'.

Welsh Government and National Assembly for Wales action

In his letter to the Chair of the Petitions Committee, dated 24 September 2018, the Cabinet Secretary for Economy and Transport, Ken Skates, highlights that the petitioner's proposal has:

...been assessed along with the other consultation responses...[and the Welsh Government] will be announcing the preferred route shortly.

The Cabinet Secretary also highlights in his letter that once a preferred route has been identified:

...further analysis will need to be undertaken to develop a suitable form of structure...as part of the next stage of design development. [The petitioner's] proposals can therefore be further assessed and considered during this next stage.

The announcement of the preferred route was made on 11 October 2018 and [a summary of consultation responses](#) (PDF,1MB) was published. [The First Minister, Carwyn Jones, announced](#) that the Welsh Government has chosen the 'purple route' as the preferred route. Further work will now be undertaken in relation to the design of the bridge and scheme.

In April 2018, during a [Plaid Cymru debate on the renaming of the Second Severn Crossing](#), the [Cabinet Secretary stated](#) that he is:

keen to conduct a local consultation over the naming of the third Menai crossing...[and that] these will be local consultations, giving the people of their communities they provide identity for the say over their names.

The Cabinet Secretary has been asked for an update in relation to the project in Plenary on several occasions. Most recently discussions have focused on the potential for the bridge to house National Grid infrastructure in order to cross the Menai Strait.

In April 2018, the Welsh Government [announced that a feasibility study will be carried out](#) to investigate whether an electricity connection could be carried on the proposed third Menai crossing.

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-841
Ein cyf/Our ref KS/02689/18

David John Rowlands AM
Chair - Petitions committee.
Government.Committee.Business@gov.wales

24 September 2018

Dear David,

Thank you for your letter of 10 September regarding Petition P-05-841 include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran' in the formal assessment process.

We did receive a detailed response from Mr Poulton promoting Pont Bendigeidfran as part of the public consultation that ended in March 2018. I'm also aware of the detailed video that Mr Poulton has prepared which documents the history of both the Menai and Britannia bridges and his inspiration from the Mabinigion tales to construct a statue of Bendigeidfran as a central support to the bridge along the Purple Route. I do applaud the work he has done.

Mr Poulton's response has been assessed along with the other consultation responses and in conjunction with the technical, environmental, social and financial appraisals and I will be announcing the Preferred Route based on this work shortly.

Clearly this is only the beginning of the 3rd Menai Crossing development and further analysis will need to be undertaken to develop a suitable form of structure that best fits within the sensitive Menai Strait landscape as part of the next stage of design development. Mr. Poulton's proposals can therefore be further assessed and considered during this next stage.

Yours ever,
Ken

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Ken.Skates@llyw.cymru
Correspondence.Ken.Skates@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 45

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

**P-05-841 Include the alternative 3rd Menai Crossing proposal 'Pont Bendigeidfran'
- Correspondence from the petitioner to the Committee, 14.10.18**

Dear Petition Committee Members,

Thank you for this further opportunity to comment on the petition to have the Pont Bendigeidfran proposal formally included alongside the other options for the proposed third Menai crossing. I was very grateful that so many committee members and officers were able to take the time out of your busy schedules to meet me at the Senedd on the 9th October, and that you had clearly taken the time to look through the proposals and had lots of interesting questions and comments. The level of continuing engagement shown has pleasantly surpassed my expectations, and I would like to register my appreciation.

In the week since the petition was submitted, First Minister Carwyn Jones has announced the preferred route option for the crossing. I was pleased to see that this was chosen as the 'purple route'. As explained in the video proposal, this route option appears to be the most beneficial, and is the route option that the Pont Bendigeidfran proposal is based on.

I also note that within the 'Consultation - summary of response' report (published by the Welsh Government following the First Minister's announcement), that the structure type preferred by the largest proportion of respondents was the 'Balanced Cantilever Bridge'. This is the structure type that the Pont Bendigeidfran proposal is based upon. This report also states in Section 6.6 that 'The Purple Option also provides better opportunity to maximise the separation from the Britannia Bridge which allows more freedom to adopt an aesthetically outstanding design'.

Making the announcement on Anglesey, Mr Jones said he would like the new bridge to be "equally iconic" as the Menai Bridge - built by Thomas Telford in the 1820s - and Robert Stephenson's Britannia Bridge - opened to carry rail traffic in 1850 (BBC News website 11th October 2018). I fully agree with this sentiment.

I believe that the developments highlighted above add even more weight to the argument that the Pont Bendigeidfran proposal should be formally included within the remaining appraisal processes.

Further to this, Design Commission for Wales' Design Review Report 'A55 Proposed Third Menai Crossing, Menai Strait' DCFW Ref: N160 Meeting of 15th March 2018 provides the following guidance (cropped and emphasis added):

‘clear objectives must be established from which defined outcomes arise, leading directly to enhancement and public benefit.

Such justification is also necessary to allow the proper weighing of all benefits set against the scale of intervention in a location of such high landscape, historic and tourism value and in one of the most important views in Wales. The existing Stephenson and Telford structures are of national historic importance and represent outstanding engineering innovation of their time.

Wider scheme objectives should be determined and communicated, such as environmental impact and potential for enhancement as well as ensuring a high quality visitor and user experience. Establishing such objectives will help identify the opportunities provided by the scheme and avoid an approach solely based on the mitigation of negative constraints and impact.

Although this may seem to represent analysis above and beyond the requirements of the current WelTAG stage, it is imperative to ensure that changes to this highly sensitive and important environment are fully justified and delivered to the highest possible quality.’

Justification for the changes related to Pont Bendigeidfran are provided within the YouTube video mentioned in the wording of the petition. What is required from the Welsh Government is the courage and ambition necessary to deliver something that is truly iconic for the people of Wales.

I fully accept that this may be a daunting decision to make, to move away from the ‘tried and tested’ standard solutions. I therefore would like to take this opportunity to suggest a number of actions that will provide comfort and encouragement to the Welsh Government, and to further allow them to justify any bold decisions made:

1. As part of the appraisal process, a Contingent Value Assessment could be carried out to assign a financial value to the relative additional benefits provided by all the options. This was the mechanism used very effectively in the appraisal of the successful Colwyn Bay Waterfront Project, which allowed a new beach to be installed instead of a large rock revetment along the frontage. The beach nourishment option provided many additional regeneration benefits to the town, and was justified through the improved adjusted Cost/Benefit ratio that was able to be formally demonstrated.

Due to the decades (centuries even) that the new bridge will be in place, any additional tourism benefits will be multiplied by very large timescales, and would therefore lead to huge gains in the Cost/Benefit ratios.

2. In addition to the views of the Cabinet Secretary for Economy and Transport, the views of the Ministers with responsibility for Culture, Tourism, and the Welsh Language should be sought. The Pont Bendigeidfran proposal provides significant benefits within their portfolios, this is therefore a fantastic opportunity for some joined-up thinking across a number of sectors, and they may be able to provide further support and guidance.
3. Further to this, the views of organisations such as Visit Wales (responsible for marketing Wales within the UK and internationally), Design Commission for Wales, and the Wellbeing of Future Generations Act Commissioner could be sought.

I thank Cabinet Secretary Ken Skates for the kind sentiments expressed in his letter to the chair of the Petitions Committee dated 24th September 2018. I note he closes with the following statement:

'Clearly this is only the beginning of the 3rd Menai Crossing development and further analysis will need to be undertaken to develop a suitable form of structure that best fits within the Menai Strait landscape as part of the next stage of design development. Mr Poulton's proposals can therefore be further assessed and considered during this next stage.'

This response goes 90% of the way to addressing the request highlighted in the petition. If this could be strengthened to a firm commitment to formally include the Pont Bendigeidfran proposal (described in the YouTube video quoted), as one of the options to be fully assessed alongside the original options, then the petition will have achieved its overarching goal.

This is a fantastic opportunity to add significant value to the project, and has the potential to provide an incredible centrepiece for the A55 Culture Corridor.

Many thanks,

Benji Poulton

Agenda Item 2.3

P-05-842 Give young people a voice when commissioning local services in Wales

This petition was submitted by the Changing Minds Campaign Group, having collected 1,387 signatures online and 1,640 on paper, a total of 3,027 signatures.

Text of Petition

We call on the National Assembly for Wales to urge the Welsh Government to acknowledge that the current level of young persons' participation in the commissioning of services does not allow for the inclusion of marginalised groups. We request a review of the policies and guidance in place and a recommendation that new guidelines are mandatory for services commissioned to work with young people.

Every young person in Wales needs to be able to share their voice and experience in a way that is meaningful to them, to shape the services that are available to support them. We are asking for your support to promote changes to achieve this goal. As young people we must be able to share our thoughts and views on the projects that we need in our area.

Currently, only youth councils/ forums are consulted- which is not representative of those who struggle to attend such forums such as those 1 in 5 young adults who have a diagnosable mental health disorder. There needs to be a platform for those young people who may not be able to participate in the current schemes due to their mental health to share their opinions on services and projects that are directly affecting them. We are a group of young people that have been involved in the Changing Minds Project coordinated by Newport Mind, which is due to lose funding in November of this year. Because of this we have been learning about the commissioning process, which has led to this petition being created and to our wider #changeit campaign. Direct inclusion of young people with mental health issues in the commissioning process will allow for greater tailoring of service provisions and improve confidence in the services amongst the targeted demographic.

“Involvement in this project enabled me to really understand the concerns of young people and the issues they face. Without these concerns being raised

and included from the inception of any policy which affects them, any initiative affecting young people will be flawed".

Additional Information

The Children's Rights Approach in Wales by the Children's Commissioner for Wales outlines a framework for embedding children's rights within services working with young people. These are guidelines and thus non-binding. Based on the United Nations Convention for the Rights of the Child (UNCRC) Article 12 outlines the right of children to be involved within policies creation and implementation; particularly those which affect their demographic. The Children's Commissioner for Wales Annual Report for the 2016/2017 year (the Report) specifically highlights the Commissioner's wish to see greater integration of young people within the commissioning process. The current guidelines for youth participation in Wales are, amongst other sources, contained within the Children and Young People's Participation in Wales Good Practice Guide 2016. The seven 'Core Standards' contained within the Guide are excellent starting steps. We feel that the non-mandatory nature of these standards and approaches, although partly met within some authorities in Wales, are insufficient for ensuring accountability for all services working with young people. We seek to ensure that young people from marginalised groups have a voice in the decision making processes as well as ensuring that service provision for young people all over Wales are of a similarly excellent standard. Our petition is in line with Recommendation 10 of the Mind over Matter report that highlights the current levels of provision of mental health services for young people, and compliments the work by the Together for Children and Young People Programme. Without change to the current guidelines, young people across Wales will continue to be marginalised. Specifically, those with mental health issues or additional needs who may not be able to take part in the current - and limited - youth participation initiatives will continue to find it difficult to voice their opinions.

Assembly Constituency and Region

- Newport West
- South Wales East

Petitions Committee

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Young people's involvement in commissioning services

Petition title: [P-05-842](#) Give young people a voice when commissioning local services in Wales.

Text of petition: We call on the National Assembly for Wales to urge the Welsh Government to acknowledge that the current level of young persons' participation in the commissioning of services does not allow for the inclusion of marginalised groups. We request a review of the policies and guidance in place and a recommendation that new guidelines are mandatory for services commissioned to work with young people.

Every young person in Wales needs to be able to share their voice and experience in a way that is meaningful to them, to shape the services that are available to support them. We are asking for your support to promote changes to achieve this goal. As young people we must be able to share our thoughts and views on the projects that we need in our area.

Currently, only youth councils/ forums are consulted– which is not representative of those who struggle to attend such forums such as those 1 in 5 young adults who have a diagnosable mental health disorder. There needs to be a platform for those young people who may not be able to participate in the current schemes due to their mental health to share their opinions on services and projects that are directly affecting them.

We are a group of young people that have been involved in the Changing Minds Project coordinated by Newport Mind, which is due to lose funding in November of this year. Because of this we have been learning about the commissioning process, which has led to this petition being created and to our wider #changeit campaign. Direct inclusion of young people with mental health issues in the commissioning process will allow for greater tailoring of service provisions and improve confidence in the services amongst the targeted demographic.

“Involvement in this project enabled me to really understand the concerns of young people and the issues they face. Without these concerns being raised and included from the

inception of any policy which affects them, any initiative affecting young people will be flawed".

The Children's Rights Approach in Wales by the Children's Commissioner for Wales outlines a framework for embedding children's rights within services working with young people. These are guidelines and thus non-binding. Based on the United Nations Convention for the Rights of the Child (UNCRC) Article 12 outlines the right of children to be involved within policies creation and implementation; particularly those which affect their demographic. The Children's Commissioner for Wales Annual Report for the 2016/2017 year (the Report) specifically highlights the Commissioner's wish to see greater integration of young people within the commissioning process. The current guidelines for youth participation in Wales are, amongst other sources, contained within the Children and Young People's Participation in Wales Good Practice Guide 2016. The seven 'Core Standards' contained within the Guide are excellent starting steps. We feel that the non-mandatory nature of these standards and approaches, although partly met within some authorities in Wales, are insufficient for ensuring accountability for all services working with young people. We seek to ensure that young people from marginalised groups have a voice in the decision making processes as well as ensuring that service provision for young people all over Wales are of a similarly excellent standard. Our petition is in line with Recommendation 10 of the Mind over Matter report that highlights the current levels of provision of mental health services for young people, and compliments the work by the Together for Children and Young People Programme. Without change to the current guidelines, young people across Wales will continue to be marginalised. Specifically, those with mental health issues or additional needs who may not be able to take part in the current - and limited - youth participation initiatives will continue to find it difficult to voice their opinions.

Young people's participation in decisions which affect them

Legal right to have a say in decisions which affect you

Children and young people up to the age of 18 have a range of rights as set out in the United Nations Convention on the Rights of the Child (UNCRC), including rights to protection, health, family, education, culture and leisure (see [summary of the rights](#)).

The Welsh Government received international recognition when it incorporated the UNCRC into domestic law in Wales through the [Rights of the Child and Young Persons \(Wales\) Measure 2011](#). This law means that Welsh Ministers must, when exercising any of their functions, have due regard to the UNCRC. The term due regard requires a balanced consideration of issues, in this instance the articles of the UNCRC. This means that Ministers must think about how what they are doing relates to the rights and obligations in the UNCRC. In identifying any negative impact on children and young people, Ministers must consider how to avoid or minimise this impact.

In summary, Article 12 of the UNCRC says that **when adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.**

Also relevant to this petition is Article 24 of the UNCRC which, in summary, says that healthcare for children and young people should be as good as possible.

National Participation Standards for Wales

Wales has had a set of [national participation standards](#) for children and young people in place for over ten years, which were '[refreshed](#)' in 2016. The Welsh Government has [said](#):

The National Participation Standards are at the centre of our work. They tell you what you should expect from your services, and how practitioners and organisations should be involving you.

The standards make the following commitments to children and young people to:

- Provide information that is good quality, clear and accessible.
- Inform you about who's going to listen and let you know what difference your involvement could make.
- Give you enough support and time to choose if you want to get involved.
- Challenge discrimination.
- Provide a range of opportunities and support to meet the needs of children and young people.
- Listen to your views, experiences and ideas and take you seriously.
- Work with you on things you say are important.
- Value what you have to offer.
- Work with you in safe, fun and enjoyable ways.
- Make the most of what you know and do things that build your confidence and skills.

- Always ensure you have feedback in an agreed time.
- Tell you how your ideas have been used and why.
- Tell you what happens next.
- Work with you and learn how we can do things better.
- Ensure your views make a difference to the way we make plans and decisions.

[Statutory Guidance issued under the Well-being of Future Generations Act 2015](#) sets out expectations on how public bodies should apply these standards. It states:

Whilst it is not a requirement under the Act, the Welsh Ministers would strongly encourage public bodies to apply [...] the National Participation Standards for Children and Young People.

Emotional and mental health services for young people

2014 Assembly Committee inquiry leads to a ‘root and branch review’

During the Children, Young People and Education Committee’s 2014 [inquiry into child and adolescent mental health services](#) then Minister for Health, Mark Drakeford, announced that he had set in place a “root and branch review” to modernise and redesign the service for the future. This led to the creation in 2015 of the [Together for Children and Young People Programme](#) (T4CYPP). It is a multi-agency service improvement programme that aims to reshape, remodel and refocus the emotional and mental health services provided for children and young people in Wales.

2018 Assembly Committee report calls for ‘urgent action’

The Children, Young People and Education Committee published its report [‘Mind over matter’](#) in April 2018, calling for a step change in the support needed to tackle mental health issues and build emotional resilience in children and young people in Wales. The report’s main recommendation is that the Welsh Government makes the emotional and mental well-being and resilience of children and young people a stated national priority. It calls for much earlier intervention and states that ‘the urgent challenge now lies at the “front end” of the care pathway – emotional well-being, resilience and early intervention.’

Changing Minds Project

The petition has been submitted by the [Changing Minds Project](#), based at Newport Mind and designed for young people aged 14–25 who have or are experiencing mental health difficulties. It has offered the following opportunities for young people: Peer Support; 1:1 Transition Support; Self-Management Workshops; and Volunteering. Its website states the project’s five year Big Lottery Funding is ending and it will close on 28 November 2018 unless continuation funding can be found.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Vaughan Gething AC/AM
Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau
Cymdeithasol
Cabinet Secretary for Health and Social Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref VG/02983/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA

Government.Committee.Business@gov.wales

30 September 2018

Dear David,

Thank you for your letter of 10 September on behalf of the Petitions Committee regarding Petition P-05-842 – Give young people a voice when commissioning local services in Wales.

The Welsh Government welcomed the publication of the Children, Young People and Education Committee's report, *Mind Over Matter*, following its inquiry into the provision of emotional and mental health services to children and young people. We are pleased that the Committee has acknowledged the improvements in the provision of specialist mental health services in recent Years and we are working with the Committee and stakeholders to take forward the recommendations in *Mind Over Matter*. To this end on 7 September the Cabinet Secretary for Education and I announced we would convene a joint ministerial task and finish group to consider the whole school approach to emotional and mental wellbeing in schools, and take forward the education related recommendations in *Mind Over Matter*.

We also continue to support the Together for Children and Young People (T4YP) Programme, which launched in February 2015 and will be running until 2019. The NHS led T4CYP programme is about ensuring the current system for addressing mental and emotional health works more effectively across all sectors, not just specialist NHS services.

Engaging children and young people in the development and implementation of activity is central to the programme. Children and young people are being given the opportunity to develop and shape the future delivery of emotional and mental health services through broad roots engagement that captures the well being of all children and not just those who use Child and Adolescent Mental Health Services (CAMHS). This includes working closely with Children in Wales, the Children's Commissioner's office, Time to Change Wales and the third sector 'High Needs Collaborative'.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Vaughan.Gething@llyw.cymru
Correspondence.Vaughan.Gething@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

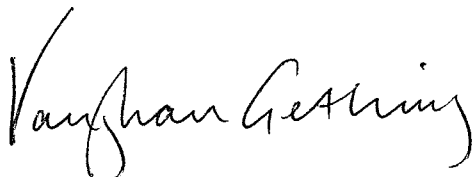
Proposals emerging from the Programme will be continually tested as they are developed through the Commissioner's network of children and young people and the Children in Wales, Young Wales' Forum. The latter provides an opportunity for children and young people to directly engage on issues that are important to them.

In addition, T4CYP Newsletters are regularly produced and circulated to a wide range of stakeholders. This ensures that both children and young people and partner organisations involved in the delivery of services are kept up to date with current thinking and are able to influence developing proposals. The Programme also recognises the importance of providing feedback to those children and young people who contribute their views. In order to provide assurance that their views and opinions are leading to tangible action and service improvements the Programme has developed a report that highlights the action being taken to respond to issues raised.

Earlier this year, I met with ABMYouth, a group of young people that work closely with Abertawe Bro Morgannwg University Health Board to ensure that their views and needs are fully taken into account when commissioning health services. This is a very progressive step and I encourage other health boards to consider whether similar mechanisms should be put in place in their respective areas.

Thank you again for writing to me on this matter. I hope you have found my reply helpful.

Yours sincerely,

A handwritten signature in black ink that reads "Vaughan Gething". The signature is written in a cursive style with a large initial 'V'.

Vaughan Gething AC/AM

Ysgrifennydd y Cabinet dros Iechyd a Gwasanaethau Cymdeithasol
Cabinet Secretary for Health and Social Services

P-05-842 Give young people a voice when commissioning local services in Wales – Correspondence from the petitioner to the Committee, 17.10.18

Dear Sirs,

Thank you for your response to our Petition, including the letter dated 30 September 2018 from Mr Gething AM.

Having read the correspondence, we are disappointed by the response given. We feel that the letter only regurgitates generic replies and has not addressed the Petition with sufficient specificity.

Therefore, we wish to take this opportunity to voice a number of comments on the letter.

Firstly, regarding the Mind Over Matter Report (the Report), this is an excellent first step in exploring the impact of mental health services on young people, alongside recommending continued initiatives. As contributors to the Report, National Mind has already adopted some of the recommended initiatives contained within, in particular the Whole School Approach (WSA). While we can testify to the efficacy of the WSA – the pilot was successful enough to continue to full scale roll-out (the reports can be found in full on Mind’s website Mind.org.uk) – this does not address the main point of the Petition.

The main thrust of the Petition revolves around the notion of enhanced participation of young people within the commissioning process of mental health and youth services. Therefore, we wish to question what initiatives, if any, are being implemented in order to further this objective?

Secondly, the T4CYP is another theoretically effective initiative. The High-Level Working Board’s stipulation of the engagement with children and young people as a workstream is undoubtedly in line with the Petition’s objective.

However, there are again concerns we must raise. In the first instance, this project runs until 2019. This is a short time away. Post the terminus, what will be put in place in order to continue the push for inclusion of young people in mental health and youth service provisioning?

In addition to this, some investigation of the T4CYP website suggests that there has been no board meeting since September 2017, no newsletters since August 2017,

and there has been indication that a lack of personnel and appropriate resources has hindered the project. Further to this, the T4CYP Twitter account has been inactive since June 2016.

While we understand there may be times where there are extended hiatuses between meetings and the flow of information, we find the length of these unacceptable for an initiative that claims to be in operation with a close terminal date.

As a further point to note, many young people within the Campaign Group have found accessing this information particularly difficult. This refers not only to finding the information from the relevant sources, but also in terms of understanding the content. While the need to use context specific and technical wording is clearly important, the abundance of content with inaccessible wording is detrimental to the inclusion of a broad swath of young people.

Another point regarding the T4CYP regards empirical evidence. We have noted that within the board meetings it has been highlighted that there is a lack of reliable data and data collection methods (T4CYP Board Minutes Sep. 2017). As this was indicated in the last set of board minutes, we have to assume that this status has not changed.

A lack of testable, empirical results leaves the outcome of the project in the realms of a priori statements at best, or sweeping theoretical assertions at worst. Therefore, how can it be possible to deem the project a success without a posteriori knowledge that young people are being included within the mental health and youth service commissioning process?

Again, this is the point of the Campaign: to include young people in this process via a standardised, measurable inclusion framework across Wales.

The final point regarding the T4CYP is the creation of the Making Sense report by Hafal, part of the High Needs Collaborative. This report highlighted a number of key recommendations put forward by a panel of young people. Of particular note are suggestions one and ten.

The first suggestion is that young people indicate that they would prefer an informal, non-medical (i.e not CAMHS) approach to mental health and wellbeing. Despite this, the Welsh Government has seen fit to spend many millions of pounds on the expansion of CAMHS.

This clearly shows that the Welsh Government has disregarded the voices of young people. Ironically, this is in contradiction to suggestion ten of the report – listening to young people.

Regarding the task and finish group for the Mind Over Matter report, we have concerns history may repeat itself. The outcomes of the Making Sense report show no indication of continued young people's participation and the recommendations went unheeded. Therefore, how can we be sure that the task and finish group for the Mind Over Matter report will not follow suit? How involved will young people be in the group? Will this simply be another high-level board, disconnected with the voices of young people?

We therefore call for young people to participate in this working group for a minimum of the duration of the Mind Over Matter consultation. This would be a welcomed first step to increase the level of youth participation in the provision of mental health services.

Thirdly, as touched upon above, the methods for engagement of young people are inconsistent or, at worst, lacklustre. The Welsh Government is itself guilty of failing to include the voice of young people in significant programmes, most recently the allocation of £1.4 million for a CAMHS in reach pilot into schools. The development and rollout of the initiative had no engagement with young people. In addition to this, the programme is the opposite of the non-medicalised interventions that young people asked for in the Making Sense report.

To address a positive, the engagement of ABMYouth is certainly of benefit to furthering the voices of young people. Engagement in this manner is something that the Campaign Group would welcome. Indeed, this falls in line with the model utilised by the Changing Minds Campaign.

However, there is still a concern with this panel. While engagement of any young person is good, we question exactly how representative this panel is of marginalised groups. A lack of transparency in the appointment of this panel has served only to raise further questions amongst the Campaign Group and the wider youth demographic.

Additionally, we question the efficacy of a newsletter. While certainly one important way of informing young people, it is by no means the only way. Further, the newsletter itself is not particularly well publicised and it is mentioned that it is circulated to a wide range of stakeholders. Again, who are these stakeholders and

how does this actively inculcate a culture of youth inclusion in the commissioning processes?

We believe that a simple, one sided newsletter is an insufficient modality through which to engage young people. There is little scope in this medium to reply to the comments made within, especially for those young people who, through their mental health or otherwise, find it difficult to effectively engage and express their opinions.

Finally, regarding the inconsistency, there is a distinct lack of standardised engagement methods across Wales. While we have seen engagement on a broad roots level (such as via the ABMYouth panel), we also see a light touch engagement method (such as through mere provision of a newsletter) plus strata of other levels of engagement in between. Our experience arising from working across five local authorities in Gwent has highlighted the variation in opportunities for participation of young people in decision making, such as via youth forums and councils. Many initiatives are local in scope and are not representative of provisions in Wales as whole. Our Petition is calling for this to be addressed.

We believe that the Welsh Government should introduce a mandatory, baseline level of engagement for Wales. This may be more than a newsletter but perhaps less than weekly panel meetings, with scope for local authorities to develop extra initiatives alongside the mandatory baseline. This semi-hard approach mandates a minimum level of youth engagement while encouraging continued innovation of further engagement methods via a soft-law guidance framework.

While much of this letter has been critiquing the programmes the Senedd is conducting, we also wish to point out that we, and young people as a whole, are extremely appreciative of the effort the Welsh Assembly is putting in to improving the standard of young people's mental health. The Petition is only trying to help the Government guide their propositions and initiatives to promote a more equal, economic and efficient commissioning process.

To this end, the Campaign Group has significant experience of the utilisation of young persons' participation modalities. For example, the young persons' advisory panel, implemented at the beginning of the Project, has ensured that young people have had a voice consistently throughout the service delivery. This has since developed into further working groups such as the #Changeit Campaign Group. It is this kind of delivery model that cultivates a transparent and inclusive participation framework.

Other engagement methods could include a greater digital presence amongst young people. This could, for example, take the form of a webpage. It would simultaneously increase both participation and accessibility of key information for young people in their local areas. In addition, it provides a less formal platform for young people to voice their opinions, informality being a key outcome of the Making Sense report.

We believe that this is a model of engagement that has potential for inclusion into the overall commissioning process in Wales.

Again, we wish to wholeheartedly thank you for taking the time to read this letter.

Kindest regards,

The Changing Minds Campaign Group

Agenda Item 2.4

P-05-843 More Third party rights in planning appeals

This petition was submitted by Emma Eynon, having collected 59 signatures.

Text of Petition

We, the undersigned, call on the Welsh Government to introduce legislation which will grant more rights for third parties to appeal on planning decisions. Currently, even those who are directly affected by planning approvals are considered as third parties to applications and have little or no rights to appeal or even to input into planning conditions. The judicial review process is aimed at developers and the time limit of six weeks to submit such an application is not suitable for community action groups. Third parties should have the same rights as a developer to appeal in planning decisions and should not have to send all communications through the elected ward member.

Assembly Constituency and Region

- Neath
- South Wales West

Petition: P-05-843 More third party rights in planning appeals

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Research Briefing:

Petition number: P-05-843

Petition title: More Third party rights in planning appeals

Petition text:

We, the undersigned, call on the Welsh Government to introduce legislation which will grant more rights for third parties to appeal on planning decisions. Currently, even those who are directly affected by planning approvals are considered as third parties to applications and have little or no rights to appeal or even to input into planning conditions. The judicial review process is aimed at developers and the time limit of six weeks to submit such an application is not suitable for community action groups. Third parties should have the same rights as a developer to appeal in planning decisions and should not have to send all communications through the elected ward member.

Background

There is no third party right of appeal against planning decisions in Wales. Under the current planning system, the applicant and the local planning authority are the main parties to an appeal and any other interested parties are classed as a third party.

Applicants may appeal on a range of grounds, including where the local planning authority has refused planning permission or a granted planning permission but imposed conditions.

Welsh Government action

The preparatory work ahead of developing the Bill which became the *Planning (Wales) Act 2015* (the Planning Act), included a review of the planning system in Wales by an Independent

Advisory Group (IAG). The IAG's work considered the issue of third party rights of appeal and [reported to the Welsh Government in 2012](#).

The IAG concluded that the risk of over burdening the planning system did not justify any benefits to be gained from introducing third party rights of appeal. Instead, it identified improved public engagement in Local Development Plan (LDP) preparation and formal pre-application community consultation for major planning applications as more appropriate community engagement mechanisms.

The IAG report states:

3.45 In our view such a significant change risks overburdening the system and shifting resources away from decision and plan making. We believe that the arguments in favour do not justify the burden that would be placed on the Planning Inspectorate and LPA [local planning authority] planning officers. We are satisfied that the problem applications cited to us during the debate are not the norm and do not justify the shift of resources implied by the introduction of third party appeals. We do not consider that a third party appeal right would benefit those sections of the community who are traditionally seldom heard. Resourcing confidence in the planning system is a better solution. Most importantly, none of those arguing in favour were able to produce a set of clear criteria that did not run the risk of abuse of the right of appeal by people acting in a vexatious manner.

3.46 Our conclusion is that measures are needed to ensure those who may be affected by a development are made aware of it from the earliest stage and those who consider they might be affected are given every opportunity to be heard. Front loading the planning process and involving third parties in planning decisions from the earliest stages would address the types of problems that have been described to us and go some way towards improving public perception and confidence in the planning system. ...

...

3.52 In summary, we do not consider there is a case for introducing third party rights of appeal in Wales. The issues that were raised with us can be overcome by other measures to ensure that the rights of the public to be involved in decisions affecting them are properly protected. We make a number of recommendations ... designed to widen public involvement in the planning process.

The IAG's full consideration of the issue can be seen on [pages 23 to 25 of the report](#).

The letter from the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths, to the Committee (dated 25 September) reiterates the IAG's position:

Since that time [of the IAG report] no persuasive evidence has emerged to suggest the introduction of a third party right of appeal would be a step forward or an improvement in the planning system. We remain of the view, therefore, it would not be appropriate to introduce such changes to the planning appeals process. Ensuring we have up to date LDPs which have been subject to comprehensive public engagement is the best way to ensure the rights of all groups are taken into account when planning decisions are made.

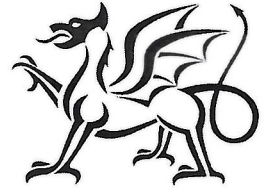
National Assembly for Wales action

During the passage of the Bill for the Planning Act through the Fourth Assembly, the then Environment and Sustainability Committee received some evidence in favour of introducing a third party right of appeal in certain circumstances, for example when an approval is contrary to the area's adopted LDP. However, the Committee decided against making a recommendation in this area in its [Stage 1 Report](#).

As noted in the Cabinet Secretary's letter, also during the passage of the Bill through the Assembly, [opposition Members proposed amendments](#) to include a 'community right of appeal' in the Act. The amendments were defeated and did not therefore find their way into the Act.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: Petition P-05-843
Ein cyf/Our ref LG/01762/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
CF99 1NA

Government.Committee.Business@gov.wales

25

September 2018

Dear David,

Thank you for your letter of 14 September, seeking my views on a petition by Emma Eynon calling on the Welsh Government to introduce legislation to grant more rights for third parties to appeal planning decisions.

Under the current planning system, the applicant and the local planning authority are the main parties to an appeal and any other interested parties which includes the local community, are classed as a third party. Whilst the planning system gives third parties the opportunity to make representations to the planning authority before it takes its decision, and to make representations as a third party at planning appeals, it does not give them a right of appeal against the planning authority's decision.

The issue of third party rights of appeal has been the subject of significant discussion for some years and has been raised in responses to consultation exercises carried out in relation to changes to the development management system.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 68

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

An Independent Advisory Group (IAG), set up by the Welsh Government to advise on the need for change to Welsh planning legislation, whose findings informed the Planning (Wales) Act 2015, considered third party rights of appeal in detail. Following extensive evidence gathering, including a dedicated round table discussion with stakeholders it unanimously concluded the significant risk of overburdening the planning system did not justify any benefits to be gained from introducing third party rights of appeal. Instead, the IAG identified improved public engagement in Local Development Plan preparation and formal pre application community consultation for major planning applications as more appropriate community engagement mechanisms.

Provisions relating to third party right of appeal were, therefore, not included in the Planning Bill. During the passage of the Bill through the Assembly an amendment was proposed to introduce third party rights of appeal. The Assembly debated the proposed amendment and voted not to include the provisions in the legislation. The Planning (Wales) Act 2015 makes provision for Pre Application Community Consultation as recommended by the IAG which was brought into force on 16 March 2016 by the Town and Country Planning (Development Management Procedure) (Wales)(Amendment) Order 2016.

Since that time no persuasive evidence has emerged to suggest the introduction of a third party right of appeal would be a step forward or an improvement in the planning system. We remain of the view, therefore, it would not be appropriate to introduce such changes to the planning appeals process. Ensuring we have up to date LDPs which have been subject to comprehensive public engagement is the best way to ensure the rights of all groups are taken into account when planning decisions are made.



Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Blaengwrach Community Action Group

P-05-843 More Third party rights in planning appeals – Correspondence from the Petitioner to the Committee, 17.10.18

This petition asks for legislation to be introduced which will grant more rights to third parties affected by planning applications. In order to elaborate on this, and to demonstrate why the current legislation is simply not adequate, I have used our own experience with a recent planning approval (for a major development of a petrol filling station and a fast food drive-through restaurant) which is set to devastate the way of life for our small village.

We ask for:

1. Direct communication about planning applications to affected third parties

We believe that if a planning application is going to affect the home or travel of any local resident, that resident should be considered as an affected third party. This should also apply to sensitive institutions such as affected health centres or schools. An affected third party should be **directly notified by letter** and **directly invited to consultations** to allow for the opportunity to input into planning conditions or to be given the chance to appeal.

Notices on random lampposts in the area should no longer be a sufficient means of communication. Nor should there be a sole reliance on local councillors to directly inform all affected parties. The residents affected by the Blaengwrach development were not sent letters or direct communications and were unaware of the planning application until 2 days before the planning meeting. We are absolutely certain that, had we been given the opportunity to form this action group in the pre application stages, this development would never have been granted approval.

Many residents staged a protest at the site for the Planning Committee visit. Numbers were such that a police presence was requested to ensure Planning Committee safety at the ensuing Planning Meeting later that same day. Despite this, it was officially recorded that there was *little* protest to the planning application.

This demonstrates the need for mandatory direct communication to affected third parties in order to give residents ample notice of applications and to form any official responses.



Blaengwrach Community Action Group

2. Mandatory consultation invitations to affected residents

Consultations between the Local Planning Authority and affected third parties should be made freely available, in good time, and with flexible options for working people and those with dependents. Each affected party should be able to have their concerns recorded and assessed as each situation is unique and important.

In our case, access to and from our houses and the primary school will be severely impacted. Affected residents deserve to have their situations considered by an objective public body who should be putting the best interests of our residents first, and implementing appropriate remedial action or conditions.

3. More advice to be freely given at the point of notifying third parties of a planning application.

Information and advice on legal rights and responsibilities is severely lacking and inadequate.

In our case, residents were told in the planning application meeting (P2017/0112) by the Head of Planning, that there was no legal way to challenge their decision to approve, and that we had no recourse to appeal in any way.

We since learned that this was not correct and third parties have a 6 week window to request a judicial review. We were hampered by this misinformation and were not able to challenge the application in time.

Our residents were surprised to learn that the LPA has unrestricted and unchallenged powers in the land. As Lesley Griffiths AM herself has directly stated to us, there is no official body or authority that will intervene once that 6 week deadline has passed.

Our action group later learned of the Planning Aid charity which deals with giving objective advice. Our residents have been hesitant to use this service, as the same planning official names listed as advisors in this organisation are the ones we have been unsuccessfully dealing with during our own appeal.

We ask that when affected third parties are directly notified of planning applications and invited to consultations, they are also provided with correct information and guidance including actions available to take, avenues for appeal and relevant timescales.



Blaengwrach Community Action Group

4. More time to submit third party planning appeals

Communities and action groups take longer to organise and form official responses. Residents are not experts in planning, process, or legislation and have much to learn in their spare time before they can even begin to form an appeal via a judicial review.

Information must then be gathered from Freedom of Information requests which, using our experience with NPTC, typically take the full 4 weeks to elicit a response. This is an especially long process where follow-up correspondence is required.

As such, the current 6 week window for third parties to formally request a judicial review is completely unrealistic and merely plays lip service to the whole process.

5. The right for recognised Community Action Groups to have direct consultations with the Local Planning Authority

With a view to save public resources, Community Action Groups can be a better method to represent large numbers of affected third parties in a residential area. With the approval of the Local Councillor, these groups should be given the rights to represent those in their community to work with the Local Planning Authority and take positive action in direct consultations. This is not the case currently.

6. Special consideration be given to appeals where vulnerable people are affected in a community

We have a large number of elderly and mobility impaired people in our community who rely on public transport (Active Travel) to reach health centres and grocery shops. Our school children use the only pedestrian route through the village to travel to school. Not everyone is able to own and drive private vehicles, and developments that impact Active Travel have a severe effect on residential lives.

Vulnerable residents, and those community groups that represent them, should be given more consideration by the local authority when appealing against detrimental planning applications.

In our case, a realistic traffic assessment has been requested numerous times and summarily dismissed every time. If conducted, this would mean a much needed major change to the conditions imposed on this development, and which is sorely needed for the safety of local residents.



Blaengwrach Community Action Group

We would also like to take this opportunity to address the comments received from the Cabinet Secretary, Lesley Griffiths AM, on this subject.

More rights for third parties in planning appeals are still sorely needed and is a long running topic that will not go away while our (third party) needs remain unaddressed.

The provisions advised by the Independent Advisory Group for the Planning (Wales) Act 2015 are simply not adequate and are not being enforced. Improved public engagement is desperately needed in Local Planning Authorities. More opportunities to attend pre application and pre approval consultations are something we are asking for in this petition and more importantly, a mechanism to enforce such processes. It is all well and good to implement a facility for consultation but it is ultimately useless, unless steps are taken to ensure consultations are carried out and the feedback from third parties taken seriously.

Local Development Plans are very important to communities and yet ours is inaccurate and needs updating. The development approval in our community was rushed through by our Local Planning Authority using an inconsistent interpretation of the policies in our LDP. This was facilitated by a lack of detail around these policies, (some of which do not even exist) as well as missing key information. Indeed we have also submitted another petition to allow us the opportunity to update and amend our LDP rather than to wait another 2 years; as there is no mechanism in place to force our local authority to keep this current and up to date.

We also agree that it is more efficient to involve third parties in the pre application stages than in post approval, and this would alleviate the planning system in many ways. But in cases such as ours, where we have had no opportunity to input and discuss the implications of such a major development, we should also have some avenue to appeal. We have serious concerns over school route safety, and pedestrian walkways to public transport, as the planning conditions on the development are wholly insufficient.

These planning conditions were created by a Planning Committee Member and read out to us at the planning meeting. They were based on incorrect information and with no avenue for us to appeal or to make changes. We were told in the meeting that we were lucky that he had taken it upon himself to implement his conditions, as it was made clear to him before the meeting that this approval was going ahead. He also informed us that if it were not for him, we would have had no conditions implemented for any pedestrian and traffic safety, however insufficient we believe them to be. Despite over a thousand letters and complaints to our local authority



Blaengwrach Community Action Group

from our residents, we are met with blank refusals to even discuss our safety concerns and provisions in planning conditions.

Indeed, the Public Services Ombudsman for Wales is the only recourse available to us (as the public) where we believe the planning authority have failed to uphold our best interests in a planning application. The Ombudsman regularly writes to advise local authorities in Wales about the sheer number of complaints his office has to deal with, which could be prevented with more proactive steps taken by local planning authorities.

We would ask the Welsh Government, in the aftermath of voting against the amendment to the Planning Bill in 2015, to consider that the provisions intended by the Planning (Wales) Act 2015 have proven insufficient to meet the needs and rights of third parties. Community Action Groups such as ours are still on the rise and complaints about planning are being generated in higher numbers than ever. The requests we have submitted for consideration under this petition are absolutely critical to improve the planning system in this country and to rebalance the system which is weighed so heavily in favour of profit heavy corporations.

Our Welsh culture is under threat and more of our traditional towns and villages are suffering from what we perceive as a massive injustice. We are asking for the tools and mechanisms to be put in place so we may work with our local authorities toward suitable developments and appropriate remediation. The system as we know it today simply does not work and we need to look to the well-being of future generations and the rights of everyone in our communities.

Agenda Item 2.5

P-05-844 Immediate review of the Neath Port Talbot LDP

This petition was submitted by Emma Eynon, having collected 56 signatures.

Text of Petition

We, the undersigned, call on the Welsh Government to schedule an immediate review of the Local Development Plan for the Neath Port Talbot Area. Urgent changes are needed in order to review the guidance for rural areas, specifically around Welsh Valley Regeneration. As local residents, we do not feel that enough measures are in place to protect our communities from negative commercial development which severely impacts residential areas. Change is needed to enforce policies on Active Travel, protecting residential settlements and the Well-Being of Future Generations Act (Wales) 2015. Our community in Blaengwrach is not adequately provided for in the LDP and we require action to be taken sooner than the scheduled review in 2020. We ask for the opportunity, at the very least, to be able to add exceptions and guidance to the LDP concerning developments attracting high volumes of traffic, such as petrol filling stations and drive through restaurants.

Assembly Constituency and Region

- Neath
- South Wales West

Petition: P-05-844 Immediate review of the Neath Port Talbot LDP

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Research Briefing:

Petition number: P-05-844

Petition title: Immediate review of the Neath Port Talbot LDP

Petition text:

We, the undersigned, call on the Welsh Government to schedule an immediate review of the Local Development Plan for the Neath Port Talbot Area. Urgent changes are needed in order to review the guidance for rural areas, specifically around Welsh Valley Regeneration. As local residents, we do not feel that enough measures are in place to protect our communities from negative commercial development which severely impacts residential areas. Change is needed to enforce policies on Active Travel, protecting residential settlements and the Well-Being of Future Generations (Wales) Act 2015. Our community in Blaengwrach is not adequately provided for in the LDP and we require action to be taken sooner than the scheduled review in 2020. We ask for the opportunity, at the very least, to be able to add exceptions and guidance to the LDP concerning developments attracting high volumes of traffic, such as petrol filling stations and drive through restaurants.

Background

Wales has a plan-led planning system. Local Development Plans (LDPs) are key to this approach as they are expected to set the context for rational and consistent decision making in line with national policies. Planning applications must be determined in accordance with the adopted LDP unless material considerations indicate otherwise.

The letter from the Cabinet Secretary for Energy, Planning and Rural Affairs, Lesley Griffiths, to the Committee (dated 25 September) explains succinctly the statutory requirement for local planning authorities to prepare, monitor and review their LDPs:

The Planning and Compulsory Purchase Act (PCPA) 2004 requires Local Planning Authorities (LPAs) to prepare a statutory development plan for their administrative area. Neath Port Talbot adopted their LDP in January 2016.

The PCPA Act 2004 also requires LPAs to keep adopted plans under review (section 69). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended 2015, specifies the time period when a LDP should be reviewed as no longer than four years from adoption (Regulation 41). Neath Port Talbot are due to commence a review of their adopted LDP in January 2020.

The PCPA Act 2004 also requires every LPA to prepare an Annual Monitoring Report (AMR) setting out whether the objectives of the plan are being achieved or not. This includes the effectiveness of the policies, as well as any new legislation or external circumstances which require the plan to be reviewed (section 76). Neath Port Talbot's first AMR was published in October 2017:

https://www.npt.gov.uk/media/8100/amr_final_oct17.pdf

AMRs are the mechanism for reviewing a LDP and identify if changes to the plan, including strategy and policies, are required and contain indicators which assess the effectiveness of the plan. Neath Port Talbot's next AMR is due to be published October 2018.

The PCPA Act 2004 also gives the Welsh Government wide-ranging powers of direction in relation to LDPs. This includes a power to direct that a plan shall be revised (section 70).

However, paragraph 2.13.4 of [Planning Policy Wales, Edition 9](#) (the Welsh Government's national planning policy) states that the Welsh Government will only consider using its powers of direction as a last resort when dialogue has failed and where an LDP:

- raises issues of national importance; or
- could have wide effects beyond the area of the plan-making authority.

Welsh Government action

As noted above, the Cabinet Secretary has written to the Committee in relation to this petition. In addition to setting out the statutory requirements relating to LDPs, the letter also states that the monitoring and revision of a LDP is a matter for the local planning authority and if residents have concerns they should be directed to the respective local planning authority.

The Cabinet Secretary also states that "it is not for the Welsh Ministers to intervene in the statutory review process".

National Assembly for Wales action

This issue has not been considered by the Assembly.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Lesley Griffiths AC/AM
Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref: Petition P-05-844
Ein cyf/Our ref: LG/01763/18

David John Rowlands AM
Chair - Petitions committee
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA
Government.Committee.Business@gov.wales

September 2018

Dear David

Thank you for your letter dated 14 September, regarding Petition P-05-844, which relates to the Neath Port Talbot Local Development Plan (LDP).

The Planning and Compulsory Purchase Act (PCPA) 2004 requires Local Planning Authorities (LPAs) to prepare a statutory development plan for their administrative area. Neath Port Talbot adopted their LDP in January 2016.

The PCPA Act 2004 also requires LPAs to keep adopted plans under review (section 69). The Town and Country Planning (Local Development Plan) (Wales) Regulations 2005, as amended 2015, specifies the time period when a LDP should be reviewed as no longer than four years from adoption (Regulation 41). Neath Port Talbot are due to commence a review of their adopted LDP in January 2020.

The PCPA Act 2004 also requires every LPA to prepare an Annual Monitoring Report (AMR) setting out whether the objectives of the plan are being achieved or not. This includes the effectiveness of the policies, as well as any new legislation or external circumstances which require the plan to be reviewed (section 76). Neath Port Talbot's first AMR was published in October 2017:

https://www.npt.gov.uk/media/8100/amr_final_oct17.pdf

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400
Gohebiaeth.Lesley.Griffiths@llyw.cymru
Correspondence.Lesley.Griffiths@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

Pack Page 78

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

AMRs are the mechanism for reviewing a LDP and identify if any changes to the plan, including strategy and policies, are required and contain indicators which assess the effectiveness of the plan. Neath Port Talbot's next AMR is due to be published October 2018.

The monitoring and review of an adopted LDP is the responsibility of the LPA, as set out in primary legislation and supported by Regulations. If residents have concerns regarding the content or application of the LDP these should be made directly to the respective LPA, in this instance Neath Port Talbot. Such comments will assist the LPA when reviewing their LDP. It is not for the Welsh Ministers to intervene in the statutory review process.

Regards
Lesley

Lesley Griffiths AC/AM

Ysgrifennydd y Cabinet dros Ynni, Cynllunio a Materion Gwledig
Cabinet Secretary for Energy, Planning and Rural Affairs



Blaengwrach Community Action Group

P-05-844 Immediate review of the Neath Port Talbot LDP Correspondence from the Petitioner to the Committee, 17.10.18

This petition asks for a mechanism or process to be implemented to enable communities to request immediate exceptions into their Local Development Plans.

As highlighted in the response from Lesley Griffiths AM, the next scheduled review of the NPT LDP is set for 2020 although it is lacking key information now. This has severely impacted our ward of Blaengwrach with a devastating roadside services development and could affect many more planning applications in the Neath Valley before this is next reviewed.

The reasons behind approving this development are largely due to what we believe are inconsistent interpretations of the LDP by our Local Planning Authority. As highlighted in various letters to the Local Planning Authority and to Lesley Griffiths AM, many policies in this LDP are being broken to accommodate this development. We even found that a policy on local valley regeneration in our LDP, (*VRS1/1 Park Avenue, Glynneath Development Framework Supplementary Planning Guidance*), due in April 2017, that was used in the decision making process, has not even been produced and there is still no idea when this may happen or when a public consultation may be available.

Unfortunately for residents, the only method to address the content or application of the Local Development Plan is with the Local Planning Authority. This can prove impossible when, arguably, they can use the ambiguity of information in the LDP to enjoy almost unlimited freedom in planning decisions. Also, if relationships are already strained over difficult planning applications, many communications and requests are refused directly.

As residents, we should have more rights and powers to ensure the best interests for our wellbeing and local environment. For many of us not in the planning profession, LDP issues are only highlighted when policies are interpreted poorly in planning decisions.

We are not asking to interfere in the statutory review process, but instead for a method to submit immediate changes into the LDP to correct mistakes or missing information that cannot wait until the statutory review schedule. This process



Blaengwrach Community Action Group

needs to give residents confidence that these changes are officially logged and duly considered, despite any previous correspondence with their LPA.

Please find below details of what we are urgently looking to change in our own LDP, should we be given the opportunity, and why these are needed for our community. Please note that these points have been raised with our Local Planning Authority to no avail leaving us with no real avenue to pursue. This, however, does not negate the necessity of making these changes.

1. Blaengwrach Settlement is missing from the Settlement Hierarchy

A planned Petrol Filling Station and Fast Food Drive-Through Restaurant has been approved by the Local Planning Authority for a site in the settlement of Blaengwrach under the settlement type for Cwmgwrach. Although both are identified as separate settlements in the same planning application, Blaengwrach is missing completely from the LDP settlement hierarchy table. This means that this development was passed under the settlement type for Cwmgwrach which was a 'small local centre'.

If Blaengwrach were in the hierarchy table it would be the lowest category consisting of only a church as a 'Dormitory Settlement'. This development will now change this category to 'small local centre' which is something that the Local Development Plan should have been safeguarding against.

We ask that Blaengwrach Settlement (not ward) is added to the LDP and appropriately classifies as a Dormitory Settlement.

2. Guidance on Petrol Filling Stations and retail units attracting high volumes of traffic.

There is no guidance for petrol filling stations in our LDP in the current version. Any developments attracting a high volume of traffic should surely be allowed outside of a settlement area for reasons of residential safety. Policy R3 is aimed at safeguarding the retail centres in the Neath Valley and is meant to ensure that 'large scale' developments serve a local community instead of taking business away from their heart.

In our case, this policy was used to refuse this petrol station development from being built on a more suitable piece of land outside of our residential area. This would have been safer for residents and our primary school and would have allowed for larger vehicles, fulfilling the original brief to provide services on the A465 for HGVs. Instead, the Local Planning Authority deemed it more appropriate to approve this in our tiny residential community, blocking the only access point into our



Blaengwrach Community Action Group

villages with high volumes of traffic because this site was attached to a settlement area.

LDP guidelines make it clear that planning decisions in rural areas should be more flexible with settlement boundaries (however, in our case, the more suitable site was refused for being just 49 metres outside of Glynneath). By agreeing for this development to be constructed 100 metres across the road into our village, more business will be taken away from the Glynneath retail centre, as vehicles from the same A465 stretch of road will turn into the opposite side of the junction into our residential area. This will not even serve our settlement area as we already have a shop, a local PFS and even a fast food restaurant. It will certainly inhibit Active Travel for residents and will be detrimental to our health and safety – as well as visual amenity.

We ask that where high volumes of traffic are involved, these developments should be added into policy R3 as being allowed outside of settlement areas.

3. An enforcement policy is needed to ensure that the size and scale of developments are kept in proportion to the attached settlement (amendment to Policy SC1)

Policy SC1 is aimed at ensuring that developments are in scale to their attached settlement. In our case of a major scale development of 2 retail units, this development is aimed at the passing traffic on the A465 which receives over 18000 vehicles daily. It is up to the 'opinion' of the Planning Officers to determine the size of a development (referred to as minor in the application). There is no official guidance to determine the size and scale of this settlement and no policies to enforce this according to the hierarchy table. Policy SC1 is used according to the 'whim' of the LPA and with no supporting guidance to ensure consistency across the board which is missing from the LDP.

We ask for an amendment to Policy SC1 which requires evidence of the size of a development in scale to an attached settlement.

In summary, we are asking for the facility to enable residents throughout Wales to correct and question details in their LDP which urgently affect their communities. We understand the high cost implication involved in reviewing and producing a full LDP, however the importance of an up to date and correct LDP is more vital than ever. This is especially highlighted with regard to third party rights and the comments regarding the Planning (Wales) Act 2015 in our other submitted petition response.



Blaengwrach Community Action Group

The Annual Monitoring Report (AMR) as described by Lesley Griffiths is simply a compilation of key indicators for the council to review. Contrary to the wording used in her response, it is not a mechanism to review the LDP as we the public would be involved in. It is not a call nor a means for residents to input or make amendments. If, however, the AMR is indeed meant in this capacity, it means that we have been grossly misinformed by the leader of our Local Authority.

A mechanism to ensure that content changes to an LDP, between statutory reviews, to be logged and properly considered is much needed for residents. This would also save time, money and resource for the Local Authorities rather than producing full reviews and would keep information updated more accurately. Currently, requests for changes from residents have been met with a blanket refusal followed with advice to simply attend the next statutory review. We need the intervention of the Welsh Government to add improvements and governance to this system, in the interest of Welsh Residents across the country which will benefit everyone and contribute to a more cooperative and efficient future.

Agenda Item 2.6

P-05-845 End Conflict of Interest in Local Authority Constitution

This petition was submitted by Emma Eynon, having collected 56 signatures.

Text of Petition

We, the undersigned, call on the Welsh Government to enforce better code of conduct policies for employees in local authorities. Currently, planning authority officers are able to run private planning consultancy companies at the same time as maintaining their public roles. There is no available resource to invest in policing these private firms, where declared in the necessary forms, to ensure the prevention of fraud and corruption. In the example of planning officers, running private consultancies 'on the side' could potentially facilitate corruption, of which there are many types, generally relating to the abuse of office. This practice needs to be stopped immediately and the constitutions amended to no longer allow this conduct. We demand greater accountability and transparency from our local authorities and standards of conduct in such public roles need to be set higher than the private sector, where this is highly unacceptable.

Assembly Constituency and Region

- Neath
- South Wales West

Local Authority Constitution

Y Pwyllgor Deisebau | 23 Hydref 2018
Petitions Committee | 23 October 2018

Research Briefing:

Petition number: P-05-845

Petition title: End Conflict of Interest in Local Authority Constitution

Text of petition:

We, the undersigned, call on the Welsh Government to enforce better code of conduct policies for employees in local authorities. Currently, planning authority officers are able to run private planning consultancy companies at the same time as maintaining their public roles. There is no available resource to invest in policing these private firms, where declared in the necessary forms, to ensure the prevention of fraud and corruption. In the example of planning officers, running private consultancies 'on the side' could potentially facilitate corruption, of which there are many types, generally relating to the abuse of office. This practice needs to be stopped immediately and the constitutions amended to no longer allow this conduct. We demand greater accountability and transparency from our local authorities and standards of conduct in such public roles need to be set higher than the private sector, where this is highly unacceptable.

Background

[Section 82\(7\) of the *Local Government Act 2000*](#) makes a Code of Conduct part of the terms of appointment, or conditions of employment, of every qualifying employee. Sections 82(2) and [105\(1\)](#) of the *Local Government Act 2000* provides Welsh Ministers with the powers to make orders or regulations on this matter.

The [Code of Conduct \(Qualifying Local Government Employees\) \(Wales\) Order 2001](#) came into force in July 2001. The Schedule attached to the Order set out the key principles around what is expected of employees of local authorities in their day to day conduct.

Accountability, personal interests and treatment of information are all covered in the Code.

Local authority Monitoring Officers are responsible for ensuring that both Members and employees maintain the highest standards of conduct in fulfilling their duties.

The main duties of the Monitoring Officer are set out below. The Monitoring Officers' legal basis is found in [Section 5 of the Local Government and Housing Act 1989](#), as amended by [Schedule 5 paragraph 24 of the Local Government Act 2000](#).

The Monitoring Officer has three main roles:

1. To report on matters he/she believes are, or are likely to be, illegal or amount to maladministration.
2. To be responsible for Matters relating to the conduct of councillors and officers.
3. To be responsible for the operation of the council's constitution.

In order to ensure separation of roles, the monitoring officer may not also fulfil the duties of the Chief Finance Officer or the Director of Finance.

Welsh Government action

In a letter to the Chair of the Petitions Committee, the Cabinet Secretary for Local Government and Public Services said:

Local Planning authority officers, along with all other officers, are required to abide by their authority's code of conduct. This does not preclude them from undertaking work in their field outside of their local authority's area of responsibility, as long as their private interests are properly registered according with the rules and they do not allow their private interests to conflict with their public duty.

The Cabinet Secretary also highlights the potential to raise any concerns about unethical behaviour with the relevant professional body, in this case the Royal Town Planning Institute.

Every effort is made to ensure that the information contained in this briefing is correct at the time of publication. Readers should be aware that these briefings are not necessarily updated or otherwise amended to reflect subsequent changes.

Alun Davies AC/AM
Ysgrifennydd y Cabinet dros Lywodraeth Leol a
Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public
Services



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref ARD/00656/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA
Government.Committee.Business@gov.wales

2 October 2018

Dear David,

Thank you for your letter of 14 September 2018 seeking my views on e-petition P-05-845
End Conflict of Interest in Local Authority Constitutions.

Local government employees in Wales (with the exception of fire-fighters and teachers, for whom there are separate arrangements) are expected to adhere to the provisions of a standard code of code prescribed by the 'Code of Conduct (Qualifying Local Government Employees) (Wales) Order 2001'.

The code of conduct, among other things, provides that in performing their duties employees must act with integrity, honesty, impartiality and objectivity. They must not allow their private interests to conflict with their public duty and they must comply with any rules of their authority on the registration and declaration of financial and non-financial interests.

Under the terms of section 82(7) of the Local Government Act 2000, the code of conduct forms part of the terms of appointment or conditions of employment of qualifying employees. Any failure by an employee to comply with the code of conduct is a matter for the local authority concerned as the employer.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Alun.Davies@llyw.cymru
Correspondence.Alun.Davies@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

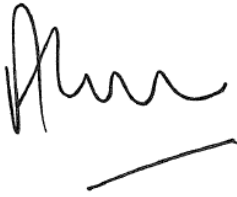
We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

Local planning authority officers along with all other officers, are required to abide by their authority's code of conduct. This does not preclude them from undertaking work in their field outside of their authority's area of responsibility, as long as their private interests are properly registered according with the rules and they do not allow their private interests to conflict with their public duty.

In addition, the majority of town planners in Wales are members of the Royal Town Planning Institute. Allegations that RTPI Members have acted unethically can be taken up with the RTPI's standards committee.

I think the current arrangements are sufficient, and it is for the local authorities to monitor and enforce the existing code of conduct.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'Alun', with a horizontal line underneath it.

Alun Davies AC/AM

Ysgrifennydd y Cabinet dros Lywodraeth Leol a Gwasanaethau Cyhoeddus
Cabinet Secretary for Local Government and Public Services



Blaengwrach Community Action Group

P-05-845 End Conflict of Interest in Local Authority Constitution – Correspondence from the petitioner to the Committee, 17.10.18

End Conflict of Interest in Local Authority Constitution

This petition asks for urgent changes to the Constitution in our Local Authorities to remove policies which facilitate Conflicts of Interest.

Currently, each Local Authority sets out an employee Code of Conduct which simply asks public officials to declare such conflicts on a form and to inform their manager. Our recent experiences, highlight why this is so detrimental to both Local Authorities and to the public, across Wales.

In order to illustrate the scale of how this affects the ill-feelings of residents toward their local authorities, I would first like to use our own situation as an example.

Our residents have an ongoing dispute with our Local Planning Authority over a major petrol filling station and fast food drive-through restaurant to be built in the Dormitory Settlement of Blaengwrach. There is a considerably low opinion of the LPA in our community and many residents continue to question what are considered to be inconsistent decision-making processes and poor communication handling skills.

We are seriously dissatisfied with the reasons that this planning application has been approved and with the lack of input that we have been able to make. Our community even generated over 1000 letters and requests to the local authority on this matter. Over 620 protests were hand delivered in person and our action group has continued to request simple discussions on serious safety concerns that are all being dismissed. The development passed approval in just 6 weeks and the minimum effort was taken to notify residents or consult with other authorities on matters of public health and safety, especially when compared to similar developments in our area.

This site was originally sold by Neath Port Talbot Council in 2007 to a previous developer who then made half a million pounds of profit when selling on the land with planning permission for a petrol station. To enable this, a restrictive covenant was lifted from the site after the planning approval was given, for an exceptionally low fee.

This matter has been referred to the Wales Audit Office as our residents were extremely unhappy that this covenant, which restricted development to residential



Blaengwrach Community Action Group

housing, was revoked to facilitate these major commercial retail units. We do not see the logic behind the amounts of public money involved, and no 106 agreement has been sought to compensate residents on the devastation that this will cause. This is further called into question, when considering that the Chief Executive of NPTC recently gave a talk to nearby residents in Glynneath about how important 106 agreements are in order to fund communities in the Welsh Valleys (as per Valley Regeneration schemes).

Our residents also requested help from the Public Services Ombudsman for Wales as we have had no single concern appropriately investigated by our Local Authority. Unfortunately the Ombudsman is under-resourced and overwhelmed with similar requests around Wales, so did not have enough initial evidence to proceed with a full investigation.

It is understandable then, how it caused further anger and resentment when residents learned that planning officers involved in this development also run private consultancy firms. Our requests to learn more about this from our Local Authority under the Freedom of Information Act have been refused. This, along with a blunt response to say that it is not something that falls under the public interest, simply raises suspicion rather than diffusing the already tense and difficult situation. We know that some officers even advertise their private company hours as full-time, and answer the same mobile phone during the day as used in their public role.

This is not to say that any of these officers are working counter to the Code of Conduct in the NPT Local Authority. I use this information here only to highlight how easily misconceptions can begin for members of the public and can then be made worse with poor communication handling and a lack of transparency. In the world of planning, for example, it is next to impossible for public officials working in Local Authorities to form no relationships or experience with each other. It is therefore, even harder, to police the Code of Conduct especially with regard to Conflicts of Interest and to prove when Fraud or Corruption is actually taking place.

As a small country, it is to be noted that many key officials will work with each other around different Local Authorities and even migrate to the private sector. Indeed, the current Head of Planning for NPTC used to work in Swansea Local Authority with the Planning Director of the petrol station company planned for Blaengwrach. After volunteering this information, the Planning Director also told our action group that this relationship has had no bearing on his submissions to meet the planning conditions.



Blaengwrach Community Action Group

This petition would serve to enhance the reputation of employees in public roles which, in turn, affects each Local Authority. Simply operating outside of their public area of responsibility is not sufficient when considering these aspects.

The financial management and governance in our local authorities must be protected and kept beyond reproach. The temptation to profit from collusion and “revolving door” corruption can be hard to resist and it is the responsibility of the Local Authority to be aware of the risks and prevent this from happening. To this end, the Code of Conduct set out in Local Authorities needs to be improved to further prevent this. We cannot afford to spend public money on the resources to police cases where such conflicts may (or may not) exist.

There is no strategy in place to enforce any rules on this matter and no official strategy for Local Authorities in Wales on countering fraud and corruption. The English publication for “The Local Government Counter Fraud and Corruption Strategy 2016–2019” makes for a good illustration into how this saves public money and resource. Considering the number of media stories published by undercover journalists and the investigations by English Government into Local Authorities for corruption (such as in Northamptonshire County Council earlier this year), one can see why this is so important.

To respond to the comments of Alun Davies AM, Cabinet Secretary for Local Government and Public Services, we do not agree that the current arrangements are sufficient which allow public officials to work outside of their public role. Simply working outside of a public area of responsibility does not preclude the ability to use the same contacts or knowledge which effectively undercuts full time private workers in that same field. If, for example, a local councillor is also running a planning consultancy firm, how do constituents have any assurance that developments made for their area are in their best interest only?

Mr Davies also referred to the Institute of Royal Town Planning in the case of Planning Officers. There are of course other institutions which perform similar roles in other vocations. I would argue that in our case, when members of our action group have tried to communicate with such institutes, including the RTPI, we have been met with blank refusals to enter into discussions on the topic. As membership for this organisation is voluntary, there is no statutory obligation to protect the public from the misconduct of their members or to treat with us on any issues.



Blaengwrach Community Action Group

In summary, as residents, we rely on public officials such as our Local Councillors and Planning Officials to do their best for our public interest. In many cases, however, our Local Authorities are losing the trust and respect of the public. We are also seeing a massive increase in the number of residential action groups and cases to the Public Services Ombudsman for Wales.

As members of the public, the private sector does not allow for any secondary role or earnings which may be deemed as a 'conflict of interest' and it is hard to understand why those representing us in public roles are allowed to do so.

We ask the Welsh Government to enforce a higher standard in the working practices of our Local Authorities to prevent fraud and corruption from happening. Counter to the comments offered by Mr Davies, there is no Government Strategy in place for our Local Authorities to follow, in order to appropriately enforce the Code of Conduct with regard to Conflicts of Interest. **Change the Code of Conduct in our Local Authorities to disallow public officials from working outside of their public roles in any manner which could be deemed as a Conflict of Interest.**

(Please see also the submitted letter from Carwyn Jones AM, dated on 16th June 2003 which reiterates the importance of the Code of Conduct in improving public confidence in Local Authorities.)

Carwyn Jones AM
Minister for Environment,
Planning and Countryside



Llywodraeth Cynulliad Cymru
Welsh Assembly Government

Our Ref: MB/CJ/5005/03

To: Leaders and Chairpersons
County Councils and National Parks in Wales
Welsh Local Government Association
National Association of Local Councils in Wales
Welsh Association of Community and Town Councils
Association of Larger Local Councils
North Wales Association of Town Councils

16 June 2003

I recently wrote to you to clarify some concerns about the implications of the Code of Conduct for members of planning committees. As you know, the code underpins the sound, openly taken, consistent planning decisions we all have a right to expect. In particular, it provides the basis for dealing with the personal interests of members involved in the planning process.

The Audit Commission recently made public the report of its investigation into member conduct and planning decisions in Montgomeryshire. Copies of the report should be available from Powys County Council.

The report concludes that certain decisions were taken with the participation of a member who should have declared a personal interest. More generally, it emphasises the need for clear meeting records, for decisions to be taken on planning grounds and for reasons for decisions to be given, for the provision of member training and for hospitality to be properly registered in order to avoid undermining the planning system.

Some of these issues were identified when the Commons Welsh Affairs Committee considered Rural Housing in Wales in 1992-3. Much has been done in recent years in Powys, and elsewhere, to improve the planning system. However, letters from the public, and organisations in the voluntary and private sectors continue to show dissatisfaction with decisions which are either inconsistent, unreasoned or do not appear to be based on planning considerations. It is clear that more work is needed across Wales to ensure that we maintain and, in some cases, restore public confidence in the operation of the planning system.

The Welsh Assembly Government consulted widely, in early 2002, on the package of reforms to the planning system set out in "Planning: delivering for Wales". These are intended to improve development plan preparation so that clear, up to date plans are in place as the basis for decisions. They are also intended to ensure that decisions are based on planning considerations, that reasons for decisions are stated, that member training is available and that the system is able to deliver decisions efficiently. The package of proposals is being taken forward in partnership with you, with the Welsh Local Government Association and with the private and voluntary sectors.

Some of the proposals require legislation. Others will be introduced over the next few years by new technical advice, by encouraging member training, and by the regular reports which will enable each authority to monitor the quality of the planning service it provides. The programme is intended, with the Code of Conduct and other measures, to change the way in which the planning service is provided in Wales.

The Assembly Government has responsibility for setting the policy and procedural framework within which we all operate. We will continue to develop this with you and other stakeholders to ensure that it is as practical, clear and unambiguous as possible. As you are aware, we also have the power to intervene in the development plan or decision making processes where this is clearly justified.

Responsibility for the effective operation of the planning system will continue to depend upon each local planning authority in Wales, and on the commitment and integrity of every member and officer of those authorities to deliver decisions which are clear, consistent and soundly based.

I look forward to working with you to build on the work already in hand to give Wales a planning service of which we can all be proud.

A handwritten signature in black ink, appearing to read 'Cerys Jones', written in a cursive style.

Agenda Item 3.1

P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently

This petition was submitted by Nathan Lee Davies and was first considered by the Committee in October 2017, having collected 631 signatures.

Text of Petition

I am a recipient of the Welsh Independent Living Grant (WILG) and a disability activist who intends on asking Welsh Government to reconsider their decision to close WILG as of April 2019.

The WILG was introduced to help people who previously claimed from the UK government's Independent Living Fund (ILF), which closed in 2015. More than 1,500 people are helped by the scheme across Wales. Recipients all have high degree of care and support needs.

It was due to run until the end of March 2017, but Social Services Minister Rebecca Evans said in November that funding would continue for another year.

The annual £27m fund will then transfer directly to local authorities during 2018-19 so they can meet the support needs of all former ILF recipients by 31 March 2019.

Additional information

Why we oppose this decision:

The Welsh Government said the decision was taken on stakeholder advice. The majority of representatives on the stakeholder group were third sector or citizens. But they didn't want WILG scrapped and the key point is that our advice was not accepted.

It should also be remembered that closure of WILG is not inevitable as is proved through the formation and success of the Scottish Independent Living Fund; which also works to support the Northern Ireland ILF.

Furthermore, the hugely popular Labour Party Manifesto outlined plans to set up a national care system to exist independently of local authorities.

This is exactly the time that the Labour Party should be united on such issues against the Tories. We must question why Welsh Labour are not playing their part in the changing political landscape?

Indeed, eventually it should be our aim to set up an Independent Living Fund for Wales so that no disabled person should have to suffer the same uncertainty and isolation as WILG recipients are now experiencing. We can only begin to believe that true social justice and equality for all is possible if Welsh Labour revisit their WILG decision.

Welsh Labour will no doubt argue that we should give the Social Services and Well-being (Wales) Act a chance to succeed. However, this idealistic act needs hefty investment and resources to ensure it is a success – with no sign of any of the necessary improvements to our infrastructure that the success of the Act depends on. This may indeed be the time for a revolutionary change in the way social care is delivered, but such a transformation could take a decade or more and WILG recipients do not deserve to be treated like guinea pigs when their high care and support needs require long-term stability and structure.

Assembly Constituency and Region

- Wrexham
- North Wales

Stakeholder response 1 – Torfaen County Borough Council, Social Care and Housing

- The Welsh Government's decision to transfer funding for the Welsh Independent Living Grant to local authorities. – This transfer may have been more prudent to have taken place in the initial year of ILF closing. The ILF effectively created a two tier system to people who required managed care and support. The initial purpose of ILF met the shortfall in the benefits system at the time but in more recent years it meant there was inequity. Therefore, transferring to Local Authority enables a more equitable approach as everyone is assessed in the same way under the SSWB Act. The transfer has been protracted and this has caused some uncertainty and confusion. The additional administrative impact has been quite arduous. The additional impact on the support services and also the employment responsibilities for individuals has been cause for concern.
- The potential benefits or problems which may arise from supporting WILG recipients through local authority social care provision in the future. – The biggest area of concern has been the staffing implications for vulnerable individuals and their carers to manage on top of a change management process that has had the potential to change the levels of independence people aspire to and hence the routines and familiarity of their daily lives. The main staffing issues being, pay, redundancy and other employment issues for those individuals who have employed staff. There are limited resources and understanding available from sources independent of the local authority in order for people to find the most appropriate support with employment matters. The assessment process has meant increased work but also has increased clarity and transparency around what services are in place, both for social care professionals, commissioners and the individuals and their families. The majority of those assessed and moving over from WILG are choosing to access Direct Payments particularly where they have staff employed. Most are also benefitting from the Welsh Assembly domiciliary care client contribution cap; and are now paying less contribution towards their care and support costs, however the flip side to this is that the Local Authority has had to increase their budgetary contribution to the care and support packages to meet any shortfall resulting in potential budget pressure. Many recipients of WILG were previously advised by ILF to return unspent monies, this has led to little or no reserve for many recipients to cover statutory costs such as redundancy for staff where working terms and conditions have changed reduced or employment has ended.
- The current transition process, including assessment by local authorities, and any feedback from WILG recipients. – The transition process has been very

long and social care professionals have taken time to complete assessments, agree new care and support plans with individuals and ensure that people are informed and clear on the process of transition. To date there has been no formal complaints or feedback from individuals.

- If you (or your organisation) was involved in the work of the ILF stakeholder advisory group, your experience of this process and the extent to which the group's deliberations and final recommendation reflected the views of members – N/A However, the organisation was not directly involved in the stakeholder group but was represented nationally. It is felt that information shared with the stakeholder group was not always acted upon or given appropriate consideration.
- Any alternative approaches that you believe should have been taken by the Welsh Government, or any changes which should be made at this stage. – WG should ensure that LA's continue to receive sufficient funding and resources through the funding allocated to the RSG to meet the increase to the new alternative social care packages agreed. The majority of individuals will receive the same or more equivalent funding to that which they received via ILF. The ILF and subsequently WILG did not keep pace with actual costs of care, on costs and statutory obligations of ILF recipients for some years. This effectively means that Local Authorities are having to increase the cost of all packages.

Any other views or comments that you have in relation to the petition.

Stakeholder response 2 – Conwy Social Care Services

Good afternoon,

In relation to the above; the attached comments are submitted on behalf of Conwy Social Care Services, in particular, from Manager and Practitioners from the Disabilities Services.

- The Welsh Government’s decision to transfer funding for the Welsh Independent Living Grant to local authorities. – **In terms of an equitable approach to the needs of all disabled people who require managed care and support we are in agreement with the transfer. The creation of a new body in Wales to administer the ILF would have been costly and presumably diverted funding from front line to the administration of the scheme. Whilst transferring to the LA has not been without additional cost, most of the recipients are known to and supported by the LA and therefore the additional administrative costs ongoing post transfer would be less.**
- The potential benefits or problems which may arise from supporting WILG recipients through local authority social care provision in the future. – **We do not foresee any issues for individuals once social care packages are agreed with service users and any issues in relation to staffing, pay and remuneration are resolved. If anything, care and support packages being fully commissioned via the LA has increased clarity and transparency around what services are in place, both for commissioners and the individuals and their families. Most that have been assessed and are going through the process of moving over from WILG are welcoming the fact that they will not have to manage the financial side of ILF anymore. From the cases financially assessed thus far, many individuals are benefitting from the Welsh Assembly domiciliary care client contribution cap; and are now paying less contribution towards their care and support costs. Of course this then means that the Local Authority needs to increase their contribution to meet the shortfall. There are further financial implications to the LA, as many recipients at the point to transfer were advised by ILF to return all unspent monies, this means that there is no or little reserve for many recipients to cover supplementary costs, such as redundancy for staff where they are choosing to no longer self-manage their support needs.**
- The current transition process, including assessment by local authorities, and any feedback from WILG recipients. – **Conwy have had no issues raised by former recipients in relation to the transfer.**
- If you (or your organisation) was involved in the work of the ILF stakeholder advisory group, your experience of this process and the extent to which the group’s deliberations and final recommendation reflected the views of members – **N/A**
- Any alternative approaches that you believe should have been taken by the Welsh Government, or any changes which should be made at this stage. – **the WG should ensure that LA’s have sufficient resources through the funding allocated to the RSG to meet the alternative social care packages agreed. The WILG did not keep pace with the true cost of care for some years, with recipients packages effectively frozen. As a result we are seeing an increase in the cost of all packages.**
- Any other views or comments that you have in relation to the petition.

With kind regards

Carol Walker



Stakeholder response 3 – Learning Disability Wales

To: Submission to: P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently, National Assembly for Wales Petitions Committee

From: Learning Disability Wales

Date 13 September 2018

We are submitting a story and 25 picture slideshow that gives feedback from a WILG recipient in support of retaining the fund:

The story of Sonny and why we need to keep the Welsh Independent Living Grant

This story of Sonny, who has a learning disability, is being told to show how important the Independent Living Fund (now known as Welsh Independent Living Grant or WILG) is for him to lead a happy independent life.

Please watch the slideshow of Sonny enjoying his independent life.

https://1drv.ms/p/s!AugmwW_Vn_PKliNgSrREux1iowkf – also attached as a pdf

'A picture is worth a thousand words'.

Karen Warner from Learning Disability Wales met with Jacky, Sonny's mum to hear her story about how crucial the fund is to Sonny's life. She wants her story to be presented to the National Assembly petitions committee that is looking for wider views on a petition to 'reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently'.

Jacky from Llantwit Fardre is the mother of 29 year old Sonny who has a learning disability.

Jacky is no stranger to fighting for services and support for Sonny. As a child Sonny had a Special Educational Needs Statement, but Jacky had to fight to get the right provision for him such as speech and language therapy. Sonny went to college in Powys. Shortly after leaving college, Jacky helped Sonny make choices and plans about his life that included living in his own home with support. Jacky helped him create a pictorial plan. Jacky was used to managing direct payments for Sonny for the support he needed as a young person, so she was looking to have direct payments for him as an adult.

Jacky approached social services to talk about Sonny's plans. Sonny wanted to live in a home of his own, not a shared house. Jacky found a house for him 5 minutes from where they lived in Llantwit Fardre. At a local jobs fair she began recruiting people who could be lined up to be Sonny's support team. Social services told her that they did not have enough money for the support package he needed. In fact they could only offer her just over half of the funding Sonny needed.

Jacky wasn't giving up. She knew he would not be able to live in a shared house. He needed his own space. She was prepared to fight but was equally in despair as she didn't know what to do next. Her own mental health suffered as a result of the uncertainty of Sonny's future and other issues in her personal life at the time.

Jacky was in contact with Reach Supported Living during that time who told her about the Independent Living Fund. She applied to the fund and was successful in getting the higher hourly rate for the hours of support that Sonny needed. But it took her 2 years to fight for Sonny to have an ordinary life in an ordinary street. That was 10 years ago.

So Sonny's support package was put in place. He gets 90 hours a week support from social services as a direct payment and 25 hours a week from the Welsh Independent Living Grant. Sonny gets 1 to 1 support all the time, but sometimes he needs 2 to 1 support when he finds himself in stressful situations such as the dentist, doctor or hospital.

Sonny loves his life. He is independent. He knows and trusts his staff. He takes risks, staff know him well enough to assess what risks to take. He learns. He is helped to cook, clean and shops for himself. He loves being outdoors, cycling up the Taff Trail, walking in the woods, going to Ogmore-by-Sea on the beach. He also loves his computer and computer games.

Jacky is extremely worried about the possible transfer of the fund and the uncertainty of Sonny's support package in the future. She said "*His support and services need to be maintained otherwise they will be taking away his independence, his well-being, his support, his happiness. I won't let that happen*"

By:

Jacky Roe, parent to Sonny and

Karen Warner, Learning Disability Wales

11 September 2018

Stakeholder response 4 – Trevor Palmer

Attn. Petitions Committee. – Petition P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently.

I am a Welsh citizen living in Newport and for many years received support from the Independent Living Fund (ILF) and later the Welsh Independent Living Grant (WILG). As a disabled person who requires support to get around and live independently I was able to pursue some voluntary activities and personal interests with the ILF & WILG support. Earlier this year my local Authority reviewed my support and it has now been cut by sixty percent. This has had a dramatic effect on not only my life but my family and others.

I appeal to the Petitions Committee to have a semblance of Social Justice and be aware of how by closing the WILG is, in my case, not only restricting my independence but my families. The connotations of which have created additional complications.

The ILF and WILF support which I received has enabled me to maintain direction in life and earlier this year in the Queens Birthday Honours I was awarded a British Empire Medal for Services to Disabled People in Wales. My voluntary activities have now been reduced denying me the opportunity to integrate and live as independently as before, which indecently is only a trace of how ninety nine percent of Welsh adults live.

Its is sad that in our society that matters of basic social justice have be handled in such a way that the lives of venerable people have been disrupted resulting in the exact opposite of what the ILF and WILG was all about. In logical terms this is regression.

In Wales we must not simply just tow the political line but act in a Socially responsible way. One of the principal themes of the 2014 Social Services and Wellbeing Act (Wales) is to give people (yes, that is supposed to be me and other disabled people) a stronger voice and increased control of their lives. As Chair I respect that David J Rowlands AM and the Petitions Committee will recommend that the Welsh Independent Living Grant is reinstated.

Trevor Palmer

Stakeholder response 5 – Luke Clements and Ann James

16th August 2018

Mr. David Rowlands AM,
Chair of the Petitions Committee,
National Assembly for Wales,

Dear David Rowlands AM

Re: Petition P-05-771

**Reconsider the closure of the Welsh Independent Living Grant(WILG)
and support disabled people to live independently**

Many thanks for your letter of the 8 August 2018 in which you invite us to share our views on the closure of the WILG from March 2019.

Sadly, due to our commitments we are unable to submit detailed comments. We would, however, wish to stress our support for Nathan Lee Davies' petition and his vigorous campaign aimed at getting the Welsh Government to reconsider its decision to close the WILG.

The Independent Living Fund was established to compensate disabled people who suffered significant financial loss as a result of the abolition of supplementary benefits 'additional requirements' payments in 1988. It was a national scheme to ensure that people with profound impairments were protected from the vagaries of local authority funding priorities.

Wales has a high proportion of relatively small local authorities – and for many of these councils the budgetary impact of funding a disabled person with profound impairments can be substantial. Austerity measures over the last 8 years has left many Local Authorities in Wales (and in England) facing immense challenges in ensuring that they meet their statutory obligations to disabled people in need of care and support. It is in this context, that there is a high likelihood that the needs of disabled people with profound impairments may be severely compromised. It is for this reason (among many others) that there continues to be a need for a Wales wide ILF scheme.

We have written a paper which can be found in the **Rhydian: Social Welfare Law in Wales Journal** <http://www.lukeclements.co.uk/journal/journal-2018-volume-2/>

For ease of access a copy of the paper is attached to the email.

The paper provides an overview of the contentious decision to close the WILG and highlights some of the challenges that may accrue from this decision.

Your sincerely,

[Luke Clements and Ann James](#)

Ann James is a retired social worker, social work academic and more recently worked as a Manager in the Care Council for Wales. She was a carer for her son Rhydian;

Luke Clements is the Cerebra Professor of Law and Social Justice at the School of Law, Leeds University.

P-05-771 Reconsider the closure of the Welsh Independent Living Grant and support disabled people to live independently – Correspondence from the Petitioner to the Committee, 16.10.18

<https://nathanleedavies.wordpress.com/>

Eich cyf/Your ref Petition P-05-771

David J Rowlands AM
Chair
Petitions Committee
National Assembly for Wales

SeneddPetitions@assembly.wales

16th September 2018

Dear Mr Rowlands,

I would like to begin by thanking you and all the members of the Petitions Committee for your work in collecting responses from other parties in relation to the planned closure of the Welsh Independent Living Grant.

The responses that I have read are all critical – to some extent – of the Welsh Governments handling of the closure of WILG. Other recipients and their families agree with #SaveWILG campaigners that this grant must be saved. Surely it is only right to listen to those that will be affected?

The responses from Conwy and Torfaen Council both argue that the end of WILG can be seen as a positive that will streamline an unfair two-tiered system. As you can imagine, I strongly disagree with this and have submitted over 100 pages of evidence to the committee over the past 12 months to support my opinions.

- WILG recipients all have high care and support needs. They rely on the tripartite system of support as without this they are solely reliant on Local Authorities and left without support should they experience any problems with their care and support. The consequences of so-called streamlining are deeply concerning as disabled people do not wish to be reliant on cash strapped local authorities. Indeed, during the consultation process disabled people and their families agreed wholeheartedly that it would be better to receive less hours of support while maintaining the tripartite system rather

than relying on Local Authorities and putting all their eggs in one hole-ridden basket.

- To address concerns of a two-tiered system, surely it would be fairer on everyone to open up WILG to ALL disabled people with high care and support needs.
- I would also like to remind the committee that there are still questions that have been inadequately answered regarding the stakeholder group set up to decide the future of WILG. It is claimed that the group was united in agreement with the closure of WILG and the transferring of funds to local authorities. This was quite simply not the case. Was a vote held in the stakeholder advisory group? If so, on what date, what was the result, and can the minutes of that meeting please be provided?

I would also like to draw attention to the minutes of a Health and Social Care Committee from January 2014. Stephen Gulliford, the Charging Policy Manager at the Welsh Government. He was talking about the Four Options that emerged from the Stakeholder group and said:

I don't know if I'm allowed to say this, but opinions were stressed that they didn't really trust that the local authorities, if they were given the responsibility, would continue to have the same level of support they receive under ILF currently, although some service users did go for option 4, where a specific grant would be purely for ILF to carry on in the current form, at least with the same level of payment.

Gulliford continues:

Options 3 and 4 obviously found more support through local authorities and local authority organisations,

This supports the theory that I have always had – that the Welsh Government were put under pressure from Local Authorities and merely crumbled because they believed they could save a bit of money and a lot of hassle.

- **#SaveWILG** campaigners have also undertaken extensive **Freedom of Information research involving all Local Authorities**. The emerging picture gives us extreme cause for concern, particularly around inconsistency of approaches and the lack of clear details so that a postcode lottery could be a

serious issue. Subsequently we make the following 11 observations from our findings:

1. **Lack of Awareness:** We sense a lack of awareness or perception about what exactly the local authorities have taken on hence the diversity of responses we are receiving. What preparation or briefing and training has been given to each Local Authority about this transfer of WILG responsibility?
2. **Lack of Statistical data:** Some councils have a lack of even the most basic statistical data. This leads to at least 2 concerns: (a) Are they or will they keep any stats in the longer term? (b) Without stats how will they assess actual progress and achievements, or even refute claims that they are providing a poor service? Of course, it could be that the councils have simply failed to provide a decent quality response to our FOI; but it doesn't inspire confidence.
3. **Failure to analyse or interpret:** Some councils do have the stats but when questioned further they couldn't interpret some basic data in a more definite way. Cardiff state they have assessed 97 % of WILG recipients but they cannot say whether the outcomes in each case will be for more hours of care, or less hours of care, or the same hours as before. This is crucial for a real understanding of what is actually happening on the ground and we expect such data at a minimum. It is not too much to ask. Failure to respond naturally raises more concerns, until we can be presented with the fuller picture.
4. **Care Packages with Reduced Hours:** We are concerned, to note even at the point of transfer and transition that a significant number of individuals are receiving fewer hours of care under their new re-assessed weekly care package. We wonder if costs or expenditure are being trimmed for the most vulnerable in our society who are not best placed to represent and advocate for themselves. We cite Denbighshire, Wrexham, Monmouthshire and Conwy as councils raising concern. What are the reasons for reduced care packages?
5. **Clear Disputes Process:** We have real concerns about any defined disputes process. Clearly not everyone will agree with their new proposed care package, so the route to dispute resolution should be very clear and signposted. Again, the lack of response and the diversity give cause for concern and a feeling of postcode lottery; not the way the service should be operating on the ground. Cardiff Council said they were setting up a new review procedure and Ceredigion refer to a complaints procedure; but are these in line with the Social Services and Wellbeing (Wales) Act 2014? Worse,

at least 2 councils in response to this question simply state with smug satisfaction everyone is happy with the new arrangement (Anglesey and Caerphilly councils).

6. We note the developments at **Powys Council with mixture of hope and concern**. They confirm 59 recipients are to receive a care package with more hours and just 3 to receive fewer hours. This is in line with what we'd expect on the basis that WILG recipients as they get older are likely to need either the same or more care, but very rarely less care, which would suggest they were improving. WILG recipients with a progressive disability will unfortunately deteriorate over the years rather than improve. Furthermore, Powys Council refer to an overspend to deliver the appropriate service. How will this be funded long term? What reassurances can the minister give to these WILG recipients?
7. **Transitional Funding**: In terms of funding we are concerned to note that some councils do anticipate the need for additional funding from the WAG such as Gwynedd Council who put the figure required at £100,000.
8. **Ring Fencing & Long-Term Provision**: We naturally asked about the security of the WILG transitional funding and if it would be ring fenced and also protected against future cuts. Some councils gave no response (Anglesey), most made clear that there was ring fencing of funding up to 31/3/2019, but thereafter three explained that the funding via the RSG (Revenue Support Grant) would be subsumed within the adult social services budget (Ceredigion and Torfaen) or the Community Care budget (Conwy). Again, and of concern was the split between those saying there were no guarantees re the budget (Torfaen, Merthyr Tydfil, Cardiff, Port Talbot), and others who recognised that the local authority had a duty under the Social Services and Wellbeing (Wales) Act 2014 to provide care, which wasn't budgetary (Ceredigion, Rhondda, Caerphilly, Carmarthen and Conwy).
9. **Social Services and Wellbeing (Wales) Act 2014**: Point 8 is crucial if the legislation is to mean anything. Looking ahead local authorities cannot simply reduce the hours of care packages for recipients when times are tight (austerity). Surely these are minimum legal obligations which must be preserved or maintained, as appropriate. Do the social services staff in each local authority understand this fact? Should the minister impress this concern upon the 22 local authorities as a matter of urgency?

10. Ministerial Oversight and responsibility: Having decided to transfer the WILG to the 22 local authorities the Minister nevertheless still has a role of oversight, responsibility and regulation for the conduct of the WILG transition. To what extent is the Minister for Children, Older People and Social Care undertaking that role at this stage? Surely the divergence of approaches and shortcomings we have outlined would give rise to ministerial concern and intervention to get the transition process back on track? Further, if it is the case that the Minister is aware and he accepts responsibility has he in fact intervened in any way? If he has not intervened because he is satisfied with transition progress, on what information does he base that decision? If he has a solid base of transition information from the 22 local authorities, why did you feel the need to ask for the information contained within our FOI's, which is minimal?

11. Finally, to re-enforce the national legislation we refer to the UN Convention on the Rights of Persons with Disabilities guideline (specifically article 19):

Article 19 – Living independently and being included in the community

States Parties to the present Convention recognize the equal right of all persons with disabilities to live in the community, with choices equal to others, and shall take effective and appropriate measures to facilitate full enjoyment by persons with disabilities of this right and their full inclusion and participation in the community, including by ensuring that:

- a) Persons with disabilities have the opportunity to choose their place of residence and where and with whom they live on an equal basis with others and are not obliged to live in a particular living arrangement;
- b) Persons with disabilities have access to a range of in-home, residential and other community support services, including personal assistance necessary to support living and inclusion in the community, and to prevent isolation or segregation from the community;
- c) Community services and facilities for the general population are available on an equal basis to persons with disabilities and are responsive to their needs.

- The short-sightedness of the Welsh Government is also highlighted by developments in Scotland and Northern Ireland where they have recently decided to use the ILF model to support all community living for disabled people. This can be achieved in these neighbouring countries, so why not Wales?
- We have always accepted that WILG has limitations and have always made it clear that once we save the tripartite principle of WILG, our next objective will be to improve on WILG.
- I would like to draw your attention to the situation in England following the closure of the Independent Living Fund in 2015 when money was transferred to Local Authorities in the same manner that is being proposed by the Welsh Government. This cannot be allowed to happen in Wales. A report by the Department for Work and Pensions (DWP) shows that former recipients of the ILF in England experienced a loss of support, a greater reliance on unpaid care and an “adverse” impact on their physical and mental health after its closure. All of these concerns were raised by disabled activists who campaigned against the decision to close the fund, before it shut in June 2015.

Those former recipients who saw their support “heavily reduced” as a result of the closure – which saw non-ring-fenced funding passed by the government to local authorities – “experienced multiple changes” to their lives.

The report says: “They argued that reductions in care were unfair and denied them opportunities to participate fully in society.

“They encountered changes and restrictions to daily activities, including less support for engaging in leisure activities, work and volunteering.”

Some of those who took part in the DWP study said that the “heavy reduction in care” they had experienced had damaged their physical and mental health, with effects such as loneliness, weight loss, and frailty “due to worry, or due to the physical demands of having to perform everyday activities without the support of a carer”.

I have also included three links at the bottom of this letter that will lead you to further information and reports on the dire situation that disabled people find

themselves living with in 21st Century England. This is hardly in keeping with the Welsh Government's landmark SSWb Act.

- The publication of [UK Independent mechanism update report to the UN Committee on the Rights of Persons with Disabilities](#) is also of crucial importance. I have provided a link to this report below.

This is a very illuminating document that shows just how far behind the United Kingdom is slipping in terms of Disability Rights. The sections about Independent Living is of particular interest to me and my comrades as it is critical of the current arrangements that we are having to put up with. It provides yet more evidence of the need to save WILG as well as some worrying news that the Welsh Government are rushing through a new framework on Independent Living for disabled people that is bound to be a huge disappointment to those with high care and support needs. Welsh Labour have proved time and again that they do not want to listen to party members, unions, Labour MP's, supporters from across the political spectrum or some of their own politicians and are determined to stop WILG.

I am doing everything I can but I am not being listened to at all. I have been robbed of three years of my life and the effect of this campaign has taken a huge toll on my health.

I will carry on the fight until the bitter end because I believe in what I am fighting for and have no confidence in the Welsh Government – as it stands – to produce a suitable alternative.

The section on Wales, reads as follows:

- **The EHRC is concerned that disabled people's right to independent living may be harmed by the Welsh Government's decision to potentially merge the Supporting People programme with other budget lines from 2020. Concerns have been raised that disabled people's rights have been negatively affected when equivalent funding programmes elsewhere in the UK have been lost.**
- I could go on and on about the problems that the closure of WILG will present to disabled people and their families. I haven't even mentioned the impact it will have on support workers who rely on WILG for their income. As

an employer, I do not want to have to tell my team of personal assistants that I will no longer be able to employ them.

I wish I could write more but time is at a premium. The #SaveWILG campaign has won so much popular support from across the political spectrum, but the future is still clouded in deep uncertainty. Despite pages of evidence to support our claims, despite Scotland and Northern Ireland retaining their equivalent of WILG, despite the evidence already there to see from England and Scotland, despite the UN report on this, despite Disability Labour passing a motion to save WILG, despite political backing from Unite the Union and others, the membership, Jeremy Corbyn, John McDonnell, Ken Loach, Welsh MPs, Wrexham AFC, the vast majority of Assembly Members, we are still in a state of uncertainty about the future of the Welsh Independent Living Grant. I look forward to hearing the outcome of the petition committee's discussions and have faith that the National Assembly will not turn their backs on disabled people with high care and support needs.

Should you need any further information please do not hesitate to get in touch using my contact details above.

Yours sincerely

Nathan Lee Davies

Please find below links to three different reports into the effects of the ILF closure in England:

<https://www.gov.uk/government/publications/independent-living-fund-post-closure-review>

<https://www.inclusionlondon.org.uk/campaigns-and-policy/facts-and-information/independent-living-social-care-and-health/ilf-one-year-on/>

<https://www.disabilitynewsservice.com/independent-living-fund-shocking-drop-in-support-after-ilf-closure/>

UK Independent mechanism update report to the UN Committee on the Rights of Persons with Disabilities.

http://www.nihrc.org/uploads/publications/Progress_on_disability_rights_in_the_UK_CRPD_-_Shadow_Report_2018.pdf

In addition, I have added some links below concerning my own fight for the continuation of WILG:

<http://www.leaderlive.co.uk/news/2015/07/07/gallery/our-fight-to-fund-independent-lives-in-flintshire-and-wrexham-74959/#.VZu96zMTWf4.twitter>

<http://www.disabilitynewsservice.com/welsh-government-has-sold-disabled-people-down-the-river-on-post-ill-plans/>

<http://www.bbc.co.uk/news/uk-wales-politics-38385381?SThisFB>

<https://nathanleedavies.wordpress.com/save-wilg-campaign/>

<https://www.disabilitynewsservice.com/disabled-activist-is-fighting-for-his-life-as-he-hands-petition-to-welsh-government/>

<https://nathanleedavies.wordpress.com/2018/10/09/progress-on-disability-rights-in-the-united-kingdom-savewilg/>

Agenda Item 3.2

P-05-825 Protect children's lungs from harmful pollution whilst at school

This petition was submitted by British Lung Foundation Cymru, having collected 159 signatures.

Text of Petition

People in towns and cities across Wales are breathing in levels of air pollution that are illegal and harmful for their health. Children are among those most vulnerable to air pollution. Their lungs are still growing, and polluted air can stunt the growth of their lungs and increase the likelihood of asthma and other health problems later on in life.

A freedom of information request by the BLF to local authorities in 2017 found that 68% of respondents (15 out of 22) were not monitoring air pollution within 10 metres of any of their schools.

We, the undersigned, call on the Welsh Government to require all Local Authorities to monitor the quality of the air children breathe whilst at school so decision-makers have the information they need to take action on air pollution.

Assembly Constituency and Region

- Cardiff South and Penarth
- South Wales Central

Hannah Blythyn AC/AM
Gweinidog yr Amgylchedd
Minister for Environment



Llywodraeth Cymru
Welsh Government

Eich cyf/Your ref P-05-825
Ein cyf/Our ref HB/00577/18

David John Rowlands AM
Chair - Petitions committee.
National Assembly for Wales
Cardiff Bay
Cardiff Bay
CF99 1NA

government.committee.business@wales.gsi.gov.uk

18 July 2018

Dear David,

Thank you for your letter of 5 June providing me with details of petition P-05-825 concerning the protection of children's lungs from harmful pollution whilst at school.

This is a matter in which I have a close interest, and I am fully supportive of the case for action in this area.

Local authorities have an existing duty, under the Environment Act 1995, to review air quality in their areas to assess whether air quality standards and objectives are being achieved or are likely to be achieved. Where they are not, local authorities must designate an Air Quality Management Area and develop an action plan, setting out the measures they will take to address the identified issues.

To inform this process, we issued new Local Air Quality Management guidance in June last which ensures that the ways of working enshrined in the Well-being of Future Generations Act are applied fully in local authorities' air quality management work.

In working towards the well-being of future generations, the guidance requires local authorities to give special consideration to the long-term risks posed to babies and children by exposure to air pollution, whether in their homes, at school or nursery, or travelling between the two.

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Hannah.Blythyn@llyw.cymru
Correspondence.Hannah.Blythyn@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

The guidance recognises schools and active travel routes, amongst others, as “sensitive receptor locations”. Two key points are made relating to schools and air quality. The first is the significant contribution made by the ‘school run’ to levels of air pollution and traffic congestion on roads within many school catchment areas during term-time rush-hours. The second is the potential for schools to help educate children and parents on the issues around air quality and explore potential solutions.

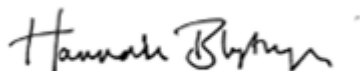
In addition to the Guidance, I have agreed funding for the Young Dragons initiative which will engage children and young people in understanding air quality and the factors which impact on it. Through this project pupils in 140 schools are being introduced to the causes and impacts of air pollution and encouraged to explore how changes in behaviour by children, parents and staff can make a difference in reducing pollution levels.

On 25 April I announced the publication of the draft Clean Air Zone Framework for Wales. Clean Air Zones, where they are introduced in Wales, will be expected to deliver a reduction in the overall volume of traffic on the roads, and lower emissions from remaining road vehicles. Our draft Clean Air Zone Framework for Wales references travel to school, setting out that local authorities should engage with schools within (or near) a Clean Air Zone to support education around pollution and active travel options, and to explore ways of reducing emissions from motor vehicles. The presence of sensitive receptor locations such as schools should be considered when determining the boundaries of a proposed Clean Air Zone, and monitoring of potential engine idling hotspots should be undertaken at these locations in particular.

Officials are currently analysing responses to the consultation on the draft Framework, which closed on 19 June, and I intend to announce publication of the final document later this month.

Early next year I intend to launch a consultation on proposals for a Clean Air Plan for Wales. This Plan will set out key pollutants and their effects on public health and the natural environment in Wales. This will include measures to achieve compliance with European and domestic legislative requirements. It will also identify cross-Government and sectoral actions required to achieve clean air in Wales. In the development of the Plan, further consideration will be given to the particular issue of poor air at sensitive receptor locations, and what more can be done to address this.

Yours Sincerely,



Hannah Blythyn AC/AM
Gweinidog yr Amgylchedd
Minister for Environment

Ein Cyf /Our Ref:

Eich Cyf /Your Ref:

Dyddiad /Date:

Gofynnwch am/Please ask for:

Llinell uniongyrchol/Direct line:

Ebost/Email:

ST/SJW/AQ

06/08/18

Steve Thomas

029 2046 8610

steve.thomas@wlga.gov.uk



CLILC • WLGA

Mr David J Rowlands AC/AM
National Assembly for Wales
Petitions Committee
Cardiff Bay
Cardiff
CF99 1NA

Dear Mr Rowlands AC/AM,

Petition P-05-825 Protect children's lungs from harmful pollution whilst at school

The Welsh Local Government Association (WLGA) is committed to assisting local authorities work to achieve cleaner air for all our communities.

As such, we are engaged with the Wales Air Quality Forum, the All Wales Expert Panel for Air Quality, and the Directors of Public Protection Wales, who collectively work to inform policy and action, at a local and a Wales level.

In June 2018, the WLGA also accepted an invitation to participate in the Healthy Air Cymru debate to mark Clean Air Day, an event hosted by David Melding AM.

In conjunction with the Directors of Public Protection in Wales, we agree that everybody needs to reduce their exposure to air pollution. We believe that more could be done to protect the health of the population, in particular children, from the potential harm caused by poor air quality.

Monitoring of school sites

However, we do not consider that monitoring air quality outside all schools will necessarily help inform the right policies.

For the vast majority of schools in Wales the air-quality during the route to school is much more important than at the school itself. There is a need to work on better systems to inform parents (hopefully in real-time) on the best route to school with the lowest

Steve Thomas CBE
Prif Weithredwr
Chief Executive

Cymdeithas Llywodraeth
Leol Cymru
Tŷ Llywodraeth Leol
Rhodfa Drake
CAERDYDD CF10 4LG
Ffôn: 029 2046 8600

Welsh Local Government
Association
Local Government House
Drake Walk
CARDIFF CF10 4LG
Tel: 029 2046 8600

wlga.cymru
wlga.wales

@WelshLGA

Croesawn ohebiaeth yn y Gymraeg a'r Saesneg a byddwn yn ymateb i ohebiaeth yn yr un iaith.

Ni fydd defnyddio'r naill iaith na'r llall yn arwain at oedi.

We welcome correspondence in both Welsh and English and will respond to correspondence in the same language.

Use of either language will not lead to a delay.

exposure for that day. Reducing the impact of the “school run” is another key issue.

Wider considerations regarding public policy also have a potential impact here. The trend toward smaller numbers of larger schools mean that children are travelling greater distances to reach school with a consequent increase in reliance on cars and buses and increasing challenges to the promotion of cycling and walking.

Wellbeing of Future Generations

The health consequences of public policy decisions need to be better considered in the round, particularly in the context of Health Impact Assessment and the Wellbeing of Future Generations Act.

Outside the school gate there may well be a brief exposure to nitrogen dioxide and fine particles depending on the parking arrangements and the local topography.

Government Guidance

Local authorities have a statutory duty to monitor air quality in their area and they all meet this responsibility. How this is carried out is shaped by detailed government guidance. Our screening techniques can only measure long-term averages, but this approach is based on good scientific advice to identify areas where exposure is likely to be significantly elevated. This does consider many previous studies to compare peak values with average values and does allow a fairly big safety margin to make sure that we are not missing sites that we should be assessing.

Ongoing assessment

Any school in Wales with a reasonable traffic flow on the road outside will have been assessed already by the local authority and data will have been gathered for at least 12 months. If we are no longer measuring at that school, it is because the current air-quality is well below the target value.

Fortunately, there are only a small number of schools in Wales where air-quality on the site itself is still a concern. There are some projects underway where we are looking at short-term fine particle measurements at schools. These are reliant on collaboration with Swansea University otherwise those local authorities could not justify the cost of the monitoring equipment.

Welsh local authorities would far rather concentrate efforts on work that would reduce the impact of the school run and give parents better information about their child's exposure during that journey.

There are also policy issues to consider around staggering school times and sharing school transport contracts. Simply measuring nitrogen dioxide outside schools using current technology could create the false impression that children are generally not affected by vehicle emissions.

Active Travel

There are several activities or steps that councils undertake, or are planning, in relation to active travel and the promotion of sustainable transport that are relevant to the issue of air quality around schools. These include engineering, educational and enforcement measures.

'Engineering' measures include:

- Land use planning whereby new housing areas and schools are designed to incorporate safe routes which can encourage walking and cycling to school
- Installation of charging points for electric vehicles (EVs) to encourage take-up of EVs (see e.g. [Swansea - More charging points in pipeline to cater for electric vehicles](#); [Cardiff bids for funds to bring in more electric car charging points - Wales Online](#); [Wrexham: Electric car charge points expansion plan for town | The Leader](#))
- provision of home-to-school transport, which reduces the number of car journeys required
- installation of traffic calming measures which improve safety and can encourage motorists who are not on a school run to take alternative routes (where available)
- use of speed limits around schools which improve safety (including deterrence of non-school traffic) and can thereby contribute to efforts to get children to walk and cycle
- actions arising from the Active Travel (Wales) Act 2013.

Integrated Network Mapping

In relation to the Active Travel Act, all local authorities were required to produce Integrated Network Maps. These set out walking and cycling routes that councils will seek to deliver over the next 15 years.

An active travel journey is defined as: "a journey made to or from a workplace *or educational establishment* or in order to access health, leisure or other services or facilities"¹. In developing their active travel plans, therefore, journeys to school will have been an important consideration.

As such routes are developed, the intention is that more children will be encouraged to walk or cycle to school. This will reduce congestion at drop-off and pick-up times, thereby improving air quality in the vicinity.

Education

As well as physical measures to improve routes, councils also undertake **educational** activity in relation to road safety (which can be aimed at drivers as well as children – e.g. through eco-school activity on car sharing and 'no-idling' campaigns).

As part of this, a number of councils and schools encourage walking to school, including the use of 'walking buses' whereby children walk to school accompanied at the front and rear by volunteers (after relevant risk assessments and checks have been undertaken) – see for example:

¹ <https://beta.gov.wales/sites/default/files/publications/2017-09/statutory-guidance-for-the-delivery-of-the-active-travel-wales-act-2013.pdf> (page 5, emphasis added).

[Best Foot Forward in Caerphilly](#)

[Walk to School](#) (Carmarthenshire)

[Welsh school awarded for encouraging pupils to cycle, walk and scoot the school-run | Sustrans](#) (Denbighshire)

[Severn Primary School take up the challenge | Living Streets](#) (Cardiff)

Enforcement

On the **enforcement** front, physical measures such as traffic calming can be 'self-enforcing' in terms of limiting speed. Measures sometimes include planting schemes, which can themselves contribute to air quality.

In some cases, repeater signs are used to highlight driver speed and councils can also work with Go Safe, the road safety camera partnership in those cases where cameras (fixed or mobile) are considered necessary.

We hope that this information will assist the work of the Committee. Please contact the WLGA again if you require further information or assistance.

Yours sincerely,



Steve Thomas CBE

Prif Weithredwr/Chief Executive



Petition P-05-825: Response to correspondence

We are grateful to the Minister and to the WLGA for responding to our petition calling for greater intervention to protect children's lungs whilst at school.

In particular, we welcome the detailed response provided by the WLGA outlining the range of policy levers local authorities are able to utilise to reduce children's exposure to harmful pollutants on the route to and whilst at school. We welcome the emphasis placed on schools as sensitive receptors throughout government guidance, and the focus placed on behaviour change such as through active travel and education.

Our response is as follows;

Current monitoring only captures background levels of pollution and fails to capture the individual's exposure to harmful pollutants¹. As such, current monitoring fails to capture or recognise that persistent exposure to even levels below target values, is still harmful to children's health and lung development. This is why we are calling for a greater number of monitoring sites and for monitoring to reflect the individual's exposure rather than kerbside levels.

Long term exposure whilst at school is just as important as exposure on the route to school. A Californian study found that children living in highly polluted areas are four times more likely to have significantly reduced lung function². A European cohort study suggests pollution increases infection susceptibility³. Anecdotal evidence from schools near busy roads suggests that even where pollution levels at the building are below target values, there is a growing number of children suffering from harmful emissions, particularly those with lung conditions.

¹ <https://www.airqualitynews.com/2018/01/26/defra-defends-air-quality-plan-high-court-2/>

² Chen Z, Salam MT, Eckel SP, Breton CV, Gilliland FD (2015) Chronic effects of air pollution on respiratory health in Southern California children: findings from the Southern California Children's Health Study. *J Thorac Dis* 2015;7:46-58.

³Macintyre, E.A et al. (2014). Air pollution and respiratory infections during early childhood: An analysis of 10 European birth cohorts within the escape project. *Environmental Health Perspectives*, 122(1), 107-113. p.112

We welcome the emphasis on the route or journey to and from school, but we believe that we need more measures on school grounds. As such, whilst engineering measures are welcome to reduce traffic speeds and deter unnecessary traffic flows other measures should be considered. There is growing evidence that ‘living walls’ are an effective way of reducing exposure to harmful emissions whilst at school. A 2012 paper by the University of Birmingham suggests that green infrastructure could reduce pollution levels by up to 30%⁴ ⁵. It is important that we measure the effectiveness of any measures utilised to tackle air quality, which is why we are calling for an increase in the level of monitoring stations located at schools.

Current monitoring levels do not reflect the risk posed to individuals by pollution levels. An estimated 165,000 children (0-18 years old) are growing up in areas of Wales with unsafe levels of PM2.5, with the greatest number living in Cardiff, followed by Swansea and then Newport⁶. Despite this only 6 schools across those 3 Local Authority areas are being monitored for the quality of the air around them, according to an FOI submitted by the BLF in 2017. We would question whether current monitoring patterns are responsive to the actual risk.

Therefore, we believe that revisions need to be made to the approach Local Authorities take to identifying and monitoring air quality near ‘at risk’ sensitive receptors. This will provide a clearer understanding of individual and actual exposure to harmful levels of air pollution, recognising that persistent exposure to any level of air pollution is harmful to health.

Thank you again for considering our petition and for the opportunity to provide a response for the committee’s consideration.

Yours sincerely,
Rhys Taylor

⁴ <https://www.birmingham.ac.uk/research/activity/environmental-health/news-events/29Aug12-mackenzie-green-walls.aspx>

⁵ <https://www.eastlothiancourier.com/news/16953589.giant-sponge-of-mosses-tackling-air-pollution-in-musselburgh/?ref=twtrrec>

⁶ Unicef UK (2018) A breath of toxic air

Agenda Item 3.3

P-05-824 Newtown Brimmon Oak Bypass

This petition was submitted by Mervyn Lloyd Jones having collected 402 signatures.

Text of Petition

We the undersigned call upon the National Assembly for Wales to urge the Welsh Government to consider our proposal to officially name the much needed, & historic, new road section of the A483, the 'Newtown Brimmon Oak bypass'.

In recognition of the enormously positive publicity and attention that one of the most significant 'Natural Monuments' of Montgomeryshire, namely the Brimmon Oak, has brought to Newtown, to the region and to Wales.

Firstly becoming 'Welsh Tree of the year', followed by winning the title of 'UK Tree of the year' shown on national TV , and ultimately, in being awarded second place in the highly prestigious European Tree of the year contest (2017) in a much reported ceremony in the EU Parliament Brussels. We feel that this culturally significant ancient Welsh Oak tree that has now become known throughout Wales, the UK & indeed around the globe be honoured in this ultimately fitting manner.

Assembly Constituency and Region

- Montgomeryshire
- Mid and West Wales

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport



Llywodraeth Cymru
Welsh Government

Ein cyf/Our ref KS/02332/18

David John Rowlands AM
Chair - Petitions Committee

Government.Committee.Business@gov.wales

28 August 2018

Dear David,

Thank you for your letter of 27 July regarding Petition P-05-824: Newtown Brimmon Oak Bypass.

Firstly, I would like to thank the petitioners for their further comments.

As stated in my letter of 30 June, I do not think 'Newtown Brimmon Oak Bypass' would be the most appropriate way to recognise the tree.

I am also aware of other requests to rename the bypass being made with the view to promoting and recognising Newtown's history. With this in mind, the name 'Newtown Bypass' will remain. However, as I advised in my previous letter, I'd welcome a list of preferred options to promote Newtown that have been consulted locally.

Yours sincerely,

Ken Skates AC/AM
Ysgrifennydd y Cabinet dros yr Economi a Thrafnidiaeth
Cabinet Secretary for Economy and Transport

Bae Caerdydd • Cardiff Bay
Caerdydd • Cardiff
CF99 1NA

Canolfan Cyswllt Cyntaf / First Point of Contact Centre:
0300 0604400

Gohebiaeth.Ken.Skates@llyw.cymru
Correspondence.Ken.Skates@gov.wales

Rydym yn croesawu derbyn gohebiaeth yn Gymraeg. Byddwn yn ateb gohebiaeth a dderbynnir yn Gymraeg yn Gymraeg ac ni fydd gohebu yn Gymraeg yn arwain at oedi.

We welcome receiving correspondence in Welsh. Any correspondence received in Welsh will be answered in Welsh and corresponding in Welsh will not lead to a delay in responding.

P-05-824 Newtown Brimmon Oak Bypass – Correspondence from Powys County Council to the Chair, 08.10.18

Dear Mr Rowlands,

Further to your letter regarding the naming of the Newtown Bypass, I can confirm that there is significant local interest in the construction of the bypass and its usage thereafter. Powys County Council has been very supportive of the Newtown Bypass and it will be a significant improvement for Mid Wales offering major benefits to both the economic and social landscapes of the region.

With regards to your query, we have recently written to Ken Skates, Cabinet Secretary requesting that engagement takes place with the local community to fully explore the many local ideas and move forward a potential suite of preferred options that could be implemented to ensure the opportunity is taken to promote Newtown's history and what the mid-wales region has to offer both now and in the future.

We look forward to a positive response from the Cabinet Secretary and facilitating discussions with the local community between now and the opening of the bypass.

Yours sincerely

Adrian

Adrian Jervis
Acting Head of Highways, Transport & Recycling
Powys County Council

P-05-824 Newtown Brimmon Oak Bypass – Correspondence from the Petitioner to the Committee, 11.10.18

Dear David

petition – P-05-824

In response to ken skate's comments, as stated the Brimmon Oak has benefited from a huge amount of local support.

I feel that naming the new bypass after the tree reflects WG commitment to preserving the environment by accommodating the tree at the same time as moving the welsh transport infrastructure into the 21st century. By using the name "Newtown Brimmon Oak Bypass" I believe, brings together a welsh icon that represents Wales beautiful scenery that attracts many visitors along with state of the art engineering that will make west Wales as a whole, more accessible and thus beneficial to all.

WG agreeing to name the bypass after this iconic tree would be a present and future statement to the people of Newtown that they have an ongoing respect for their local environment.

I hope you can give the matter further consideration.

Kind Regards

Mervyn Jones

Dear David,

With respect to Minister Ken Skates' recent reply to our joint petition regarding the naming of the new road the Newtown Brimmon Oak Bypass. '*Most appropriate*'. This is an interesting phrase used oft these days. However, I would like to use several other phrases that could more correctly apply to our petition and your opportunity.

'Enduring Legacy'

'Vision'

'Recognition'

'Forward thinking'

'Opportunity'

'Positive'

'Brave'

'Wales could be leading the way'

If I may be so bold, I would like to quickly reference what I feel are connected, recently reported events around the globe in the press. (See added recent press comments below)

Recent communications from the UN Intergovernmental Panel on Climate Change (IPCC Oct. 2018) on just where we are heading as a species and our shared planet, predict a disastrous future for many around the world unless we change our environmentally destructive ways. This really is now critical and we may only have a short window of opportunity to facilitate this enormous change in our relationship with the planet if the UN/ IPCC are to be believed. Moreover, plastic pollution has now, rightly, also been recognised and publicised as out of control, and massively harmful to many species across the planet. Plastic is polluting our oceans and continent to levels not really known until this last year or so to the general public.

What is this to do with a big old tree in Wales?

Let me paint you a picture, a vision for the future. One where '*Wales could be leading the way*' into a more harmonious future with our shared planet.

You (The Welsh Government), now have the '*opportunity*' to be '*visionary*' to be '*forward thinking*'. An opportunity to leave an '*enduring legacy*' for your children, grand children & generations to come. If the committee do decide to be '*brave*', and name the road *The Newtown Brimmon Oak Bypass*, this will send a signal around the world! A '*positive*' signal that Wales is in tune with its people, in tune with nature, in tune with its role on a global scale in the 21st Century. Not a country of held back by its past but celebrating its past, a past when trees especially were far more valued and celebrated, a past when our connection to the planet was much, much closer than now, than the internet, smart-phone generations.

Imagine...***The Newtown Brimmon Oak Bypass*** ... famous around the world!

Kind Regards,

Robert McBride,

We have 12 years to limit climate change catastrophe, warns UN

The authors of the landmark report by the UN Intergovernmental Panel on Climate Change (IPCC) released on Monday say urgent and unprecedented changes are needed to reach the target, which they say is affordable and feasible although it lies at the most ambitious end of the Paris agreement to keep temperatures between 1.5C and 2C.

The IPCC says that to achieve this target would require “rapid, far-reaching, and unprecedented changes in all aspects of society”. It would, however, deliver “clear benefits to people and natural eco-systems”, as well as “ensuring a more sustainable and equitable society”.

Document is Restricted